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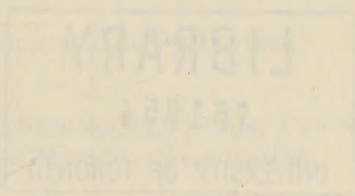
TRANSPORT COMMISSIONERS

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JUDGMENTS

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1958-60



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The Board of  
**Transport Commissioners for Canada**  
Judgments, Orders, Regulations, and Rulings

Vol. XLVIII

OTTAWA, APRIL 1, 1958

No. 1-24

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*In the matter of Order of the Board No. 91181, dated March 14, 1957, authorizing the construction of an overhead bridge, to replace the existing level crossing, across the right-of-ways of the Canadian Pacific Railway Company and the Canadian National Railways at D'Arcy Street in the Town of Cobourg in the Province of Ontario:*

*And in the matter of the apportionment of the balance of cost of construction as well as the cost of future maintenance, as reserved by the said Order.*

File No. 3701.283

Heard at Cobourg, Ontario, January 15, 1958.

*Before:*

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*

FRANK M. MACPHERSON, *Commissioner.*

*Appearances:*

Mayor J. D. BURNET, representing the Town of Cobourg.

D. A. GORRIE, representing the Ontario Department of Highways.

W. G. BOYD, for the Canadian National Railways.

F. E. DENT, for the Canadian Pacific Railway Company.

#### JUDGMENT

MacPherson, Commissioner:

This is an application of the Town of Cobourg for the apportionment of costs of constructing an overhead bridge at D'Arcy Street to replace the level crossing, and the closing of Cottesmore Avenue.

Under Board Order No. 91181, dated March 14, 1957, authority was granted for the construction of an overhead bridge, to replace the existing level crossing, across the right-of-ways of the Canadian Pacific Railway Company and the Canadian National Railways at D'Arcy Street in the Town of Cobourg. Apportionment of the balance of cost of construction, as well as the cost of future maintenance, reserved by the said Order.

On February 20, 1957, a Conference of the parties interested in this project was held in Cobourg, consisting of representatives of the Canadian Pacific Railway Company, the Canadian National Railways, together with representatives of the Town of Cobourg and the Ontario Department of Highways, under the chairmanship of Commissioner H. B. Chase. Following discussion at this conference, it was decided to proceed with an overhead bridge to eliminate the D'Arcy Street level crossing, and in addition to close Cottesmore Avenue at the same time.

The estimated cost of the bridge as advanced by Mr. C. A. Meadows, Consulting Engineer retained by the Town of Cobourg, was placed at \$400,000, to which the Board agreed by Order No. 91181, dated March 14, 1957, to contribute sixty percent of the estimated cost of the structure, or \$240,000, leaving to this hearing the apportionment of the balance of the cost of the structure and the division of maintenance charges as between the Canadian Pacific Railway Company, the Canadian National Railways, and the Town of Cobourg.

In evidence the Canadian National Railways agreed to contribute \$20,000 on account of the D'Arcy Street crossing, and if the Cottesmore Avenue was closed they were agreeable to a further contribution of \$5,000, making a total of \$25,000. The Canadian Pacific Railway Company placed their contribution as towards the D'Arcy Street crossing at \$6,600, plus a further amount of \$1,800, providing Cottesmore Avenue was closed, altogether making a total contribution from the Canadian Pacific Railway Company of \$8,400. Both railways stated that these contributions were agreed on if no charge of maintenance was made on the railways. The suggested contribution of the railways represented a capitalized benefit of the two crossings. The Canadian Pacific Railway Company in regard to D'Arcy Street separation asked that space for a fourth track be considered. If constructed, this would mean that both railways would have the same number of tracks.

During the hearing the Ontario Department of Highways' Engineer expressed interest in the overhead crossing, and the Town of Cobourg filed a copy of By-law No. 2193 of the Corporation of the Town of Cobourg, authorized by the Ontario Municipal Board Order P.F.D. 8973-57, which gave them authority to obtain money for the Town's share.

A review of the file and evidence in this case leads me to conclude that except for the construction of a large army ordnance depot and subsequent housing developments north of the crossings in question, this project would not have been necessary. Because of the presence of these developments, electrically operated manually controlled short arm gates would have been the only alternative to the project now authorized. In 1955, it was estimated that such protection would have cost \$14,200 for installation, \$11,000 annually for gatesmen's wages, and \$900 for annual maintenance, thus making the overhead bridge more desirable from an economic point of view.

Therefore, bearing in mind all relevant considerations, with regard to the apportionment of costs of the overhead bridge at D'Arcy Street and the closing of Cottesmore Avenue, to which the Board has already authorized a contribution from The Railway Grade Crossing Fund of \$240,000, as shown above, I would apportion the balance of the cost of \$160,000 as follows:

- \$25,000 on the Canadian National Railways;
- \$25,000 on the Canadian Pacific Railway Company;
- the balance to be paid by the Town of Cobourg.

Cost of maintenance of the said overhead bridge shall be borne and paid \$50.00 per annum by the Canadian Pacific Railway Company and \$50.00 per annum by the Canadian National Railways, and the balance by the Town of Cobourg.

The cost of removal and relocation of the plant and equipment of the Hydro-Electric Power Commission of Ontario, or The Bell Telephone Company of Canada, necessitated by the construction of the said grade separation, shall be borne and paid initially by the Commission or Company owning or operating the said plant and equipment, subject to any further order in respect thereto the Board may make following review of its rule of practice respecting removal of plants of public utilities at grade separations.

Order to issue.

February 12, 1958.

FRANK M. MACPHERSON

*I concur:*

CLARENCE D. SHEPARD

ORDER No. 93633

*In the matter of Order of the Board No. 91181, dated March 14, 1957, authorizing the construction of an overhead bridge, to replace the existing level crossing, across the right of ways of the Canadian Pacific Railway Company and the Canadian National Railways at D'Arcy Street in the Town of Cobourg, in the Province of Ontario:*

*And in the matter of the apportionment of the balance of the cost of construction as well as the cost of future maintenance, as reserved by the said Order:*

THURSDAY, the 13th day of February, A.D. 1958

File No. 3701.283

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*

FRANK M. MACPHERSON, *Commissioner.*

*Upon hearing the matter at a sitting of the Board held in Cobourg, Ontario, in the presence of Counsel for the Canadian National Railways, the Canadian Pacific Railway Company and representatives of the Department of Highways of the Province of Ontario and the Town of Cobourg—*

*It is hereby ordered as follows:*

1. The remainder of the cost of construction of the said overhead bridge, after the grant from The Railway Grade Crossing Fund provided by the said Order No. 91181, shall be borne and paid as follows: \$25,000.00 by the Canadian National Railways, \$25,000.00 by the Canadian Pacific Railway Company and the balance by the Town of Cobourg.

2. The cost of maintenance of the said overhead bridge shall be borne and paid \$50.00 per annum by the Canadian National Railways and \$50.00 per annum by the Canadian Pacific Railway Company, and the balance by the Town of Cobourg.

3. The cost of removal and relocation of the plant and equipment of The Hydro-Electric Power Commission of Ontario or The Bell Telephone Company of Canada, necessitated by the construction of the said grade separation, shall be borne and paid initially by the Commission or Company owning or operating the said plant and equipment, subject to any further order in respect thereto the Board may make following review of its rule of practice respecting removal of plants of public utilities at grade separations.

CLARENCE D. SHEPARD,  
*Chief Commissioner.*

P.C. 1958—305

## AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 18th day of February, 1958.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, pursuant to section 53 of the Railway Act, in order to provide further time for the determination of the appeal to the Governor in Council to rescind Order No. 93265 of the Board of Transport Commissioners for Canada of 27th December, 1957, made by the governments of the Provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland, is pleased hereby to vary the said Order of the Board of Transport Commissioners for Canada (as varied by Order in Council of 7th January, 1958, P.C. 1958-24) by deleting the words "March 1, 1958" from paragraph 2 thereof and substituting therefor the words "May 1, 1958".

Certified to be a true copy

R. B. BRYCE,

*Clerk of the Privy Council.*

P.C. 1958-306

## AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 18th day of February, 1958.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, pursuant to section 53 of the Railway Act, in order to provide further time for the determination of the appeal dated 20th January, 1958, to the Governor in Council to rescind Order No. 93401 of the Board of Transport Commissioners for Canada of 10th January, 1958, made by certain municipalities in the Provinces of Ontario and Quebec, is pleased hereby to vary the said Order of the Board of Transport Commissioners for Canada (as varied by Order in Council of 24th January, 1958, P.C. 1958-111) by deleting from the second paragraph thereof the words "March 1, 1958", and substituting therefor the words "May 1, 1958".

Certified to be a true copy

R. B. BRYCE,

*Clerk of the Privy Council.*

## ORDER No. 93742

*In the matter of the application of Mid-Continent Pipelines Limited, hereinafter called the "Applicant", under the Pipe Lines Act, for an Order granting it leave to construct a pipe line for the transportation of gas from a point in Section 13, in Township 13 in Range 1, west of the 4th Meridian, in the Province of Alberta, approximately one-half mile west of the Alberta-Saskatchewan boundary to a point in Section 14, in Township 13, in Range 30, west of the 3rd Meridian, in the Province of Saskatchewan, approximately one-half mile east of the Saskatchewan-Alberta boundary:*

File No. 45371.24.1

WEDNESDAY, the 26th day of February, A.D. 1958.

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing the application at a sitting of the Board held in Ottawa on February 26, 1958, in the presence of Counsel for the Applicant and for Saskatchewan Power Corporation, and pursuant to oral judgment given at the said sitting—*

*It is ordered that leave be, and it is hereby, granted to the Applicant to construct a pipe line consisting of one or more lines of pipe for the transportation of gas from a point in Section 13, in Township 13, in Range 1, west of the 4th Meridian, in the Province of Alberta, approximately one-half mile west of the Alberta-Saskatchewan boundary to a point in Section 14, in Township 13, in Range 30, west of the 3rd Meridian, in the Province of Saskatchewan, approximately one-half mile east of the Saskatchewan-Alberta boundary, the general location of the pipe line being as shown on the plan dated January 20, 1958, on file with the Board under file No. 45371.24.1.*

CLARENCE D. SHEPARD,  
*Chief Commissioner.*

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## ORDER No. 93746

*In the matter of the application of E. E. Cooper of Fort Nelson, British Columbia, hereinafter called the "Applicant", for a licence, under section 10 of The Transport Act, 1938:*

File No. 42076.50

THURSDAY, the 27th day of February, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

Licence C.T.C. (W.T.) 340 is issued to the Applicant for the period of one year terminating on the 9th day of February, 1959, licensing the following ships, namely:

<i>Vessel Name</i>	<i>Official Registry Number</i>	<i>Gross Tonnage</i>
<i>Barge No. 101</i> .....	Not registered	25 (est.)
<i>Barge No. 102</i> .....	Not registered	25 (est.)

to transport goods by water between all ports and places on the Nelson and Liard Rivers situated between Fort Nelson, British Columbia, and Fort Simpson, N.W.T. inclusive.

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

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## ORDER No. 93763

*In the matter of the Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service:*

File No. 1717.12.4

FRIDAY, the 28th day of February, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

Until further Order of the Board, member carriers of the Express Traffic Association of Canada, subject to the jurisdiction of the Board, are authorized to receive for shipment in Canada and transport via rail express, subject to the provisions of this Order, samples of flammable liquids offered for shipment by BP Canada, Limited.

The provisions of section 75.655(d) of the Board's Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service, in so far as they apply to flammable liquids, loaded, transported or stored in cars equipped with lighted heaters or where open flame lights or stoves are used, shall not apply to shipments referred to in paragraph 1 hereof, but the following regulations shall be observed:

(a) The sample (or samples) shall be packaged by the shipper in a metal can or cans of not more than one gallon capacity, not more than three such metal cans to be enclosed in a wooden box made to one of the following B.T.C. specifications; 15A, 15B, 15C, 16A or 19A.

(b) The prescribed "red label" shall be attached by the shipper to the outside wooden box which shall also be plainly marked B.T.C. Permit No. A-40. The top of the box shall be marked "This Side Up", and the words "Gasoline" or "Crude Oil" as appropriate, shall be stencilled on the side.

(c) All bills of lading, shipping orders or shipping papers issued in lieu thereof shall make reference to the B.T.C. Permit Number.

(d) Such samples shall be loaded in the express car in a place that will permit their ready removal in case of fire or wreck, and, if practicable, near the car door.

(e) The express company shall take adequate precautions to keep such samples as far away from any source of ignition as possible.

(f) Emptied containers returned for re-use shall bear the "Empty" label (see section 73.413 of Board's Regulations) to indicate that they have been satisfactorily emptied of liquid and/or gas so that no possible hazard exists in the handling thereof.

HUGH WARDROPE,

*Assistant Chief Commissioner.*

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## ORDER No. 93793

*In the matter of reduction of certain freight rates between eastern and western Canada pursuant to Section 468 of the Railway Act:*

File No. 45464.1

TUESDAY, the 4th day of March, A.D. 1958.

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

Pursuant to the powers possessed by the Board by Section 468 of the Railway Act:

*It is ordered* that the Canadian National Railway Company and the Canadian Pacific Railway Company be, and they are hereby, required to make and maintain a reduction in freight rates in accordance with the numbered paragraphs of this Order which follow:

1. Subject to the provisions of sub-section 5, section 317 of the Railway Act and to the exceptions stated in paragraphs numbered 2 and 3 of this Order a reduction, as stated in paragraph numbered 4 of this Order, shall be made in respect of basic rates applying on freight traffic from eastern Canada to western Canada, and from western Canada to eastern Canada, passing over lines of railway through Franz, Oba and Hearst, Ontario.

**2. Exceptions (Territory):**

The provisions of paragraph numbered 1 hereof shall not apply to traffic having both its origin and destination, or originating at, or terminating at points on lines of railway stated in sub-paragraphs (a), (b) and (c) of this paragraph.

- (a) CANADIAN PACIFIC RAILWAY COMPANY—between, but not including, Sudbury and Port Arthur, Ontario.
- (b) CANADIAN NATIONAL RAILWAYS—between, but not including:
  - (i) Capreol and Armstrong, Ontario.
  - (ii) Capreol and Port Arthur-Fort William, Ontario.
  - (iii) Cochrane and Armstrong, Ontario.
  - (iv) Cochrane and Port Arthur-Fort William, Ontario.
- (c) ALGOMA CENTRAL AND HUDSON BAY RAILWAY COMPANY—  
all stations other than Sault Ste. Marie, Ontario.

**3. Exceptions (Traffic):**

The provisions of paragraph numbered 1 hereof shall not apply with respect to the following traffic:

- (i) Commodities described in specifically designated Grain and Grain Products tariffs, including the said commodities when listed on other tariffs;
- (ii) Coal from Alberta and eastern British Columbia to Ontario that is subject to subsidized freight rates;
- (iii) Competitive traffic designated as such in the railways' tariffs (other than traffic that is subject only to the short line competition of railways in Canada);
- (iv) International traffic between Canada and the United States of America, or to or from other countries via such United States;

- (v) Traffic moving between points in the United States of America passing through Canada;
- (vi) Export and Import traffic to or from Canadian ports not charged domestic rates;
- (vii) Traffic governed by Agreed Charges.

#### 4. *Reduction in Rates:*

Subject to paragraphs 1, 2, 3, and 8 hereof, carload and less than carload basic rates shall be reduced by

- (a) 3.5 per cent, and
- (b) 7.5 cents per one hundred pounds.

#### 5. *Disposition of Fractions:*

Fractions of less than .5 cents shall be dropped, and .5 cents or over to be made the next whole cent.

#### 6. *Basic Rates:*

For the purpose of this Order freight rates which, but for the provisions of this Order and Orders rescinded hereby, would be in effect, are designated "Basic Rates". Nothing in this Order shall be construed as preventing the adjustment of basic rates as the necessity therefor may arise from time to time. The provisions of this Order or as it may be subsequently amended, shall also apply to a revised basic rate.

#### 7. *Form of Tariff:*

Unless otherwise authorized or directed by the Board, the reductions in basic rates as herein provided may be established by a Master Tariff of Reduced Rates in which shall be set out the basic rates and the rates which will apply in lieu thereof. Subject to the provisions of paragraph 8 hereof tariffs naming basic rates shall be joined to the Master Tariff by connecting link supplements or by a specific provision within the basic rate tariff, and such joining provisions shall show the extent to which the Master Tariff is thus made applicable. Contrary provisions as to form of tariff and volume of supplemental matter in Tariff Circular No. 1 are hereby waived.

#### 8. *Combination Rates:*

(1) Where a through rate from origin to destination, on traffic moving within the territory defined in paragraph 1 hereof, is made by combining separately stated rates, one of which rates is subject to the reduction herein provided, the reduction to apply to such combination through rate shall be determined as follows:

- (a) If none of the separately stated rates is applicable on traffic excluded by paragraph 3 hereof, first determine the total of such rates and reduce the total as in this Order provided.
- (b) If one or more of the separately stated rates is applicable on traffic excluded by paragraph 3 hereof, the reduction in rates as in this Order provided shall apply only to the rates or combination of rates on traffic not excluded by paragraph 3 hereof.

(2) When the actual weight of a shipment subject to the provisions of paragraph 8 (1) of this Order is less than the minimum weight provided for any of the separately stated rates, the reduction shall be determined in two steps, as follows:

- (a) Reduce the total combination rates, to the extent specified in paragraph 8 (1), by the percentage reduction specified in paragraph 4 (a) of this Order; and

(b) Apply as a reduction in the total through charges the rate per 100 pounds specified in paragraph 4 (b) of this Order on the actual weight of the shipment or the highest minimum weight, whichever is the greater, applicable to any of the separately stated rates.

9. *Effective Period:*

The provisions of this Order shall have effect from the date hereof except paragraph 8 which shall have effect on one day's notice upon the filing of suitable tariff amendment; and shall continue to apply until further Order of the Board.

10. *Rescission:*

Order No. 88630 dated April 19, 1956, and Order No. 91022 dated February 21, 1957, be and they are hereby rescinded.

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

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ORDER No. 93807

*In the matter of the application dated January 28th, 1958, of the Canadian Freight Association, under section 325 of the Railway Act for approval of proposed Supplement No. 13 (to be renumbered 14) to the Canadian Freight Classification No. 20 on file with the Board under file No. 47833.14:*

WEDNESDAY, the 5th day of March, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Whereas* notice has been given by the Canadian Freight Association in The Canada Gazette, as required by Section 325 of the Railway Act, and copies of the said Supplement have been furnished to the parties named in General Order No. 695 of the Board, requesting that their objections, if any, be filed with the Board within thirty days; no objections being received:

*And upon reading the submissions filed—*

*It is hereby ordered*

That the said proposed Supplement No. 13 to Canadian Freight Classification No. 20, C.T.C. 1525, on file with the Board under file No. 47833.14, is approved for filing as Supplement No. 14 to the said Classification.

HUGH WARDROPE,  
*Assistant Chief Commissioner,*

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## ORDER No. 93843

*In the matter of the Tariff C.T.C. 25 of The Detroit and Windsor Subway Company and Detroit & Canada Tunnel Corporation, hereinafter called the "Applicant", issued on February 15, 1958, to be effective on March 16, 1958, in respect of the tunnel between the City of Windsor, Ontario, and the City of Detroit, Michigan:*

File No. 35943.5

TUESDAY, the 11th day of March, A.D. 1958.

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*H. B. CHASE, C.B.E., *Commissioner.*

*Whereas* the said tariff was filed with the Board and the Board has received protests against the tolls therein and the Board considers it necessary to investigate the reasonableness of the said tolls and require the Applicant to show cause why such tariff should be permitted to become effective—

*It is hereby ordered as follows:*

1. The said tariff is suspended until further order of the Board.

2. A hearing will be held by the Board at the Essex County Council Chambers, 3255 Sandwich Street West, in the City of Windsor, Ontario, commencing on April 15, 1958, at ten o'clock in the forenoon, in order to determine the reasonableness of the said tolls and to permit the Applicant to justify the said tariff.

CLARENCE D. SHEPARD,  
*Chief Commissioner.*

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
JANUARY, 1958

Railway Accidents .....	169	Killed	9	Injured	171
Level Crossing Accidents ..	49	Killed	24	Injured	64
Total .....	<u>218</u>		<u>33</u>		<u>235</u>

		<i>Killed</i>	<i>Injured</i>
Passengers .....		—	28
Employees .....		3	133
Others .....		30	74
Total .....		<u>33</u>	<u>235</u>

## DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

## NOVA SCOTIA

- 1 3 Automobile struck by train. License: N.S. 8-54-12.  
 — 2 Automobile struck by train. License: N.S. 8-92-70.  
 1 3 Automobile ran into side of train. License: N.S. 2-31-16.

## NEW BRUNSWICK

- 2 — Auto truck struck by train. License: N.B. 6-300-X.

## QUEBEC

- 1 Automobile ran into side of train. License: Que. 558-774.  
 1 — Automobile struck by train. License: Que. 52807.  
 — 1 Automobile struck by train. License: Que. 317-476.  
 — 3 Automobile ran into side of train. License: Que. T-9555.  
 — 1 Shovel lifter struck by train. License: Que. W-3562.  
 1 — Auto truck struck by train. License: Que. FP-7381.  
 4 — Automobile struck by train. License: Que. 510-149.  
 1 3 Automobile ran into side of train. License: Ont. 100-354.  
 — 3 Auto truck struck by train. License: Que. FD-2388.  
 — 1 Automobile struck by train. License: Que. 171823.  
 — 1 Automobile ran into side of train. License: Que. 380-590.  
 — 1 Automobile struck by train. License not given.  
 1 — Automobile struck by train. License: Que. 399-404.

## ONTARIO

- 2 2 Automobile ran into side of train. License: Ont. 124-317.  
 — 1 Automobile ran into side of train. License: Ont. A-89610.  
 1 — Automobile struck by train. License: Ont. 211-349.  
 — 1 Automobile struck by train. License: Ont. 430-134.  
 — 1 Automobile ran into side of train. License: Ont. 462-505.  
 — 2 Automobile struck by train. License: Ont. F-7223.  
 — 1 Automobile struck by train. License: Ont. 868-271.  
 — 1 Automobile struck by train. License: Ont. F-44697.  
 — 1 Automobile ran into side of train. License: Ont. H-7010.  
 — 1 Dump truck struck by train. License: Ont. 18-74-A.  
 — 2 Automobile ran into side of train. License: Ont. C-56819.  
 — 3 Automobile struck by train. License: Ont. 856-850.  
 — 3 Automobile struck by train. License: Minn. 3-D-7187.  
 1 — Automobile struck by train. License: Ont. 699-246.  
 1 1 Automobile ran into side of train. License: Ont. 242-284.  
 — 2 Automobile struck by snowplow. License: Ont. C-25542.  
 — 1 Automobile ran into side of train. License: Ont. D-8352.  
 — 2 Automobile ran into side of train. License: Ont. 860-375.  
 2 — Auto truck struck by train. License: Ont. 97-239-C.  
 1 3 Auto truck struck by train. License: Ont. 94-941-B.  
 1 — Automobile ran into side of train. License: Ont. 265-709.  
 1 — Auto truck struck by train. License: Ont. 61-215-B.  
 2 — Automobile struck by train. License: Ont. 16569-X.  
 — 1 Automobile ran into side of train. License: Ont. 976-770.  
 — 4 Automobile struck by train. License: Ont. 580-820.

## MANITOBA

- 1 Automobile struck by train. License: Man. 65-J-79.
- 1 Auto truck struck by train. License: Man. F-44155.
- 1 Auto truck ran into side of train. License: Man. T-87331.

## SASKATCHEWAN

- 2 Automobile ran into side of train. License: Sask. 31-254.

## ALBERTA

- 1 Automobile struck by train. License: Alta. XA-250.

## BRITISH COLUMBIA

- 1 Auto truck struck by train. License: B.C. C-32806.
- 1 Automobile struck by train. License: B.C. 264-636.

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Of the 49 accidents at highway crossings, 32 occurred at unprotected crossings, and 17 at protected crossings, 24 occurred after sunrise and 25 after sunset.

Ottawa, Ontario, March 7th, 1958.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 93722 Feb. 21—In the matter of improvements to the grades of approach where the highway crosses the right of way of the C.P.R. at mileage 98.1, 98.8 and 99.7, Windsor Subdivision, in the Township of Maidstone, in the Province of Ontario.
- 93723 Feb. 24—In the matter of application of C.N.R. on behalf of Imperial Oil Limited for approval of storage facilities for flammable liquids at Beardmore, Ontario.
- 93724 Feb. 24—Authorizing the C.P.R. to reconstruct its bridge at mileage 85.9 Princeton Subdivision, British Columbia.
- 93725 Feb. 24—Authorizing British Columbia Electric Company Limited to construct a gas main over the Great Northern Railway Company in the Municipality of Burnaby, British Columbia.
- 93726 Feb. 24—Permitting the removal of slow order at C.N.R. crossing First public crossing south of station at Gibbons, Alberta.
- 93727 Feb. 24—Permitting the removal of slow order at C.N.R. crossing at mileage 28.34 Renfrew Subdivision, Ontario.
- 93728 Feb. 24—Dismissing the application of the New York Central Railroad Company for authority to remove the passenger shelter, etc., at Athelstan, Quebec.
- 93729 Feb. 24—Authorizing the Township of North York, Ontario, to construct a water main under the company line of Trans-Northern Pipe Line Company at Eldora Avenue, Township of North York, Ontario.
- 93730 Feb. 24—In the matter of application of C.P.R. on behalf of Imperial Oil Limited for approval of location of storage facilities for flammable liquids at Milk River, Alberta.
- 93731 Feb. 24—In the matter of application of C.P.R. extending time for installation of protection at crossing of Ste. Anne Street, St. Clet, Quebec.
- 93732 Feb. 24—Authorizing Northern Alberta Railways Company to replace the existing timber Howe truss across the Sauteaux River, mileage 141.6 Slave Lake Subdivision.
- 93733 Feb. 24—Exempting the C.N.R. from complying with terms of General Order No. 707 in respect of their suburban train service operating in the Montreal area.
- 93734 Feb. 25—In the matter of application of the C.P.R. on behalf of North Star Oil Limited for approval of proposed location of facilities for the storage of flammable liquids at Dryden, Ontario.
- 93735 Feb. 25—In the matter of application of C.N.R. on behalf of The British American Oil Company Limited for approval of proposed location of additional facilities for the storage of flammable liquids, at Prince Rupert, British Columbia.
- 93736 Feb. 25—In the matter of application of the C.P.R. on behalf of Imperial Oil Limited, for approval of proposed location of storage facilities for flammable liquids at Coaldale, Alberta.
- 93737 Feb. 25—Permitting the removal of slow order at C.N.R. crossing known as Steel's Avenue crossing at Thornlea, Ontario.
- 93738 Feb. 25—In the matter of application of Trans-Canada Pipe Lines Limited on behalf of Western Pipe Lines Limited for an Order approving proposed deviation of a portion of the company pipe line where it crosses the Welland Canal, Township of Thorold, Ontario.
- 93739 Feb. 25—Authorizing Trans-Canada Pipe Lines Limited, on behalf of Western Pipe Lines Limited, to carry its company pipe line across the Welland Canal as shown on plan on file with the Board.
- 93740 Feb. 26—Approving under the Maritime Freight Rates Act tolls published in certain tariffs filed by the C.N.R. under Section 3.
- 93741 Feb. 26—In the matter of application of the C.P.R. on behalf of North Star Oil Limited, for approval of proposed location of an office building at Bow Island, Alberta.

- 93742 Feb. 26—In the matter of application of Mid-Continent Pipe Lines Limited for an Order granting leave to construct a pipe line for the transportation of gas across the Alberta-Saskatchewan Boundary.
- 93743 Feb. 26—Permitting the removal of slow order at C.N.R. crossing of Vertu Road, St. Laurent, Quebec.
- 93744 Feb. 26—Permitting the removal of slow order at C.N.R. crossing of Lakefield Avenue, Montreal East, Quebec.
- 93745 Feb. 27—In the matter of application of C.N.R. on behalf of Carrot River Consumers Co-Operative Association Limited, for approval of location of facilities for storage of flammable liquids at Carrot River, Saskatchewan.
- 93746 Feb. 27—In the matter of application of E. E. Cooper of Fort Nelson for a licence under section 10 of the Transport Act.
- 93747 Feb. 27—In the matter of application of C.N.R. on behalf of North Star Oil Limited for approval of location of facilities for storage of flammable liquids at Togo, Saskatchewan.
- 93748 Feb. 27—In the matter of application of C.P.R. on behalf of Robin Hood Flour Mills Limited, for approval of proposed location of facilities for the storage of flammable liquids at Parkdale, Ontario.
- 93749 Feb. 27—Requiring the C.N.R. to install certain protection at the crossings of Highways Nos. 4 and 14 near Biggar, Saskatchewan.
- 93750 Feb. 27—Permitting the removal of slow order at C.P.R. crossing of Lawrence Avenue, Toronto, Ontario.
- 93751 Feb. 27—Permitting the removal of slow order at C.N.R. crossing at Des Ormeaux Street, Montreal, Quebec.
- 93752 Feb. 27—Permitting the removal of slow order at C.P.R. crossing at mileage 12.28 St. Agathe Subdivision, Quebec.
- 93753 Feb. 27—Permitting the removal of slow order at C.P.R. crossing of Wilson Avenue north of Weston, Ontario.
- 93754 Feb. 27—Requiring the C.N.R. to install certain protection at the crossing of its railway and the highway being the first public crossing east of Premont, Quebec.
- 93755 Feb. 27—Authorizing the C.P.R. to replace the existing timber trestle at mileage 33.2 Alberta Central Subdivision, Alberta.
- 93756 Feb. 27—Application of C.P.R. authorizing new siding track at mileage 16.9 Thompson Subdivision, British Columbia.
- 93757 Feb. 26—In the matter of application of C.N.R. for an order amending Order No. 86667 authorizing the improvement of protection at the crossing of Clarkson Road, Township of Toronto, Ontario.
- 93758 Feb. 28—Requiring the Esquimalt and Nanaimo Railway Company to install certain protection at the crossings of Highway No. 4 at mileage 95.28 Victoria Subdivision and mileage 0.1 Alberni Subdivision, Parksville, British Columbia.
- 93759 Feb. 28—Requiring the Esquimalt and Nanaimo Railway Company to install certain protection at the crossing of Goldstream Avenue at Langford, British Columbia.
- 93760 Feb. 28—In the matter of application of Trans-Canada Pipe Lines Limited for an order approving plan, profile and book of reference in connection with location of a portion of its company pipe line, Townships of Haggart and Lamarche, Ontario.
- 93761 Feb. 28—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Sections 3 and 8.
- 93762 Feb. 28—Authorizing the C.N.R. to relocate and extend the siding across Young Road in Chilliwack, British Columbia.
- 93763 Feb. 28—In the matter of regulations for the transportation of explosives and other dangerous articles in rail freight and rail express service.

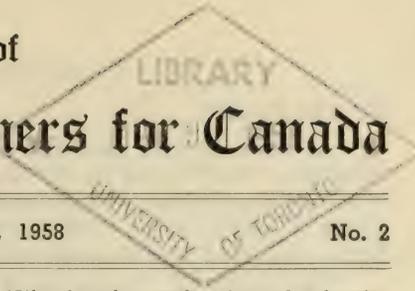
- 93764 Feb. 28—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the Dominion Atlantic Railway Company, under Section 8.
- 93765 Feb. 28—In the matter of application of C.P.R. for an Order extending the time within which it is required by Order No. 92575 to install certain protection at the crossing of Highway No. 38, Village of Ste. Rose, Quebec.
- 93766 Mar. 3—Requiring the C.N.R. to install certain protection at the crossing of Erin Street, Saint John, New Brunswick.
- 93767 Mar. 3—In the matter of application of the C.P.R. on behalf of Gibson Petroleum Company Limited for temporary permit to load crude oil into tank cars from tank trucks at Stoughton, Saskatchewan.
- 93768 Mar. 3—In the matter of application of C.P.R. on behalf of Crown Diamond Paint Company for approval of location of facilities for storage of flammable liquids at Outremont, Quebec.
- 93769 Mar. 3—In the matter of the application of C.N.R. on behalf of Corning Co-Operative Association Limited, for approval of proposed location of its relocated facilities for storage of flammable liquids at Corning, Saskatchewan.
- 93770 Mar. 3—In the matter of application of C.N.R. on behalf of North Star Oil Limited, for approval of location of the proposed additional facilities at St. Brieux, Saskatchewan.
- 93771 Mar. 3—In the matter of application of the C.N.R. on behalf of British American Oil Company Limited for approval of location of proposed facilities for storage of flammable liquids at North Battleford, Saskatchewan.
- 93772 Mar. 3—In the matter of application of the Department of Roads of the Province of Quebec for authority to divert Highway No. 51 from the south side of the C.N.R. to the north side from a point near mileage 67.5, Glendyne Subdivision, Quebec.
- 93773 Mar. 3—Relieving the C.P.R. from erecting right of way fencing on the south side of its Shaunavon Subd. between mileages 21.75 and 23.3, Sask.
- 93774 Mar. 3—Relieving the C.P.R. from erecting fence on west side of its right of way between certain mileages on its Emerson Subdivision, Manitoba.
- 93775 Mar. 3—Permitting the removal of slow order at C.N.R. crossing west of station at Larocheville, Que.
- 93776 Mar. 3—Authorizing the C.P.R. to remove the caretaker and to dispose of station building at Harrietsville, Ont.
- 93777 Mar. 3—Permitting the removal of slow order at C.N.R. crossing east of station at Val Rita, Ontario.
- 93778 Mar. 3—Permitting the removal of slow order at C.N.R. crossing of Heron Road, Ottawa.
- 93779 Mar. 4—Authorizing B.C. Electric Telephone Co. Ltd. to construct a gas main over the company pipe line of Trans-Mountain Oil Pipe Line Co. in the District of Surrey, B.C.
- 93780 Mar. 4—Authorizing the C.N.R. to construct a siding at grade across the road allowance at Ingelow, Man.
- 93781 Mar. 4—Authorizing B.C. Electric Co. Ltd. to construct a gas main across the company pipe line of Trans-Mountain Oil Pipe Line Co. at Booth Road, Munic. of Coquitlam, B.C.
- 93782 Mar. 4—Permitting the removal of slow order at C.N.R. crossing at mileage 50.29, Granby Subd., Que.
- 93783 Mar. 4—Authorizing the C.N.R. to cross the existing road between Sections 26 and 35, Township 10, Range 2, W.P.M., Man.
- 93784 Mar. 4—Permitting the removal of slow order at C.P.R. crossing at mileage 47.52, Goderich Subd., Ont.

- 93785 Mar. 4—Authorizing the C.N.R. to construct a siding extension at mileage 84.44, Harte Subd., Man.
- 93786 Mar. 4—Authorizing the C.N.R. to construct a siding extension across the road allowance at Gregg, Man.
- 93787 Mar. 4—Authorizing the C.P.R. to construct a siding extension across the public road in the Township of Sydney, mileage 101.28, Belleville Subd., Ont.
- 93788 Mar. 4—Permitting the removal of slow order at C.N.R. crossing at Edward St., Prescott, Ontario.
- 93789 Mar. 4—Permitting the removal of slow order at C.N.R. crossing at mileage 31.6, Camrose Subd., Alta.
- 93790 Mar. 4—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at New Dayton, Alta.
- 93791 Mar. 4—In the matter of application of the C.P.R. extending the time within which it is required to file a plan of its branch line on its Manitowadge Lake Subd., Ont.
- 93792 Mar. 4—In the matter of application of the C.N.R. for an Order amending Order No. 88685, authorizing improved protection at the crossing of Highway Ave., London, Ont.
- 93793 Mar. 4—In the matter of reduction of certain freight rates between eastern and western Canada pursuant to Section 468 of the Railway Act.
- 93794 Mar. 4—In the matter of filing of tariffs by C.N. Telegraph Co. and C.P.R.
- 93795 Mar. 5—Authorizing the C.N.R. to remove the lights installed on the signal south of the railway at the crossing of their railway and Victoria Ave. and Park St., Regina, Sask.
- 93796 Mar. 5—Approving clearances on the Algoma Central & Hudson Bay Railway Co. siding serving the Algoma Ore Properties Ltd., Jamestown, Ont.
- 93797 Mar. 5—Authorizing the Ontario Dept. of Highways to construct No. 5 Highway across the C.P.R., Twp. of Toronto, Ont.
- 93798 Mar. 5—Authorizing the C.N.R. to operate over the bridge crossing the creek at mileage 64.4, Cowichan Subd., B.C.
- 93799 Mar. 5—Authorizing the C.N.R. to operate over the bridge over the water-course at mileage 28.4, Cowichan Subd., B.C.
- 93800 Mar. 5—Authorizing the C.N.R. to operate over the bridge across Lynn Creek, B.C.
- 93801 Mar. 5—Permitting the removal of slow order at the C.P.R. crossing of Highway No. 2 at Souris, Sask.
- 93802 Mar. 5—Permitting the removal of slow order at the C.P.R. crossing of Main St. at Markdale, Ont.
- 93803 Mar. 5—Permitting the removal of slow order at the C.N.R. crossing at mileage 72.8, Beachburg Subd., Ont.
- 93804 Mar. 5—Authorizing the C.P.R. to remove the caretaker-agent and dispose of the station building at Auburn, Ont.
- 93805 Mar. 5—In the matter of Section 11, subsection 4, and Section 12, subsection 1 (b) of the Railway Act.
- 93806 Mar. 5—Requiring the C.P.R. to install certain protection at the crossing of Kilborn Ave., Ottawa.
- 93807 Mar. 5—In the matter of application dated January 28th, 1958, of the Canadian Freight Assoc. for approval of proposed Supplement No. 13 (to be renumbered 14) to Canadian Freight Classification No. 20.
- 93808 Mar. 5—Relieving the C.P.R. from erecting cattle guards on both sides of the crossing at mileage 9.83, Wood Subdivision, Sask.
- 93809 Mar. 6—Approving under the Maritime Freight Rates Act tolls proposed in certain tariffs filed by the C.N.R. under Section 3.
- 93810 Mar. 6—Authorizing Trans-Canada Pipe Lines Ltd., on behalf of Northern Ontario Pipe Line Crown Corp. to construct its company pipe line across the Black Sturgeon River, Thunder Bay District, Ont.

- 93811 Mar. 6—Requiring the C.P.R. to install certain protection at the crossing of St. Laurent Blvd., Ottawa.
- 93812 Mar. 6—Authorizing the Township of Otonabee, Ont. to improve the sight lines at the C.N.R. crossing at mileage 59.5, Campbellford Subd., Ontario.
- 93813 Mar. 6—Requiring the C.N.R. to install certain protection at the crossing of Provincial Highway No. 3 at Brooklyn, N.S.
- 93814 Mar. 6—Permitting the removal of slow order at C.P.R. crossing at Blind River, Ont. at mileage 54.44, Thessalon Subd.
- 93815 Mar. 6—Authorizing the Trans-Canada Pipe Lines Ltd. to construct its company pipe line across the Wolfe River, Thunder Bay District, Ontario.
- 93816 Mar. 6—In the matter of the application of Trans-Canada Pipe Lines Ltd. on behalf of Northern Ontario Pipe Line Crown Corp. for an Order approving plan, profile and book of reference.
- 93817 Mar. 6—Authorizing the C.P.R. to remove the agent and appoint a caretaker at South Roxton, Que.
- 93818 Mar. 6—Permitting the removal of slow order at C.N.R. crossing east of station at Malton, Ont.
- 93819 Mar. 7—Permitting the removal of slow order at C.P.R. crossing at mileage 84.05 Taber Subd., Alta.
- 93820 Mar. 7—Authorizing the C.P.R. to operate under the pedestrian overhead bridge at mileage 99.78, Oshawa Subd., Ont.
- 93821 Mar. 7—Authorizing the C.P.R. to operate its trains over the bridge at Sherring, Ont.
- 93822 Mar. 10—In the matter of application of the C.N.R. for an Order extending the time within which they are required by Order No. 91528, dated May 7, 1957, amended by Order No. 92989, dated November 22, 1957, to install automatic protection at the crossing of their railway and Highway No. 9 at mileage 18.88, Drumheller Subd., Alta.
- 93823 Mar. 10—In the matter of application of the C.N.R. for authority to remove the station agent at Leslieville, Alta., mileage 77.0 Brazeau Subd.

The Board of

# Transport Commissioners for Canada



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*Application of Canadian Fruit Wholesalers' Association for amendment to the tariff of regulations governing currency exchange, to provide discount allowance on import traffic to Canadian destinations through United States ports.*

File No. 29674.68

HEARD AT OTTAWA January 7th and 8th, 1958.

*Before:*

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*  
LEONARD J. KNOWLES, *Commissioner.*

*Appearances:*

- F. D. TURVILLE, Q.C., THOMAS JONES and H. W. WOODS, for Canadian Fruit Wholesalers' Association.
- J. W. G. MACDOUGALL, Q.C., for Canadian Freight Association, and Canadian National Railways.
- A. J. ALLISTON, for Canadian Freight Association, and Canadian Pacific Railway Company.
- S. S. MILLS, Q.C., and F. L. WYCKOFF, for New York Central Railroad Company.
- H. A. MANN, for Maritimes Transportation Commission.
- CHARLES LA FERLE, for Canadian Retail Federation, and Canadian Importers' & Traders Association.
- JOHN MITCHELL, and R. ERIC GRACEY, for Canadian Industrial Traffic League.
- A. R. TRELOAR, for Canadian Manufacturers' Association.
- DAVID KENNARD, for Union Carbide of Canada Limited.
- W. E. DAVIES, for Brantford Cordage Company.
- W. C. PERRON, for National Harbours Board.
- JOHN NOLAN, for Canadian Exporters' Association.

## JUDGMENT

## BY THE BOARD:

At issue in this case are the provisions of Canadian Freight Association tariff No. 16-F, Agent R. K. Watson's C.T.C. No. 1507, (hereinafter called the "Tariff") publishing "Regulations governing Currency Exchange on International and Foreign Freight Traffic" insofar as the tariff is applicable to traffic imported into Canada through United States ports.

The applicant, Canadian Fruit Wholesalers' Association states it is an association of some 300 dealers in fruits and vegetables from all provinces who are responsible for approximately 70,000 to 80,000 carlot unloads per year, of which some 20,000 carlots are said to be brought into Canada through United States ports. Of the latter approximately 90 per cent, or 18,000 carlots, consist of bananas; five per cent, or 1,000 carlots, consist of pineapples; and the remainder various miscellaneous fruits and vegetables.

Practically all of the banana traffic originates in Central and South America and is forwarded by the two principal banana companies, i.e. United Fruit Company and Standard Fruit Company. These companies have extensive facilities for transportation by water and for transfer at United States ports. The applicant states that neither company has facilities for unloading at any Canadian port.

It also states that the pineapple traffic originates in Cuba and enters the United States at Miami, Florida, from which point it moves by rail to inland points, and the remaining five percent of the traffic imported through United States ports is said to consist of onions, tomatoes, garlic, chestnuts and various small vegetables and fruits which do not move in carload lots.

The applicant estimates that the Canadian consumption of fruits and vegetables to be ten per cent of that of the United States and asserts that the Canadian market cannot absorb a full cargo at any one time.

**Intervenors in support of the Applicant are:**

Canadian Retail Federation, having a membership of 165 and representing some fifty to sixty thousand retailers; Canadian Importers and Traders Association with a membership of about 436; Canadian Industrial Traffic League whose membership is 988 traffic management personnel of over 500 industrial and commercial concerns; Canadian Manufacturers' Association having some 6,000 members situated throughout the country; Union Carbide of Canada Limited with several plants in Canada, but concerned in this case only with the movement of manganese and chrome ore to its Welland, Ontario plant; and Brantford Cordage Co., which imports sisal and hemp fibre through United States ports.

Intervenors opposing the application are the Maritimes Transportation Commission, an organization representing the Governments of the four Maritime provinces and industry therein; and the National Harbours Board which is the Federal body charged with the operation and administration of the port facilities in Canada of the Federal government.

Respondents to the application are the Canadian railways as represented by the Canadian Freight Association, including the two major lines, Canadian National Railways and Canadian Pacific Railway Company. The New York Central Railroad was represented by Counsel. All respondents indicated opposition to the application as did also the Maritimes Transportation Commission and National Harbours Board.

The hearing of evidence and argument occupied two days at which 216 pages of testimony were taken and eleven exhibits were filed. All of such testimony and argument has been given careful study.

### NATURE OF THE APPLICATION

The application is directed against the provisions of Item 150 of the tariff which is applicable on Import Traffic to destinations in Canada handled via United States ports. The provisions thereof which are objected to are the assessment of a surcharge of 100% of the rate of exchange on rail freight charges prepaid at United States Seaboard ports in United States currency; and the collection of rail freight charges in Canadian currency, without discount allowance, when such rail freight charges are paid in Canada.

The aforesaid tariff provisions obtain only when United States funds are at a discount in terms of Canadian currency.

Comparison is made between these provisions and those obtaining under like exchange conditions respecting international domestic traffic moving between points in the United States and points in Canada, as distinguished from import traffic through United States ports. On such domestic traffic, where charges are paid in Canada, a discount is accorded equal to 60 per cent of the rate of exchange, or where freight charges are paid in the United States, a surcharge equal to 40% of the rate of exchange is exacted.

However, when United States funds are at a premium in terms of Canadian currency a uniform surcharge i.e., 60% of the rate of exchange is exacted on both the domestic international United States-Canada traffic, and import traffic moving through United States ports. A like condition prevails in respect of export traffic through United States ports excepting that on traffic moving to the North Atlantic U.S. ports, namely Portland, Me., to Norfolk, Va., inclusive, freight charges may be paid in Canadian currency without surcharge.

The applicant and its supporting intervenors alleged that it is inequitable to impose a surcharge on import traffic through United States ports when United States funds are at a premium, and to refuse to grant a discount when the reverse exchange position occurs.

### THE RAILWAYS' POSITION

Counsel for the New York Central Railroad stated only that his clients were supporting the tariff for the purpose of maintaining parity of port rates.

The Canadian lines have two grounds of objection to the application, (1) that, generally speaking, import rates through Canadian ports were established on a competitive parity with comparable rates from contiguous United States ports in order to encourage the movement of traffic through Canadian ports, and that to grant a discount on freight charges on traffic moving through United States ports would tend to divert traffic from Canadian ports; and (2) that the tariff is designed to protect the over-all position of the Canadian lines in its monetary settlements with United States carriers as a whole which, perforce, create unavoidable conditions of apparent inequity of treatment.

They also rely upon the fact that when discount provisions were established in the year 1934, import traffic from United States ports was then made an exception, and that the circumstances surrounding such traffic then have not since changed.

### POSITION OF INTERVENORS OPPOSING APPLICATION

The Maritimes Transportation Commission objects to the granting of discount as applied for, on the main grounds that to do so would reduce the carrying charges for traffic from United States ports, in terms of Canadian currency, to a lower level than applicable from Canadian ports, with consequent loss of employment to those handling such traffic at the Canadian seaboard. It stressed that its principals, in particular the provincial governments, are actively seeking means to increase the flow of traffic through Canadian ports.

The National Harbours Board stated its position in substantially similar terms and feared the diversion of traffic from Canadian ports if the application succeeded.

#### POSITION OF INTERVENORS SUPPORTING APPLICATION

The Canadian Retail Federation and the Canadian Importers and Traders Association assert that by granting the application here involved there would be removed an imposition on Canadian importers who, through no fault of their own, may be compelled to route or accept their goods via United States ports and that the obligation rests on the seller to move the traffic through the most economical port dependent upon the availability of ocean services. They state further that it is their policy to utilize routings via Canadian ports, but there are instances where the importer cannot control how the traffic shall move.

The Canadian Industrial Traffic League rests its representations upon the plea for equity of treatment, i.e., that where a surcharge is made when U.S. funds are at a premium, a discount should be allowed when the reverse exchange situation prevails.

The Canadian Manufacturers' Association also bases its submissions upon equity and suggests that discount be granted through United States ports with the proviso that if the Board is convinced the interests of Canadian ports would be detrimentally affected thereby, the discount provisions be also applied to the traffic moving via the Canadian ports. This suggestion was an alternative to an earlier proposal made to the Canadian railways that regardless of the rate of exchange the charges on import traffic through United States ports be always payable in Canadian currency.

Union Carbide of Canada Limited stated that it moved large quantities of chrome and manganese ore to Welland, Ontario, through the ports of Baltimore and Philadelphia, on which surcharge was paid when United States funds were at a premium and no discount was allowed when the currency situation was in reverse. No parity of rates exists from the Canadian Atlantic ports with those obtaining from Baltimore and Philadelphia. None of this traffic has ever moved through Canadian maritime ports nor is it the present intention of the said company to so move its traffic. It states that the import rail rate from Montreal to Welland is on a parity with that from Baltimore, but is not sufficiently attractive to secure rail movement from Montreal in competition with other forms of transportation, and also stated that the company has no control over where the ore will move on the ocean or at what port ships carrying the same will discharge.

The Brantford Cordage Company submits for itself and the whole cordage industry, that imports of sisal and hemp fibre are contracted for through New York brokers on the basis of an F.O.B. North Atlantic U.S. ports price; that the fibre has its origins in Central and South America from which points steamship service is to United States ports; and that as they are compelled to pay surcharge when the United States currency is at a premium they should be accorded a discount when the exchange is in the opposite position.

#### HISTORY OF THE CURRENCY EXCHANGE TARIFF

##### *a. General Order No. 295, May 5, 1920.*

The Board dismissed, for want of jurisdiction, complaints concerning the Canadian lines' demands that charges on shipments from Canada to the United States be paid at destination. The Board held that it was within the discretion of the railways as to where their tariff charges would be collected.

b. *General Order No. 326, January 14, 1921.*

This Order permitted the railways to publish and file the currency exchange tariff whereby a surcharge was collected on the basis of 60 per cent of the rate of exchange, when freight charges were paid in Canada.

The Judgment which accompanied the said Order notes that subsequent to the date of General Order 295, the American railways demanded prepayment of freight charges on traffic to Canada, resulting in substantially all such traffic being subject to payment for freight charges in United States currency.

The Judgment further notes that the continuance of such payment arrangements would soon result in complete disruption of the whole international rate structure, and that the railways were told a solution must be found which would approximate payment for the hauls in each country in its respective currency or equivalent. The surcharge basis, such as it is presently provided in Section 1 of the present currency exchange tariff, was proposed and adopted. The Judgment states that the general acceptance of the plan was not without some comment that it did not provide equitable treatment to all, and said:

"It is quite evident that the Canadian road which has a short Canadian haul and a long American one is at a disadvantage, whereas the road which possesses a long Canadian haul as compared with a short American one has a distinct advantage in this arrangement, but it was frankly admitted both by the railway companies and the Board that whatever was done must be on the broad principle of averages, and, therefore, some roads as well as communities must be benefitted to a greater extent than others." (27 CRC 90 at p. 93)

c. *General Order No. 527, October 25, 1934.*

While this Order shows it "directed" the railways to publish and file tariffs providing regulations to apply respecting payment of freight charges when United States funds are at a discount in Canada, the Judgment reproduces a submission from the Railway Association of Canada stating, *inter alia*:

"We respectfully ask the Board to order the application of the attached regulations which it is felt will to the extent possible, and in the most practical and fair manner for all concerned bring about a correction of the conditions that have arisen in connection with the payment of charges on International freight traffic, as a result of the depreciated value of United States currency in Canada."

The Judgment also noted that while regulations had been adopted for application when United States funds were at a premium, no provision had been made for discount when the said funds were at a discount in Canada; that such a condition had existed for some time past; and that representations had been made to the Board that "the rule should work both ways."

In answer to these representations the railways conceded that "the demand as outlined is not unreasonable" and proposed regulations which are substantially those now provided under Section 2 of the tariff.

Included in the railways' submission, however, was a proviso as follows:

"Section II of the proposed regulations is designed to not only protect the Canadian railways, but also the Canadian ports against a diversion of traffic through United States ports that would result if the present relationship of rates to all Canadian and United States ports were not maintained."

The Judgment also notes that copies of the proposed regulations and the Railway Association's letter were sent to the parties who had communicated with the Board, and that no objections to the principle of the regulations were received.

## EVIDENCE AS TO VOLUME OF TRAFFIC INVOLVED IN APPLICATION

Counsel for the Applicant indicated that the preponderance of its traffic imported through United States ports consists of bananas. Subsequent to the hearing it submitted a statement of banana shipments in carload lots forwarded from United States ports to Canadian destinations, from United Fruit Company and Standard Fruit Company, for the year 1956 and 11 months of the year 1957. Additionally he furnished details of similar traffic terminating on the New York Central Railroad at Montreal, London, Windsor and Niagara Falls; also terminations at Hamilton by the Toronto Hamilton & Buffalo Railway. These data show only the number of carloads.

During the hearing the Canadian National and Canadian Pacific filed Exhibits 6 and 7 showing the imports of bananas, in tons, via all ports for the year 1956.

In an attempt to compare and reconcile the information from both sources we have converted the number of carloads into tons by computing each carload at ten tons. The impossibility of reconciling the figures is illustrated by the following tabulation:

Imports of Bananas to Canadian destination, year 1956 Via	Year 1956		
	Railways' Exhibits 6 & 7	Applicant's submissions	
	Tons	Cars	Tons
U.S. North Pacific ports .....	9,049		
Seattle .....		1,903	19,030
U.S. South Pacific ports .....	475		
U.S. North Atlantic ports .....	61,200		
ADD: NYC and TH&B 1,371 cars	13,710		
	<hr/> 74,910		
New York and Baltimore .....		9,118	91,180
South Atlantic & Gulf ports .....	8,315		
New Orleans and Mobile .....		1,312	13,120
Eastern Canadian ports .....	3,838		
	<hr/> 96,587		<hr/> 123,330
Total tons .....			

Mr. Mann, for the Maritimes Transportation Commission, filed Exhibit No. 1, showing the number of carloads of fresh fruit and vegetables from sources other than the United States and Mexico, unloaded at 12 Canadian markets ranging from Halifax to Vancouver. The exhibit shows that in the year 1956, out of a total of 9,557 cars unloaded, 87.41% or 8,354 cars consisted of bananas. Converting the number of cars of bananas into tons at ten tons per car, indicates a volume of 83,540 tons to the twelve destinations. A witness for the applicant stated he considered the figures to be accurate for the specific destinations shown, but that other destinations not shown on the Exhibit consumed substantial quantities of bananas.

By Exhibits 5 and 8 the Canadian National and Canadian Pacific introduced evidence to show the comparison of movement of principal commodities imported through United States North Atlantic ports, and through Canadian Atlantic ports and moved to points on their lines east of Fort William, Ont. The figures on these exhibits have been combined, as follows:

Commodity Via	1953	1954	1955	1956
	TONS			
Bananas				
U.S. ....	65967	54837	58089	61200
Can. ....	6277	3565	2317	3838

Commodity	1953	1954	1955	1956
Via	TONS			
Cocoa Beans				
U.S. ....	3254	5134	4891	2476
Can. ....	2186	968	630	931
Coffee Beans				
U.S. ....	16323	15496	10889	14362
Can. ....	1310	2244	1120	2528
China Clay				
U.S. ....	10968	18810	22482	20639
Can. ....	22355	14318	18089	21604
Cork—Corkboard				
U.S. ....	908	195	143	20
Can. ....	1151	2230	2501	1701
Dried Fruit				
U.S. ....	972	1237	629	678
Can. ....	3615	3293	4990	1898
Onions				
U.S. ....	182	—	84	382
Can. ....	42	287	426	76
Canned Fruits & Vegetables, including Pineapple				
U.S. ....	1269	702	1080	1740
Can. ....	1184	913	1490	1213
Tanning Extract				
U.S. ....	3249	1990	3288	2905
Can. ....	3185	2319	1719	2622
Wool				
U.S. ....	2109	1193	1711	2010
Can. ....	11034	7681	9677	11080

It must be observed from the foregoing that it is only the banana, cocoa and coffee bean traffic which shows consistently a substantially greater movement through United States ports than through the Canadian Atlantic ports.

Mr. Perron, for the National Harbours Board, introduced Exhibit No. 10 purporting to show the dollar value of Canadian Imports from Overseas Countries via United States ports during the years 1952 to 1956 inclusive, and the percentage trend of such imports to total imports into Canada, as follows:

Via U.S. Ports from	1952	1953	1954	1955	1956
	PERCENTAGE OF TOTAL \$ IMPORTS				
All Countries .....	7.78	10.61	17.59	16.88	15.46
United Kingdom .....	0.02	0.04	0.05	0.06	0.05
Other Commonwealth countries ..	2.18	1.87	2.04	2.76	2.88
Foreign Countries .....	15.30	22.29	35.00	31.80	27.69

Mr. Perron expressed the opinion that while this indicated little loss of traffic through Canadian ports where preferential duty arrangements required such movement, the trend was for greater diversion of traffic through United States ports from other countries even under existing exchange tariff provisions.

#### ESTIMATED VALUE OF DISCOUNT IF IT HAD BEEN APPLIED 1957

The only information tendered as to the dollar value of the discount applied for, was by two witnesses; Mr. Kennard of the Union Carbide of Canada Limited who stated he estimated his company would have received in excess of \$20,000 in 1957 had discount allowance been in effect; and Mr. Headley, for the Canadian National Railways, who submitted Exhibit No. 4 showing that on traffic for four selected months of 1957 to destination in

Canada, to which about seventy percent of the import traffic goes from North Atlantic ports, and only via Canadian National Railways, the discount on fruit traffic would have been \$798.00 whereas on other traffic similarly imported the amount would have been \$2,262. Using a multiplication factor of three, the indicated year 1957 total would be \$2,400 and \$6,786 respectively.

#### RATE RELATIONSHIP OR PARITY BETWEEN U.S. AND CANADIAN PORTS

Because of the importance attached to rate parity as between ports as discussed by the various parties before us, it is surprising that we were not presented with more factual evidence thereof. Exhibit No. 2 filed by Mr. Mann sets out the import rates on bananas from Halifax, Saint John and New York to eight destination points of which six are within the Maritime provinces. No parity is shown to the latter points and non exists. To Montreal and Toronto it is shown that the rates from Halifax and Saint John are the same as from New York.

In Exhibit 11 Mr. Mann shows that the Import Class Rates to Drummondville, P.Q., and west to Windsor, Ont., are the same from Halifax and Saint John as from U.S. ports Baltimore to Portland, Me.

Our staff has examined this question in more detail and the following shows the carload import rates as extracted from the various tariffs on file with the Board, for the commodities designated. All rates are at the X-206-A level:

Commodity	Destination	Port from	Rate (¢ per 100 lbs. except as otherwise shown)		
Bananas	Montreal	Halifax-St. John .....	144		
		New York .....	144		
		Philadelphia-Baltimore .....	147		
		Jacksonville-Charleston- Savannah-New Orleans ..	208		
		Miami .....	233		
	Toronto	Halifax-St. John .....	150		
		New York-Philadelphia-Bal- timore .....	150		
		Jacksonville-Charleston- Savannah-New Orleans ...	176		
		Miami .....	201		
		Ore, Chrome & Manganese	Welland	Montreal .....	556
New York-Philadelphia-Bal- timore .....	556			do	
Coffee	Montreal	Halifax-St. John .....	95		
		Boston-New York .....	95		
	Toronto	Halifax-St. John .....	101		
		Boston .....	101		
Raw Sugar	Montreal	Halifax-St. John .....	70		
		Boston .....	70		
		New York .....	88		
		Philadelphia .....	90		
		Baltimore .....	92		
	Toronto	Halifax-St. John .....	80		
		Boston .....	80		
		New York .....	92		
Cotton	Cornwall	Halifax-St. John .....	92		
		Boston .....	92		
		New York-Philadelphia-Bal- timore .....	95		

Commodity	Destination	Port from	Rate (¢ per 100 lbs. except as otherwise shown)			
Hemp, Jute, Sisal	Montreal	Halifax-St. John .....	86			
		Boston .....	86			
		New York-Philadelphia-Baltimore .....	95			
	Brantford	Halifax-St. John .....	58			
		Boston .....	58			
		Jacksonville-Charleston-Savannah-New Orleans ..	121			
		Miami .....	132			
		Hamilton	Halifax-St. John .....	58		
			Boston .....	58		
	Montreal	Halifax-St. John .....	56			
		Boston-New York .....	56			
		Jacksonville-Charleston-Savannah-Miami-New Orleans .....	178			
Orleans .....		178				
Rice, Rough	Montreal	Halifax-St. John .....	49			
		New York .....	49			
Bauxite Ore	Arvida	Halifax-St. John .....	1065	Gross ton		
		Portland .....	1065	do		
		New York .....	1226	do		
		Newport News .....	1884	do		

### DISCUSSION AND CONCLUSIONS

The general approach to this matter by the Applicant and its supporting intervenors is on the grounds of equity; that is, generally speaking, discount should be allowed when United States funds are at a discount in Canada in the same manner as surcharge was applied when such funds were at a premium in Canada. Additionally, some intervenors point to the fact that the Tariff does provide for discount on traffic having its origin or destination in the United States.

On the other hand the Maritimes Transportation Commission and the National Harbours Board urge that to grant discount on traffic moving through United States ports would encourage the movement away from Canadian ports and thus be detrimental to the policy of promoting the use of our ports.

The Canadian railways, in opposing the application, have a two-fold purpose, (1) to protect their overall revenue against exchange losses and (2) to maintain competitive port parity in freight rates necessary to encourage the movement of traffic through Canadian ports. The said railways appear to recognize that they may gain some monetary advantage in refraining from granting discount on movements through United States ports, but assert that on the average the Currency Exchange Tariff provisions do not result in any excess revenue.

From the point of view of the railways the entire currency exchange arrangements arise not from the freight rates themselves but from the problem of collecting revenue under rates expressed only in dollars and cents without specification as to the country whose currency is to be used. It is a reasonable conclusion that the railways of both the United States and Canada should be entitled to payment for their services in the lawful currency of each country in which such service is rendered. So long as these currencies are interchangeable at the same value, there is no difficulty in paying the freight charges on international traffic at either shipping point or destination in the appropriate currency.

It was only when United States funds went to a substantial premium about the year 1920 that difficulty occurred in the settlement of charges between the Canadian and United States railways. These settlements involve banking transactions, and at that time the Canadian lines had to purchase United States dollars at a premium in order to pay the United States lines their proportion of the revenue accruing to them from international rates. It was then that the Canadian lines sought relief by requiring traffic to the United States to pay the charges thereon at destination; followed shortly after by demands for prepayment on traffic to Canada.

As has been noted already herein, objections were made to these restrictions upon the normal method of payment for freight charges and the Board declared itself without jurisdiction to require where the railways would collect their legal revenue. The plan of surcharge followed which, on the broad average, restored the choice of place of payment to shippers and receivers and reimbursed the Canadian railways for their outlay in United States premium funds.

No exceptions were made initially to the payment of surcharge when freight charges were paid in Canada, but subsequently the United States railroads serving the North Atlantic United States ports ranging from Norfolk, Virginia, to Portland, Maine, elected to accept their divisions of revenue on export traffic from Canada through these ports in the equivalent of Canadian currency, thereby rendering it unnecessary for the Canadian lines to impose surcharge on such traffic. Obviously this action on the part of the said United States railroads was simply to preserve their competitive position versus Canadian ports.

Surcharge was also applied on import traffic moving to Canada through United States ports, thus disrupting the normal parity between such rates and those from Canadian ports to the same Canadian destinations. The same motive that impelled the United States lines to accept Canadian equivalent currency on exports did not seem to prevail on import traffic.

In the year 1934 the exchange situation became reversed and the Canadian railways could purchase United States funds to discharge their obligations to the United States lines at a lower cost than Canadian dollars. No provision had been made for such a situation in the currency exchange tariff. Appeals were made to the Board for relief by the shippers and receivers upon whom the burden of surcharge had been placed previously. The Canadian railways recognized the equity of these appeals and agreed to provide such relief with the exception that no discount would be allowed on import traffic through United States ports due to the necessity of preserving port parity and protection to Canadian ports. It is to be noted that the exclusion of discount on import traffic applied to all United States ports, whereas the exception as to exports, as already stated, was limited to traffic moving through the North Atlantic United States ports.

From the standpoint of Canadian shippers and receivers of international traffic a surcharge is an increase in the rate for the carriage of their goods, and a discount is a reduction therein. If part of the money involved in the rate charged for the movement is purchasable in depreciated currency, the part not paid out becomes an excess charge to be disbursed through a discount, and if the discount is not given, an increase occurs in the charge beyond that normally stated for the service rendered.

The jurisdiction of the Board to deal with this matter was briefly referred to by Counsel for the Applicant during the course of the hearing. He said:

"There has been some serious doubt in some respects that perhaps the Board had any jurisdiction at any time to approve a tariff dealing with currency exchange, and if the Board should be so disposed I should

like the opportunity to argue that at a later date but we do not seek to upset what is the standard as fixed, acceptable to all industry and the railways, if this one item can be amended." (Transcript, Vol. 1008, p. 27)

We are not here concerned with a finding as to jurisdiction. Neither in 1920, 1934 nor since has there been any challenge of our powers to deal with the problem. It is sufficient to state here that we consider we have ample jurisdiction, at least, to rule upon any question of unjust discrimination which may arise out of the provisions of the Tariff and its application, moreover the amount payable in Canadian currency for services performed is, in our opinion, an inclusive charge which we may deal with. The essential problem is to arrive at a fair and reasonable disposition of the case presented to us, with full consideration of all aspects of the situation.

As far as the Applicant's case is concerned it is evident that the bulk of its traffic involved is bananas. These ordinarily move through United States ports and only move through Canadian ports under some abnormal circumstances.

Mr. Jones, Chairman of the Transportation Committee of the Applicant association stated that cargoes of bananas usually run from 150 to 275 carloads; that Canadian markets were unable to absorb a full cargo at one time; that the eastern Canadian market is generally served by shipment from the North Atlantic United States ports; but that it is necessary, at times, to secure supplies from the South Atlantic and Gulf of Mexico ports. He also stated that the facilities for the handling of bananas at Canadian Atlantic ports were inadequate and the shipments through such ports suffered greater shrinkage; and that rate parity alone would not attract the normal movement of this traffic through Canadian ports.

Other imports such as chrome and manganese ores, hemp and sisal, and unspecified goods referred to by the retailers' representative, appear to be subject to conditions apart from port parity and which influence movement through United States ports. On the other hand our tabulations herein of railway exhibits 5 and 8 show that considerable traffic flows through both Canadian and United States ports in varying degree of volume.

The study prepared by our staff, and inserted herein, comparing the import rates on several commodities, indicates rate parity from Canadian ports with rates on like goods from one or more United States ports. It is the maintenance of this rate parity which chiefly concerns the Maritimes Transportation Commission, the National Harbours Board and the Canadian railways. These Canadian ports are vital to our economy and the Atlantic ports are already at a disadvantage of distance from main markets. Quite obviously an arrangement which would reduce the outlay for transportation charges from a United States port, without comparable treatment of the rate from Canadian ports, will tend to promote the movement of import traffic away from Canadian ports.

The general policy of government and the railways has been, and continues to be, to promote the movement of Canadian traffic through Canadian ports. At the same time there is recognition of the desirability of equal treatment of the United States ports contiguous to our own. Our national ports have been provided at considerable public expense; the Canadian railways provide rate parity although called upon to haul traffic from the Canadian Atlantic seaboard much greater distance than would be required if movement was restricted through the ports located nearer to the main markets of Canada.

This Board has recognized time and again the necessity of maintaining port relationships in the several general rate increases involving international rates in the post-war II period and previously. In a broad sense these export

and import rates to and from our ports are competitive rates justified only by port and other competition involved in foreign trade. We are of the opinion that the matter of rate parity in port rates cannot be lightly regarded and set aside merely upon the grounds of inequality of treatment respecting currency exchange.

The stress that has been laid upon port parity in this case is a vital consideration of the whole problem. In 1934 it was the only reason advanced by the Canadian railways for excluding import traffic from the discount arrangement. Port parity, however, exists in Eastern Canada only with the North Atlantic United States ports ranging from Norfolk, Va., to Portland, Me., and in Western Canada between our Pacific ports and those in the States of Washington and Oregon. No similar parity has been observed as to other United States ports.

The Board can see nothing objectionable in refusing discount on traffic moving through these parity ports, but cannot support the refusal to apply the discount provisions where such parity does not exist.

The plan envisaged in the arrangement promulgated by our General Order No. 527 was to grant discount generally where previously surcharge had been applied. To exclude all import traffic through United States ports from the discount provisions of the tariff indicates an element of unjust discrimination prevails. For example, fruits and vegetables indigenous to and shipped from Florida are accorded discount, yet if similar traffic is imported through a Florida port no discount is granted. We consider that such a situation, without any background of port parity to justify it, constitutes unjust discrimination which should properly be removed and can be removed only by granting the same privileges to such import traffic as accorded to domestic international movements from United States origins.

We are impressed by the submission of the Canadian railways that their primary objective is to protect carrier revenue and also the competitive port relationship. We are also fully aware of the desirability and necessity of applying the currency exchange tariff on the basis of broad averages. It does not appear to us that these principles would be attacked by broadening the discount provisions of the Tariff to include import traffic where parity is not generally applied.

We find, therefore, that the non-application of discount to import traffic from the United States ports on the Atlantic Ocean, Norfolk, Va., and north, and from ports on the Pacific Ocean in the States of Oregon and Washington, to destinations in Canada is justified, and the application is dismissed to that extent.

We find, also, that the refusal to grant the discount provisions of the Tariff on import traffic through United States ports other than those stated in the next preceding paragraph is unwarranted and unjustly discriminatory compared with the treatment accorded domestic international traffic between Canada and the United States.

We rely upon the Canadian railways to remove the condition found unjustified without issuance of an Order on our part.

CLARENCE D. SHEPARD  
L. J. KNOWLES

## GENERAL ORDER No. 831

*In the matter of Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service including Specifications for Shipping Containers, approved by General Order No. 779, dated January 9, 1953, as amended by Supplement No. 6 to the said regulations, as approved by General Order No. 827, dated March 28, 1957:*

File No. 1717.55

TUESDAY, the 18th day of February, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon the recommendation of the Director of Operation—*

*It is hereby ordered as follows:*

Section 73.132 of the Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service including Specifications for Shipping Containers, approved by General Order No. 779, dated January 9, 1953, as amended by Supplement No. 6 to the said regulations, as approved by General Order No. 827, dated March 28, 1957, is deleted and the following new section 73.132 substituted therefor:

73.132 Cement, liquid, n.o.s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution. (a) Cement, liquid, n.o.s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution must be packed in specification containers as follows:

(1) As prescribed in s. 73.119, irrespective of flash point or viscosity, except that spec. 10A or 10B wooden barrels and kegs must not be used.

Note 1: Because of the present emergency and until further order of the Board, rubber cement containing no carbon bisulfide may be shipped in specification 10A, wooden barrels or kegs.

A. SYLVESTRE,

*Deputy Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

## ORDER No. 93824

*In the matter of the application of the Ontario Northland Railway, hereinafter called the "Applicant", under section 353 of the Railway Act, for authority to publish a rate of Thirty-seven dollars and seventy-six cents (\$37.76) per net ton of 2,000 pounds, subject to Ex parte 206-A and 212, on silver concentrates from Cobalt, Ontario, to East Helena, Montana, with a declared or released valuation not to exceed One Hundred dollars (\$100.00) per net ton:*

File No. 406.15

MONDAY, the 10th day of March, A.D. 1958.

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*H. B. CHASE, C.B.E., *Commissioner.*

*Upon reading the submissions filed—  
It is hereby ordered as follows:*

The Applicant is authorized to publish a rate of Thirty-seven dollars and seventy-six cents (\$37.76) per net ton of 2,000 pounds, subject to Ex parte 206-A and 212, on silver concentrates from Cobalt, Ontario, to East Helena, Montana, with a declared or released valuation not to exceed One Hundred dollars (\$100.00) per net ton.

H. B. CHASE,  
*Commissioner.*

## ORDER No. 93831

*In the matter of the application of Northern Transportation Company Limited, hereinafter called the "Applicant", for a licence under section 10 of the Transport Act:*

File No. 42076.33

TUESDAY, the 11th day of March, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*H. B. CHASE, C.B.E., *Commissioner.*

*It is hereby ordered as follows:*

Licence No. C.T.C. (WT) 341 is issued to the Applicant licensing, for the period of one year commencing February 9, 1958, the following ships to transport goods by water between all ports and places in Canada in the areas designated herein with respect to each ship:

On rivers, streams, lakes and other waters within the watershed of the Mackenzie River, except Fort Nelson River, and Liard River (other than the Fort Simpson Airport)

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Radium Queen .....	159001	108.37
Radium King .....	159002	115.34
Radium Lad .....	170773	40.37
Great Bear .....	170938	153.00
Radium Cruiser .....	171801	27.00
Radium Express .....	171802	87.59
Radium Prince .....	175123	42.07

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
George Askew .....	175156	127.19
Slave .....	176218	69.45
Radium Gilbert .....	177784	296.79
Radium Charles .....	179097	230.05
Radium Scout .....	179098	23.18
Radium Yellowknife .....	190334	235.45
Peace .....	192899	69.45
Niangua .....	192908	21.23
Radium Franklin .....	194887	118.81
Horn River .....	In process of registration (est)	89.00
Radium Prospector .....	188350	198.80
Radium Miner .....	188351	199.75
Radium Trader .....	188352	199.77
Slave River .....	152590	50.31
Radium Dew .....	198913	288.97
Pelican Rapids .....	175564	163.70
Watson Lake .....	175563	26.07
Stuart Lake .....	175562	14.73
Radium 10 .....	171816	71.15
Radium 75 .....	179089	64.63
Radium 76 .....	194888	77.14
Radium 77 .....	194889	77.14
Radium 78 .....	194890	77.14
Radium 80 .....	173706	192.44
Radium 101 .....	179088	107.49
Radium 102 .....	190806	105.85
Radium 103 .....	194891	105.85
Radium 104 .....	189222	107.91
Radium 303 .....	179099	168.78
Radium 304 .....	179100	168.78
Radium 350 .....	195242	213.41
Radium 351 .....	195243	213.41
Radium 352 .....	195244	213.41
Radium 400 .....	175153	227.32
Radium 402 .....	175155	406.60
Radium 403 .....	176215	227.32
Radium 404 .....	176216	227.32
Radium 405 .....	177785	220.83
Radium 406 .....	177786	220.83
Radium 407 .....	177787	220.83
Radium 408 .....	177788	220.83
Radium 409 .....	177789	220.83
Radium 410 .....	177790	220.83
Radium 411 .....	178031	220.83
Radium 412 .....	178032	220.83
Radium 413 .....	178033	220.83
Radium 415 .....	178035	220.83
Radium 416 .....	179422	220.83
Radium 417 .....	179423	220.83
Radium 418 .....	179424	220.83
Radium 419 .....	179425	220.83
Radium 420 .....	179426	220.83
Radium 421 .....	179427	220.83
Radium 422 .....	179428	220.83
Radium 423 .....	179429	220.83
Radium 424 .....	190807	220.83
Radium 425 .....	190808	220.83
Radium 426 .....	190809	220.83
Radium 427 .....	190810	220.83
Radium 428 .....	190811	220.83

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Radium 429	190812	220.83
Radium 430	190813	220.83
Radium 432	190815	220.83
Radium 433	190816	220.83
Radium 434	190817	220.83
Radium 435	190818	220.83
Radium 500	197409	272.47
Radium 501	197411	272.47
Radium 502	197415	272.47
Radium 600	198137	319.71
Radium 601	198138	319.75
Radium 602	198617	319.25
Radium 603	198618	319.09
Radium 604	198623	320.24
Radium 605	198624	320.24
Radium 606	198626	320.24
Radium 607	198640	320.24
Radium 608	198641	320.24
Radium 609	198655	320.24
Radium 610	188571	320.24
Radium 611	188572	320.24
Radium 612	188573	320.24
Radium 613	188575	320.24
Radium 614	188576	320.24
Radium 615	188586	320.24
Radium 616	188587	320.24
Radium 617	188588	320.24
Radium 618	188592	320.24
Radium 619	188598	320.24
Radium 620	188601	320.24
Radium 621	188602	320.24
Radium 622	188607	320.24
Radium 623	188608	320.24
Radium 624	188612	320.24
Radium 625	188615	320.24
Radium 626	188621	320.24
Radium 627	188622	320.24
Radium 628	188626	320.24
Radium 629	188629	320.24
Radium 630	188639	320.24
Radium 631	188643	320.24
Radium 632	188646	320.24
Radium 633	188651	320.24
Radium 634	188657	320.24
Radium 635	188658	320.24
HBC No. 209	193282	364.89
HBC No. 210	193283	364.89
HBC No. 211	175554	295.83
HBC No. 212	175555	295.83
HBC No. 254	175556	215.66
HBC No. 255	175557	215.66
HBC No. 256	175558	215.66
HBC No. 257	175559	215.66
HBC No. 258	175560	419.78
HBC No. 259	175561	419.78
HBC No. 260	188244	419.78
HBC No. 261	188245	419.78

H. B. CHASE,  
Commissioner.

## ORDER No. 93918

*In the matter of the application of Yankcanuck Steamships Limited for a licence under section 10 of the Transport Act:*

File No. 42076.48.

THURSDAY, the 20th day of March, A.D. 1958.

F. M. MACPHERSON, *Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*It is hereby ordered as follows:*

Licence No. C.T.C. (WT) 342 shall be issued to Yankcanuck Steamships Limited licensing, for the period of one year commencing January 15, 1958, the following ships to transport iron and steel products consisting of bars, billets, slabs, strip or skelp, by water between all ports and places in Canada on Lakes Ontario, Erie, Huron, (including Georgian Bay), and Superior and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans—

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Manzzutti .....	145462	1,528
Mancox .....	145465	1,550

H. B. CHASE,  
*Commissioner,*

## ORDER No. 93937

*In the matter of the Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service:*

File No. 1717.154

FRIDAY, the 21st day of March, A.D. 1958.

F. M. MACPHERSON, *Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*It is hereby ordered as follows:*

1. Until further order of the Board, railway companies subject to the jurisdiction of the Board are hereby authorized to receive for shipment and transport via rail freight, subject to the provisions of this Order, hydrofluoric acid or fluoboric acid not exceeding 70 per cent strength.

2. The inside container shall be a polyethylene carboy which satisfies all those requirements of Specification 1F or 1G which pertain to the inside container.

3. The inside container shall be enclosed in a wirebound plywood or wooden box which shall comply with Specification 16A, except as provided below:

(a)	<i>Nominal Capacity of Inside Container</i>	
	<i>Not over 5½ Imperial Gallons</i>	<i>Not over 11 Imperial Gallons</i>
Faceboard thickness (sides only)		
Group 2 Woods	5/16"	3/8"
Group 3 Woods	1/4" Resawn	5/16"
Group 4 Woods	1/4" Resawn	5/16"
<i>Cleats</i>		
Outside and interrupted cleats	13/16" x 7/8"	13/16" x 7/8"
Intermediate cleats	5-1/2" x 3/8"	5-1/2" x 3/8"
<i>Binding wires</i>		
(Double dipped galvanized or specially coated)		
Number and gauge over outside cleats	2-13 gauge	2-12 gauge
Number and gauge over intermediate cleats or intermediate wires	2-14 gauge (not over 4 gallons) 4-14 gauge (not over 5½ gallons)	4-13 gauge
<i>Staples</i>		
In outside and interrupted cleats	1-1/4"-16 gauge	1-1/4"-16 gauge
In intermediate cleats	7/8"-16 gauge	7/8"-16 gauge
Over intermediate wires	7-16"-18 gauge	1-2"-18 gauge
Note: A 2" gap between staples must be provided in the center of each line of staples over the intermediate cleats.		
<i>Top</i>		
Face material thickness	9/16"	13/16"
Battens	1-3/8" x 9/16"	1-7/8" x 13/16"
<i>Base</i>		
Face material thickness	3/8"	3/8"
Edge strips	1-1/4" x 3/8"	3-1/8" x 3/8"
Center strips	3-1/8" x 3/8"	3-1/8" x 3/8"

NOTE 1: A hole of suitable type may be left in top of box to provide for protruding neck of inner container.

NOTE 2: The inside walls shall be free of projections likely to cause damage to the polyethylene carboy.

(b) Complete package, filled as for shipment with a non-hazardous liquid of a specific gravity equal to the liquid to be shipped, must be capable of withstanding 2 drops from a height of 4 feet onto solid concrete, the first drop to be made diagonally so top corner will strike the concrete; the second drop onto a 2-inch by 6-inch timber resting on the concrete with a 6-inch leg vertical, the drop being made with the box in a horizontal position and at right angles to the timber so that impact is near the center of the box side wall. The completed package must withstand these tests without serious rupture of the box and without producing a condition of the box that could result in potential damage to the inside container.

4. The white label as prescribed in Section 73.407 shall be attached by the shipper to the outside wooden box which shall also be plainly marked "B.T.C. Permit No. A-41" with letters and figures at least ½ inch high. This mark

shall be understood to certify that the box complies with all the requirements of this Order. Hydrofluoric acid shall be classed as "corrosive liquid" and fluoboric acid shall be classed as "Corrosive liquid, n.o.s.". All bills of lading, shipping orders or other shipping papers shall make reference to the B.T.C. permit number.

5. Except as specifically provided in this Order, the shipper and carrier are not relieved of compliance with any applicable regulations of the B.T.C. Regulations for the "Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service".

H. B. CHASE,  
Commissioner.

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ORDER No. 93970

*In the matter of the Tariff C.T.C. 25 of The Detroit and Windsor Subway Company and Detroit & Canada Tunnel Corporation, issued on February 15, 1958, to be effective on March 16, 1958, in respect of the tunnel between the City of Windsor, Ontario, and the City of Detroit, Michigan; and Order No. 93843, dated March 11, 1958:*

File No. 35943.5.

THURSDAY, the 27th day of March, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

*The Board having changed the date of the hearing, which was set forth in the said Order No. 93843, from April 15, 1958, to May 13, 1958.*

*It is hereby ordered as follows:*

The said Order No. 93843 is amended by substituting "May 13, 1958," for "April 15, 1958," in paragraph numbered two thereof.

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
FEBRUARY, 1958

Railway Accidents .....	133	Killed	4	Injured	135
Level Crossing Accidents .....	48	Killed	18	Injured	55
Total .....	<u>181</u>		<u>22</u>		<u>190</u>
		<i>Killed</i>		<i>Injured</i>	
Passengers .....		—		26	
Employees .....		1		107	
Others .....		21		57	
		<u>22</u>		<u>190</u>	

## DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

## NEWFOUNDLAND

Killed Injured

- 2 Automobile ran into side of train. License: Nfld. 17936.  
NEW BRUNSWICK  
— 3 Auto truck ran into side of train. License: N.B. C-31183.

## QUEBEC

- 1 2 Automobile struck by train. License: Que. 64-437.  
1 1 Auto truck struck by train. License: Que. XX-5100.  
— 3 Auto truck struck by train. License: Que. FA-4116.  
— 1 Automobile ran into side of train. License: Que. 639-515.  
— 2 Automobile ran into side of snowplow. License: Que. 522-455.  
1 — Pedestrian struck by train.  
— 1 Automobile ran into side of train. License: N.S. 93196.  
— 1 Automobile ran into side of train. License: Que. 414-239.

## ONTARIO

- 2 Tank Trailer truck loaded with liquid caustic soda struck by train.  
License: Ont. 258-79-C.  
— 1 Automobile struck by train. License: Ont. 867-028.  
2 — Automobile struck by train. License: Ont. 382-172.  
— 1 Automobile struck by train. License: Ont. 709-599.  
— 3 Auto truck struck by train. License: Ont. 14681.  
— 1 Automobile struck by train. License: Ont. F-96231.  
— 1 Automobile struck by train. License: Ont. H-72301.  
1 — Automobile ran into side of train. License: Ont. D-1181.  
1 — Auto truck struck by train. License: Ont. 61137-B.  
2 — Automobile struck by train. License: Ont. 297-481.  
— 1 Automobile struck by train. License: Ont. F-50747.  
— 2 Automobile struck by train. License: Ont. B-25601.  
— 1 Automobile ran into side of train. License: Ont. A-74934.  
1 — Automobile struck by train. License: Ont. 14207.  
1 2 Automobile struck by train. License: Ont. 96156.  
— 1 Automobile struck by train. License: Ont. C-46258.  
— 1 Automobile ran into side of train. License: Ont. 934-429.  
— 1 Tank truck struck by train. License: Ont. 71726-A.  
2 — Automobile struck by train. License: Ont. 120-045.  
— 1 Auto truck struck by train. License not given.  
— 1 Automobile struck by train. License not given.  
1 — Automobile ran into side of train. License: Ont. 831-935.  
— 1 Auto truck struck by RDC Unit. License: Ont. A-135-124.  
— 2 Automobile ran into side of train. License: Ont. 554-142.  
— 1 Automobile ran into side of train. License: Ont. B-26380.  
— 1 Automobile struck by train. License: Ont. 889-849.  
— 1 Automobile ran into side of train. License not given.  
— 2 Auto truck struck by train. License: Ont. 40444-B.  
1 — Automobile struck by train. License: Ont. 435-208.

## MANITOBA

- 1 Auto truck struck by train. License: Man. F-31572.  
1 1 Automobile struck by train. License: Man. 4-X-646.  
— 2 Auto truck struck by train. License: Man. 73-598.  
— 1 Auto truck ran into side of train. License: Man. T-5793.  
— 1 Automobile ran into side of train. License: Man. 81-N-6.

## ALBERTA

- 2 Automobile struck by train. License: Alta. UW-322.  
2 — Auto truck struck by train. License: Alta. F-1694-17.  
— 1 Auto truck ran into side of train. License: B.C. C-77-865.

## Killed Injured

## BRITISH COLUMBIA

— 2 Automobile ran into side of train. License: Alta. YJ-328.

Of the 48 accidents at highway crossings, 23 occurred at unprotected crossings, and 15 at protected crossings, 21 occurred after sunrise and 27 after sunset.

OTTAWA, Ontario,

March 28th, 1958.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 93824 Mar. 10—Authorizing Ontario Northland Railway to publish a rate of \$37.76 per ton subject to Ex parte 206-A and 212 on silver concentrates from Cobalt, Ont. to East Helena, Montana.
- 93825 Mar. 10—Permitting the removal of slow order at C.P.R. crossing of Warden Ave., Toronto, Ont.
- 93826 Mar. 10—Permitting the removal of slow order at C.N.R. crossing of Galloway Road, east of Scarboro, Ont.
- 93827 Mar. 10—Approving operation of C.P.R. trains over private siding serving the Gypsum, Lime and Alabastine Canada Ltd. in Townships of West Oxford and North Oxford, Ont.
- 93828 Mar. 10—Authorizing the C.N.R. to reconstruct the crossing of highway and the railway formerly owned by the N.Y.C. Township of Gloucester, Ontario.
- 93829 Mar. 10—Approving operation of C.N.R. trains over private sidings serving the Welland Vale Mnfg. Co. Ltd. at St. Catharines, Ont.
- 93830 Mar. 11—In the matter of application of the C.N.R. on behalf of Imperial Oil Ltd. for approval of proposed location for storage of flammable liquids at Edgerton, Alta.
- 93831 Mar. 11—In the matter of application of Northern Transportation Co. Ltd. for licence under section 10 of the Transport Act.
- 93832 Mar. 11—In the matter of application of C.P.R. on behalf of Royalite Oil Company Ltd. for approval of location of facilities for storage of flammable liquids for the Albertan Publishing Co. Ltd. at Calgary, Alta.
- 93833 Mar. 11—Authorizing the C.P.R. to operate trains under the overhead bridge in the Town of Kenora, Ontario.
- 93834 Mar. 11—In the matter of the St. Lawrence Propane Ltd., unloading liquefied gas from tank cars to tank trucks on the C.P.R. tracks at Cornwall, Ontario.
- 93835 Mar. 11—Permitting the removal of slow order at C.N.R. crossing of Boveri St., St. Johns, Que.
- 93836 Mar. 11—In the matter of application of the County of Welland, Ont. for authority to construct West Side Road across the C.N.R. by means of an overhead bridge in the County of Welland.
- 93837 Mar. 11—Authorizing the C.P.R. to replace the timber approach trestle at the north end of the bridge and east leg of wye at Windsor, N.S.
- 93838 Mar. 11—In the matter of application of The Bell Telephone Co. of Canada for approval of supplement to Service Station Contract and the Lake Charles Telephone Co. Ltd.
- 93839 Mar. 11—Authorizing C.N.R. and C.P.R. to operate their trains over the interchange trackage commencing at mileage 1.6, Lanigan Subd., Sask.
- 93840 Mar. 11—Authorizing C.N.R. to lengthen the westward approach circuit for the protection at the crossing of their railway at mileage 6.54, Chatham Subd., Ont.
- 93841 Mar. 11—Requiring the C.N.R. to install certain protection at the crossing of Highway No. 2 at mileage 46.43 Chatham Subd., Ont.
- 93842 Mar. 11—Authorizing C.N.R. to construct a siding across Martin St. in East Edmonton, Alta.
- 93843 Mar. 11—In the matter of Tariff C.T.C. 25 of the Detroit & Windsor Subway Co. and Detroit & Canada Tunnel Corp. in respect to tunnel between Windsor, Ont., and Detroit, Mich.
- 93844 Mar. 10—Appointing Mr. Commissioner H. B. Chase, C.B.E. in the absence of the Asst. Chief Commissioner to sign regulations, orders, etc.

- 93845 Mar. 12—Authorizing Trans-Northern Pipe Lines Co. to open for transportation of petroleum a portion of its pipe line in the Township of Toronto.
- 93846 Mar. 12—Authorizing Trans-Canada Pipe Lines Ltd. on behalf of Western Pipe Lines Ltd. to open for the transportation of natural gas a portion of its company pipe line in vicinity of Welland Canal, Twp. of Thorold, Ont.
- 93847 Mar. 12—Authorizing C.P.R. on behalf of Dominion Atlantic Railway Co. to replace the existing trestle at mileage 31.90 Kentville Subdivision, N.S.
- 93848 Mar. 12—Requiring the C.N.R. to install certain protection at the crossing of Barton St., Hamilton, Ont.
- 93849 Mar. 12—Permitting the removal of slow order at C.N.R. crossing in the Village of Bic, Que.
- 93850 Mar. 12—Relieving the C.P.R. from erecting right-of-way fencing between certain mileages along east side of its Prince Albert Subdivision.
- 93851 Mar. 12—Permitting the removal of slow order at C.P.R. crossing of Regent St., Sudbury, Ont.
- 93852 Mar. 12—Authorizing C.N.R. to operate over the approach of their bridge over the South Thompson River, B.C.
- 93853 Mar. 12—Authorizing C.P.R. to operate its trains under the overhead bridge over Kipp St., Nobleford, Alta.
- 93854 Mar. 12—Authorizing Niagara, St. Catharines & Toronto Railway Co. to make alterations to its bridge over Clarke St., Merriton, Ont.
- 93855 Mar. 13—In the matter of application of C.N.R. for approval of plan showing changes in protection at the crossing of Highway No. 7 and their railway at mileage 32.22, Fergus Subd.
- 93856 Mar. 13—Authorizing C.P.R. to operate under the overhead bridge at mileage 26.68 Mountain Subd., B.C.
- 93857 Mar. 13—Authorizing the Greater Vancouver Sewerage and Drainage District to construct a concrete sewer across the Trans-Mountain Oil Pipe Line Co. at Lyndhurst St., Munic. of Burnaby, B.C.
- 93858 Mar. 13—Authorizing C.P.R. to operate the bridge at mileage 83.18, Nelson Subd., B.C.
- 93859 Mar. 13—Authorizing C.N.R. to reconstruct the temporary bridge over the culvert at mileage 3.38, Dunelm Subd., Sask.
- 93860 Mar. 13—Authorizing C.N.R. to reconstruct the temporary bridge over the creek at mileage 50.8 Skeena Subd., B.C.
- 93861 Mar. 13—Authorizing C.N.R. to construct their passing siding extension at Elma, Man.
- 93862 Mar. 13—Authorizing C.N.R. to construct an extension to its passing siding across the highway at Westlang, B.C.
- 93863 Mar. 13—Permitting the removal of slow order at C.N.R. crossing of William St., Smiths' Falls, Ont.
- 93864 Mar. 13—Permitting the removal of slow order at C.P.R. crossing of Coalier St., West Hull, Que.
- 93865 Mar. 13—Permitting the removal of slow order at C.P.R. crossing of York Road, City of Guelph, Ont.
- 93866 Mar. 13—Permitting the removal of slow order at C.N.R. crossing north of station at Pepperlaw, Ont.
- 93867 Mar. 13—Requiring the C.N.R. to install certain protection at the crossing of Main St., Alexandria, Ont.
- 93868 Mar. 14—Permitting the removal of slow order at C.P.R. crossing of Fernie Road at mileage 4.7 Lake Windermere Subd.
- 93869 Mar. 14—In the matter of application of B.C. Dept. of Highways to install automatic protection at the crossings of Highway No. 4 and the Esquimalt & Nanaimo Railway Co. at Parksville, B.C.
- 93870 Mar. 14—Approving clearances of piggyback tracks of the C.P.R. in the City of Toronto, Ont.
- 93871 Mar. 14—Authorizing C.P.R. to rearrange the crossing protection at the crossing of its railway and Dorchester St., Quebec, P.Q.
- 93872 Mar. 14—Authorizing the N.S. Dept. of Highways to construct the highway across the C.N.R. at Oxford, N.S.

- 93873 Mar. 14—Approving location of C.P.R. station shelter proposed to be erected at Nestorville, Ont.
- 93874 Mar. 14—In the matter of the filing of tariffs by the B.C. Telephone Co.
- 93875 Mar. 14—Approving under the Maritime Freight Rates Act tolls published in certain tariffs filed by the C.N.R. under Section 3.
- 93876 Mar. 14—Authorizing the Rural Munic. of South Cypress, Man., to construct a highway across the C.P.R. at Stockton, Man.
- 93877 Mar. 14—Authorizing The Hydro Electric Power Commission on Ontario to construct a diversion of St. Andrews Road where it crosses the C.N.R. at Cornwall, Ontario.
- 93878 Mar. 14—Permitting the removal of slow order at C.N.R. crossing at Lachine, Quebec.
- 93879 Mar. 14—Authorizing the City of Prince Albert, Sask., to construct the lane crossing the C.N.R. at Mileage 0.32 Blaine Lake Subd.
- 93880 Mar. 14—Authorizing the Ontario Natural Gas Storage and Pipe Lines Limited to construct a gas main across the Interprovincial Pipe Line Company's pipe line in the Twp. of West Nissouri, Ontario.
- 93881 Mar. 14—Authorizing the C.N.R. to reconstruct the timber trestle over Kwinitsa River, B.C.
- 93882 Mar. 14—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at Pontrilas, Sask.
- 93883 Mar. 17—Authorizing the C.N.R. to operate over the coal trestle at Camp Gagetown, N.B.
- 93884 Mar. 17—Authorizing the C.P.R. to remove the caretaker at Lakeside, Ontario.
- 93885 Mar. 17—In the matter of application of Trans-Canada Pipe Lines Limited, for approval of its company pipe line from Township of Vespra to Township of Vaughan, Ontario.
- 93886 Mar. 17—Permitting the removal of slow order at C.N.R. crossing at Mileage 280.28 Bishop's Falls Subd., Nfld.
- 93887 Mar. 17—Authorizing the C.N.R. to reconstruct the trestle over the Fir River, Sask.
- 93888 Mar. 17—Requiring the C.N.R. to install certain protection at the crossing of Finch Avenue, Twp. of North York, Ontario.
- 93889 Mar. 17—In the matter of application of the C.N.R. on behalf of La Co-operative de St. Jean-Baptiste Limited, for approval of location of facilities for storage of flammable liquids at St. Jean Baptiste, Man.
- 93890 Mar. 17—In the matter of application of the C.N.R. on behalf of Clearwater Timber Products Limited for approval of location of facilities for storage of flammable liquids at Clearwater, B.C.
- 93891 Mar. 17—In the matter of application of the C.N.R. on behalf of Shell Oil Company of Canada Limited, for approval of location of facilities for the storage of flammable liquids at Prince Rupert, B.C.
- 93892 Mar. 17—Authorizing the C.N.R. to operate over the subway at Riverside Drive, B.C., Mileage 73.16 Cowichan Subd.
- 93893 Mar. 18—In the matter of application of the B.C. Department of Highways for authority to construct the Trans-Canada Highway across the C.N.R. by means of an overhead bridge at Mileage 13.7 Yale Subd., B.C.
- 93894 Mar. 18—In the matter of application of the Northern Alberta Railways Company, on behalf of North Star Oil Limited, for approval of proposed location of additional facilities for storage of flammable liquids at Grimshaw, Alta.
- 93895 Mar. 18—In the matter of the application of the C.P.R. on behalf of Shell Oil Company of Canada Limited, for approval of location of facilities for storage of flammable liquids at St. Georges, P.Q.
- 93896 Mar. 18—Authorizing the C.P.R. to close the station at Darling, Ontario.
- 93897 Mar. 18—Permitting the removal of slow order at C.N.R. crossing third west of the station at St. Tite, Que.
- 93898 Mar. 18—Authorizing the Rural Munic. of St. Louis No. 431, Sask. to construct the highway across the C.N.R. at Mileage 82.18 Cudworth Subd.

- 93899 Mar. 18—In the matter of application of the C.N.R. on behalf of Imperial Oil Limited, for approval of proposed location of facilities for storage of flammable liquids at Gaspé, Quebec.
- 93900 Mar. 18—Authorizing the Munic. of St. Isidore de Lauzon to widen the highway where it crosses the Quebec Central Railway Company in the Parish of St. Isidore de Lauzon, Que.
- 93901 Mar. 18—In the matter of application of the C.N.R. on behalf of Canadian Import Company, for approval of proposed location of facilities for storage of flammable liquids at St. Jerome, Quebec.
- 93902 Mar. 19—Authorizing the C.P.R. to operate its trains over the pile trestle at Mileage 102.4 Ste. Agathe Subd., Que.
- 93903 Mar. 19—Authorizing the Sask. Department of Highways and Transportation to widen the highway where it crosses the C.N.R. at Mileage 61.69 Dodland Subd.
- 93904 Mar. 19—Authorizing the B.C. Department of Highways to relocate the highway where it crosses the C.N.R. at Mileage 67.51 Clearwater Subd.
- 93905 Mar. 19—Authorizing the C.N.R. to reconstruct the west approach to the steel bridge over the Red Deer River, Sask., Mileage 92.9 Erwood Subd.
- 93906 Mar. 20—Authorizing the C.N.R. to construct an extension to its siding across the highway at Mileage 110.11 Viking Subd., Alta.
- 93907 Mar. 20—Requiring the C.N.R. to install certain protection at the crossing of Highway No. 12 near Ste. Anne, Man.
- 93908 Mar. 20—In the matter of application of Trans Mountain Oil Pipe Line Company for an order approving the location of a portion of its pipe line loop in the Yale Division of the Yale District, B.C.
- 93909 Mar. 20—Authorizing the C.P.R. to abolish the position of caretaker at Kilburn, N.B.
- 93910 Mar. 20—Permitting the removal of slow order at C.N.R. crossing east of the station at Waldron, Sask.
- 93911 Mar. 20—Requiring the C.P.R. to install certain protection at the crossing of Evans Avenue, Twp. of Etobicoke, Ontario.
- 93912 Mar. 20—Authorizing the B.C. Dept. of Highways to construct the highway across the C.P.R. at Harrop, B.C.
- 93913 Mar. 20—In the matter of application of the Sask. Department of Highways for authority to construct Highway No. 15 across the C.P.R. in the Province of Sask.
- 93914 Mar. 20—Authorizing the C.N.R. to operate its trains over the subway at 97th Street, in Edmonton, Alta.
- 93915 Mar. 20—Relieving the C.P.R. from erecting right of way fencing on the south side of its Indian Head Subd., between Mileages 0 and 0.5, Sask.
- 93916 Mar. 20—In the matter of application of the C.N.R. for authority to install automatic protection in lieu of the existing protection at Dewdney, Ave., Regina, Sask.
- 93917 Mar. 20—In the matter of application of the C.N.R. for an order authorizing the installation of automatic protection at Merivale Road, Ontario, Mileage 7.20 Beachburg Subd.
- 93918 Mar. 20—In the matter of application of Yankcanuck Steamships Limited for a licence under section 10 of the Transport Act.
- 93919 Mar. 20—In the matter of the application of the C.N.R. for an order authorizing an extension of time within which it is required to install automatic protection at the crossing of Highway No. 14, south of Marmora, Ontario, Mileage 27.13 Maynooth Subd.
- 93920 Mar. 20—Permitting the removal of slow order at the crossing of Ottawa Street and the T.H. & B. Rly. Company, Hamilton, Ontario.
- 93921 Mar. 20—Permitting the removal of slow order at C.N.R. crossing of Robinson Road, Mileage 35.75 Cayuga Subd., Ontario.
- 93922 Mar. 20—Permitting the removal of slow order at C.N.R. crossing of Guelph Line Road, Burlington, Ontario.
- 93923 Mar. 20—Authorizing the Corbett Lumber Company to construct a private logging road over the company pipe line of Trans-Mountain Oil Pipe Line Company, Province of B.C.
- 93924 Mar. 21—Authorizing the C.N.R. to operate over the Point Ellice bridge in Victoria, B.C.

# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations, and Rulings

Vol. XLVII

OTTAWA, May 1, 1958

No. 3

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*Application of Macleod's Limited, Winnipeg, Manitoba, for a ruling as to the applicable rate on bicycles, shipped from Montreal, P.Q., to Winnipeg, Manitoba, on May 10, 1957, under the provisions of Item 720 of Canada Steamship Lines' Tariff No. 100-P, C.T.C. 270*

File 44796.

J. W. HAIGH, for Applicant.

HAZEN HANSARD, Q.C., for Respondent, Canada Steamship Lines Limited.

### RULING

#### BY THE BOARD:

The Applicant, Macleod's Limited, seeks a ruling as to the correct rate to apply to a shipment of bicycles from Montreal, P.Q., to Winnipeg, Manitoba, on May 10, 1957, in accordance with the provisions of Item 720 of Canada Steamship Lines' Tariff, C.T.C. 270. Both the applicant and the respondent carrier request that the Board decide the matter at issue upon the written submissions they have filed and have agreed to be bound thereby.

The relevant provisions of Tariff C.T.C. 270 at the time of movement were as follows:

- (a) Item 720, 1st Revised Page 32, effective March 15, 1957, which named a rate of \$3.11 per 100 pounds on bicycles and bicycle parts from Montreal to Winnipeg, with a carload minimum weight of 16,000 pounds, subject to Rule 34 of the Canadian Freight Classification;
- (b) Supplement No 2, effective March 15, 1957, and the only supplement in effect, which provided for increases in rates by means of a conversion table; and

- (c) Rule A, Original Page 3A, effective March 15, 1957, which provided for an additional increase of 2 cents per 100 pounds on the rates shown in the tariff, or as amended, with the exception of certain tariff items, not including Item 720.

According to the applicant's interpretation of the tariff provisions, the applicable rate should be \$3.13 per 100 pounds, composed of the basic rate of \$3.11 and the increase of 2 cents provided in Rule A. He submits that the increase in rates provided by Supplement No. 2 does not apply to Item 720 and he cites in support of his view the wording used in connection with the conversion table. The respondent carrier, however, maintains that the applicable rate was \$3.51 per 100 pounds, being the basic rate of \$3.11 increased to \$3.49 by Supplement No. 2, plus 2 cents in accordance with Rule A of the tariff. The sole point at issue, therefore, is whether the increases provided in Supplement No. 2 applied to Item 720 at the time of movement of the shipment.

The reason for issuance of Supplement No. 2 is shown as "Advance" in the upper margin of its title page. Each page of the supplement carries the following provision at the head of a conversion table:

"COMMODITIES AND RATES

"Except as otherwise indicated, rates in items listed hereunder are hereby increased to the extent indicated in Conversion Table, below.

"CONVERSION TABLE

"Where the rate in effect prior to March 15, 1957, is as shown in "A", apply the rate shown opposite thereto in Column "B"."

The Conversion Table in the supplement shows the following rates for Item 720:—

ITEM NO.	A	B	A	B	A	B	A	B
720	311	349	432	483	467	522	550	613

The rates shown under Column "A" above are those set out in Item 720 of the Tariff, 1st Revised Page 32, effective March 15, 1957.

It is the wording of the provisions quoted above which forms the principal basis of the applicant's contention that the increases in Supplement No. 2 do not apply to Item 720. He states that the rate on bicycles from Montreal to Winnipeg which was in effect prior to March 15, 1957 was not \$3.11 but \$3.35 per 100 pounds, and he argues from this that, as the rate of \$3.11 appearing in Column "A" was not the rate in effect prior to March 15, 1957, this constitutes "an indication otherwise" and Supplement No. 2 does not therefore apply to Item 720.

In brief, the submission of the respondent carrier is that Supplement No. 2 was expressly stated as "advancing" the rates rather than reducing them, or any of them; that Item 720 was expressly enumerated in Supplement No. 2 with provision for an increase in all of its rates; that the applicant seeks to read the clear, specific provision for increase set opposite Item 720 as an "indication otherwise", although it is obviously the same as all the other provisions for increase shown in the conversion table; and that the applicant's contention would involve reading into the opening phrase of the instructions as to use of the conversion table the word "immediately" so that it would read "Where the rate in effect immediately prior to March 15, 1957 . . . . .". As an example of a case where there is an indication otherwise, the respondent points to

Item 700 on 1st Revised Page 32, immediately preceding Item 720. Item 700 contains the reference mark ⊗ which is explained at the foot of the page as "Not subject to Rule A and Supplement No. 2 of this Tariff".

With respect to the construction of tariffs of tolls, this Board, as well as the Interstate Commerce Commission, has stated the guiding principles many times. The following quotations from previous judgments are pertinent to the present application:

"Although doubt as to the meaning of a tariff must be resolved in favour of the shipper and against the carrier which compiled it, the doubt must be a reasonable one and the terms of a tariff must be taken in the sense in which they are generally understood and accepted commercially. All of the pertinent provisions of a tariff must be considered together, and, if those provisions may be said to express the intention of the framers under a fair and reasonable construction, that intention must be given effect."

118 I.C.C. 186; 161 I.C.C. 77; Volume 23, Board's Judgments and Orders, at p. 53 and p. 191; Volume 25, Board's Judgments and Orders, at p. 103.

"The Board has stated that neither carriers nor shippers can be permitted to urge, for their own purposes, a strained and unnatural construction of tariffs. Where such a construction is at variance with the plain purpose of the tariff and would produce results clearly repugnant to justice, it is our duty to reject it."

Volume 25, Board's Judgments and Orders, at p. 325.

Supplement No. 2 to Tariff C.T.C. 270, effective March 15, 1957, provides for increases in rates listed by tariff item number under Column "A" of a conversion table; it makes no mention of reductions in rates. As stated above, the rates shown under Column "A" for Item 720 are identical to those set out in the same item on 1st Revised Page 32, which page was also effective March 15, 1957. Supplement No. 1, effective July 3, 1956, and which was cancelled by Supplement No. 2, also provided for increases in rates, the \$3.11 rate in Item 720 being increased to \$3.35 under its provisions. The applicant asserts that the phrase "rate in effect prior to March 15, 1957", contained in the instructions in Supplement No. 2 for using the conversion table, must mean this rate of \$3.35 per 100 pounds, so far as his particular shipment is concerned. Since the conversion table in Supplement No. 2 does not name a rate of \$3.35 for Item 720 in Column "A", the applicant interprets this as an "indication otherwise", or an exception to the increases provided by Supplement No. 2, and concludes that such increase supplement does not apply to the basic rate of \$3.11 per 100 pounds named in Item 720 of the tariff.

Supplement No. 1, which increased the basic rate of \$3.11 to \$3.35, was cancelled by Supplement No. 2, effective March 15, 1957, and Supplement No. 1 cannot be reinstated by a mere reference in Supplement No. 2 to rates in effect prior to March 15, 1957. Effective with the cancellation of Supplement No. 1, therefore, the only rates to which the increases provided by Supplement No. 2 could apply were those set out in the various items of Tariff C.T.C. 270, including the rates named in Item 720, 1st Revised Page 32, effective March 15, 1957.

All the rates shown under Column "A" against Item 720 in Supplement No. 2 are plainly those set out in Item 720 on 1st Revised Page 32 of the tariff and there is no specific indication that this Item is not subject to Supplement No. 2. There is, on the contrary, an express provision, in Supplement No. 2, for increases in rates in the items listed in the conversion table, except as otherwise indicated, and there is no mention of reductions in rates. We are

therefore unable to conclude that the applicant's inference from the phrase "prior to March 15, 1957" constitutes an "indication otherwise" in this particular case.

It is true that the respondent carrier, by referring to rates in effect "prior to March 15, 1957", has used a description which has introduced some doubt into the mind of the applicant but, in the light of all of the pertinent provisions of the tariff, this doubt has not been shown to be a reasonable one.

We consider that the phrase "rate in effect prior to March 15, 1957", as used in Supplement No. 2, cannot mean rates expressly cancelled by that Supplement and must reasonably be interpreted to mean those rates in effect prior to March 15, 1957 and still in effect in the various tariff items; that is to say, the rates exclusive of the increases provided in the cancelled Supplement No. 1.

While this application is launched with respect to a single rate on a single shipment, it must be noted that it is predicated upon a phrase applicable to all rates shown in Column "A" of the conversion table contained in Supplement No. 2. If the reasoning of the applicant were to be accepted, it must be concluded that most, if not all, of the increases provided by Supplement No. 2 would be nullified, despite the clearly stated purpose of the supplement to provide for increases in rates. We do not think that such a construction of the tariff provisions in issue can be seriously defended; it is completely opposed to the plain purpose of Supplement No. 2 and would produce results clearly repugnant to justice. It is our duty to reject it.

Upon full consideration of all that has been alleged, we find, and so rule, that the applicable rate on bicycles in carloads from Montreal, P.Q., to Winnipeg, Man., on May 10, 1957, in accordance with the provisions of Item 720, as amended, of Canada Steamship Lines' Tariff No. 100-P, C.T.C. 270, was \$3.51 per 100 pounds.

CLARENCE D. SHEPARD.

*I concur:*

H. B. CHASE.

OTTAWA, March 12, 1958.

## ORDER No. 93949

*In the matter of the application of Northwest Steamships Limited for a licence under section 10 of the Transport Act:*

File No. 42076.2

MONDAY, the 24th day of March, A.D. 1958

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*  
 A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
 H. B. CHASE, C.B.E., *Commissioner.*

*Upon reading the submission filed—*

*It is hereby ordered as follows:*

Licence No. C.T.C. (W.T.) 343 is issued to Northwest Steamships Limited for the period of one year commencing January 15, 1958, licensing the following ships:

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
A. A. Hudson .....	148089	2,222
Superior .....	154471	1,801

to transport goods by water between all ports or places in Canada, on Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans.

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

## ORDER No. 93950

*In the matter of the application of Canada Steamship Lines Limited, hereinafter called the "Applicant", for a licence under section 10 of the Transport Act:*

File No. 42076.4.1

MONDAY, the 24th day of March, A.D. 1958

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*  
 A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
 H. B. CHASE, C.B.E., *Commissioner.*

*It is hereby ordered as follows:*

Subject to any exemption granted pursuant to subsection 2 of section 12 of the Transport Act, Licence No. C.T.C. (W.T.) 344 shall be issued to the Applicant licensing, for the period of one year commencing January 15, 1958, the following ships to transport passengers between all ports and places in Canada on the St. Lawrence River between Montreal and the west end of the Island of Orleans:

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Richelieu .....	150828	5528
St. Lawrence .....	153438	6328
Tadoussac .....	153447	7013

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

## ORDER No. 93952

*In the matter of the application of Canada Steamship Lines Limited (including its wholly owned subsidiary Northern Navigation Company Limited operated by the Licensee as its Northern Navigation Division) hereinafter called the "Applicant", for a licence under section 10 of the Transport Act:*

File No. 42076.4.2

MONDAY, the 24th day of March, A.D. 1958

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*It is hereby ordered as follows:*

Subject to any exemption granted pursuant to subsection 2 of section 12 of the Transport Act, Licence No. C.T.C. (W.T.) 345 is issued to the Applicant licensing, for the period of one year commencing January 15, 1958, the following ships to transport goods by water between all ports and places in Canada in the areas designated herein with respect to each ship:

1. On Lakes Ontario, Erie, Huron (including Georgian Bay), and Lake Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans.

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Acadian .....	133533	1686
Barrie .....	151045	1824
Battleford .....	148134	2357
Beaverton .....	125440	2012
Calgarian .....	112205	2272
Canadian .....	125427	2214
City of Hamilton .....	153423	1665
City of Kingston .....	152837	1690
City of Montreal .....	153422	1665
City of Toronto .....	152838	1688
City of Windsor .....	154463	1905
Edmonton .....	122856	1983
Elgin .....	145518	1906
Fairmount .....	68808	1851
Fernie .....	154461	2419
Grainmotor .....	154473	1829
Hastings .....	145533	1906
Kenora .....	124235	1979
Kinmount .....	138187	1711
Lethbridge .....	147702	2407
Mapleheath .....	129767	1692
Meaford .....	151043	1824
Penetang .....	151046	1824
Saskatoon .....	153436	2412
Selkirk .....	152859	2384
Simcoe .....	145511	1783
Starmount .....	145609	1859
Teakbay .....	154462	1895
Weyburn .....	153437	2408
Winnipeg .....	152854	2383

2. On Lakes Ontario, Erie, Huron (including Georgian Bay), and Lake Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as Prescott, Ontario.

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Collingwood .....	117089	4529
Renvoye .....	148133	3571
Westmount .....	138232	7392
Glenelg .....	150237	2099
Fort Henry .....	176118	5729
Iroquois .....	176119	2300

HUGH WARDROPE,  
*Assistant Chief Commissioner,*

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ORDER No. 93953

*In the matter of the application of Canada Steamship Lines Limited for a licence under section 10 of the Transport Act:*

File No. 42076.4.5

MONDAY, the 24th day of March, A.D. 1958

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*  
A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
H. B. CHASE, C.B.E., *Commissioner.*

Upon reading the submissions filed—

*It is hereby ordered as follows:*

Licence Number C.T.C. (W.T.) 346 is issued to Canada Steamship Lines Limited, for the period of one year commencing January 15, 1958, licensing the following ships:

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Ashcroft .....	152641	7726
Donnacona .....	134015	8611
Georgian Bay .....	176116	11392
Hagarty .....	134250	7462
Lemoyne .....	152647	10480
Coverdale .....	190493	11996
Hochelaga .....	190470	11997

to transport motor vehicles, including passenger cars, trucks and other self-propelled vehicles, in deck loads, on Lakes Ontario, Erie, Huron (including Georgian Bay), and Lake Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as Prescott, Ontario.

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

## ORDER No. 94025

*In the matter of the general freight rates investigation directed by Order in Council P.C. 1487, dated April 7, 1948, (equalization case) re commodity freight rates and of section 336 of the Railway Act:*

*And in the matter of the Judgment and Order No. 92504 therein, dated September 18, 1957:*

File No. 47828

MONDAY, the 31st day of March, A.D. 1958

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*L. J. KNOWLES, *Commissioner.*

*Upon application of Canadian Pacific Railway Company and Canadian National Railways—*

*It is hereby ordered as follows:*

The period within which the railway companies were required by the said Judgment and Order to submit a proposal of equalization rates on cement, paper articles and woodpulp, and pulpwood, or in lieu thereof show cause why it is not reasonably possible to create equalized scales of rates on such commodities, is extended to May 31, 1958.

HUGH WARDROPE,

*Assistant Chief Commissioner,*

## ORDER No. 94039

*In the matter of the application dated March 18, 1958, of Ogdensburg Bridge Authority, a corporation incorporated by chapter 57 of the Statutes of Canada, 1952, hereinafter called the "Applicant Company", under section 203 and other relevant sections of the Railway Act for authority to take without the consent of the owner, the lands and premises hereinafter described:*

File No. 44784

• TUESDAY, the 8th day of April, A.D. 1958.

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing the application at a sitting of the Board at Ottawa, Ontario, on April 8, 1958, in the presence of Counsel for the Applicant Company and for Dr. P. A. MacIntosh, and upon consideration of what has been filed herein—*

*It is hereby ordered as follows:*

The Applicant Company is authorized to take, without the consent of the owner or owners, the lands and premises hereinafter described, which are actually required for the construction, maintenance and operation of the bridge described in the said application across the St. Lawrence River from the vicinity of Prescott, Ontario, to the vicinity of Ogdensburg, New York:

*Firstly*

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town Plot of Johnstown and County of Grenville, being composed of part of the Crown Reserve in front of Lot Number 8 on the north side of Water Street and in front of Charlotte Street, more particularly described as follows:—

PREMISING that the bearings herein mentioned are astronomic;

COMMENCING at the intersection of the southern limit of King's Highway No. 2 with an existing fence distant south 39 degrees 27 minutes 30 seconds west along said limit of Highway Forty-one feet, Eight inches (41'8") from its intersection with the southerly production of the western limit of said Lot Number 8 on the north side of Water Street;

THENCE north 39 degrees 27 minutes 30 seconds east along the southern limit of King's Highway No. 2 a distance of Ninety-nine feet Nine and one-half inches (99' 9½");

THENCE south 51 degrees 40 minutes east Three hundred and thirty feet (330') more or less to the high-water-mark of the St. Lawrence River;

THENCE westerly following the several windings of the last mentioned limit One hundred feet (100') more or less to a point in a line drawn on a course of south 51 degrees 43 minutes east from the point of commencement of the herein described parcel;

THENCE north 51 degrees 43 minutes west to and along an existing fence Three hundred and fifty feet (350') more or less to the point of commencement;

CONTAINING by admeasurement 34,000 square feet, more or less;

SAID DESCRIBED PARCEL being shown outlined in red on a plan of survey made by R. F. Muckelstone, Ontario Land Surveyor, dated November 13th, 1957, attached to the said application and on file with the Board under file No. 44784.

*Secondly*

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town Plot of Johnstown and County of Grenville, being composed of part of the Crown Reserve in front of Lot Number 8 on the north side of Water Street, more particularly described as follows:—

PREMISING that the bearings herein mentioned are astronomic;

COMMENCING at a point in the southern limit of King's Highway No. 2 distant north 39 degrees 27 minutes 30 seconds east thereon Fifty-eight feet, One and one-half inches (58' 1½") from its intersection with the southerly production of the western limit of said Lot Number 8 on the north side of Water Street;

THENCE north 39 degrees 27 minutes 30 seconds east along said southern limit of King's Highway No. 2 a distance of Ninety-nine feet, Nine and one-half inches (99' 9½") to an iron pin planted;

THENCE south 51 degrees 37 minutes east Three hundred feet (300') more or less to the high-water-mark of the St. Lawrence River, passing through an iron pin planted near the said high-water-mark;

THENCE south westerly following the several windings of the last mentioned limit One hundred and five feet (105') more or less to a point in a line drawn on a course of south 51 degrees 40 minutes east from the point of commencement of the herein described parcel;

THENCE north 51 degrees 40 minutes west Three hundred and thirty feet (330') more or less to the point of commencement;

CONTAINING by admeasurement 32,250 square feet more or less.

SAID DESCRIBED PARCEL being shown outlined in red on a plan of survey made by R. F. Muckelstone, Ontario Land Surveyor, dated November 13th, 1957, attached to the said application and on file with the Board under file No. 44784.

CLARENCE D. SHEPARD,

*Chief Commissioner.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 93925 Mar. 21—Approving C.N.R. plan showing automatic protection at crossing of Viau Street, Montreal, Quebec.
- 93926 Mar. 21—Authorizing C.N.R. to reconstruct the bridge over the North Thompson River, in the Province of British Columbia.
- 93927 Mar. 21—In the matter of the application of C.N.R. for an Order rescinding Order No. 92222, dated August 2, 1957, approving location of additional facilities for the handling and storage of flammable liquids at Lucy Lake, Saskatchewan.
- 93928 Mar. 21—In the matter of the application of C.N.R. on behalf of Imperial Oil Limited, for approval of location of proposed additional facilities for the handling and storage of flammable liquids at Stephenville Crossing, Newfoundland, mileage 451.1 Port aux Basques Subdivision.
- 93929 Mar. 21—In the matter of the application of C.N.R. on behalf of The British American Oil Company Limited, for approval of marine terminal facilities for the handling and storage of flammable liquids at Sillery, Quebec.
- 93930 Mar. 21—In the matter of the application of C.N.R. on behalf of Canadian Oil Companies Limited for approval of location of revised and additional facilities for the handling and storage of flammable liquids at Atikokan, Ontario, mileage 140.5 Kashabowie Subdivision.
- 93931 Mar. 21—Approving proposed relocation of C.N.R. freight and passenger shelter at Firdale, Manitoba.
- 93932 Mar. 21—In the matter of the application of C.N.R. on behalf of The British American Oil Company Limited, for approval of location of proposed additional facilities for the handling and storage of flammable liquids at The Pas, Manitoba, mileage 87.6, Turnberry Subdivision.
- 93933 Mar. 21—Permitting the removal of slow order at C.N.R. crossing of Lejeunesse Road, west of Deschambault, Quebec.
- 93934 Mar. 21—In the matter of the application of The Chesapeake and Ohio Railway Company for approval of plan showing signals installed between Pelton and Blenheim, Ontario.
- 93935 Mar. 21—Authorizing the Quebec Department of Roads to widen the highway across the C.N.R. tracks at mileage 3.34 Batiscan Subdivision.
- 93936 Mar. 21—In the matter of filing of tariffs by The Bell Telephone Company of Canada.
- 93937 Mar. 21—In the matter of the Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service.
- 93938 Mar. 24—In the matter of the application of the C.N.R. for approval of revised plan showing the signalling proposed to be installed between mileage 17 and mileage 22 Oakville Subdivision, Ontario.
- 93939 Mar. 24—Relieving the C.P.R. from erecting right of way fencing between certain mileages on its Broadview Subdivision, Saskatchewan.
- 93940 Mar. 24—Authorizing Corbett Lumber Company to construct a private logging road to cross over the company pipe line of the Westcoast Transmission Company Limited in the Province of British Columbia.
- 93941 Mar. 24—Authorizing Corbett Lumber Company to construct a private logging road across and over the company pipe line of the Westcoast Transmission Company Limited in the Province of British Columbia.
- 93942 Mar. 24—Authorizing Northern Alberta Railways Company, to use the bridge at mileage 11.2 Edmonton Subdivision, Alberta.
- 93943 Mar. 24—In the matter of the application of the C.N.R. on behalf of the British Columbia Power Commission for approval of the proposed location of facilities for the handling and storage of Class II flammable liquids at Terrace, British Columbia, mileage 24.7 Skeena Subdivision.

- 93944 Mar. 24—Authorizing the C.P.R. to operate under the overhead bridge at mileage 22.57 Carleton Place Subdivision, Ontario.
- 93945 Mar. 24—Dismissing the application of the Canadian Trucking Association for disallowance of certain competitive rates published by the C.N.R. and C.P.R. on commodities moving between points in Manitoba, Saskatchewan, Alberta and British Columbia.
- 93946 Mar. 24—Authorizing the C.P.R. to replace the existing protection at the crossing of its railway and the highway at Deroche, British Columbia.
- 93947 Mar. 24—In the matter of the application of C.N.R. for approval of certain revised drawings showing details of subway at mileage 4.89 Oakville Subdivision, Ontario.
- 93948 Mar. 24—Permitting the removal of slow order at C.N.R. crossing east of the City of Drummondville, Quebec.
- 93949 Mar. 24—In the matter of the application of Northwest Steamships Limited for a licence under section 10 of the Transport Act.
- 93950 Mar. 24—In the matter of the application of Canada Steamship Lines Limited, for a licence under section 10 of the Transport Act.
- 93951 Mar. 24—In the matter of the application of Trans-Canada Pipe Lines Limited for approval of plan, profile and book of reference, and granting leave to the applicant to carry its company pipe line across all highways as shown on the said plan.
- 93952 Mar. 24—In the matter of the application of Canada Steamship Lines Limited (including its wholly owned subsidiary Northern Navigation Company Limited operated by the licensee as its Northern Navigation Division) for a licence under section 10 of the Transport Act.
- 93953 Mar. 24—In the matter of the application of Canada Steamship Lines Limited for a licence under section 10 of the Transport Act.
- 93954 Mar. 24—In the matter of the application of Trans-Canada Pipe Lines Limited for an Order approving plan, profile and book of reference, and granting leave to the Applicant to carry its company pipe line across all highways and railways as shown on the said plan.
- 93955 Mar. 24—Requiring the C.N.R. to install certain protection at the crossing of their railway and Highway No. 60 at Val d'Or, Quebec.
- 93956 Mar. 25—Authorizing the Town of Leamington, Ontario, to construct Sherk Street across the tracks of the New York Central Railroad Company.
- 93957 Mar. 25—In the matter of the application of Northern Alberta Railways Company for approval of location of proposed facilities for the handling and storage of flammable liquids at Rycroft, Alberta, mileage 352.1 Smoky Subdivision.
- 93958 Mar. 25—Authorizing the C.N.R. to reconstruct the bridge over the Cowichan River, British Columbia, at mileage 66.2 Cowichan Subdivision.
- 93959 Mar. 26—Authorizing the British Columbia Department of Highways to construct a highway across the C.P.R. by means of an overhead bridge at mileage 24.7 Shuswap Subdivision, British Columbia.
- 93960 Mar. 26—Authorizing the City of Windsor, Ontario, to relocate Walker Road where it crosses the Chesapeake and Ohio Railway Company and the C.N.R. in the City of Windsor.
- 93961 Mar. 26—Permitting the removal of slow order at C.N.R. crossing of County Road No. 16 at Reaboro, Ontario.
- 93962 Mar. 26—In the matter of the application of the C.P.R. on behalf of Rockgas Propane Limited, for approval of location of proposed facilities for the handling and storage of liquefied petroleum gas at Courtenay, British Columbia, mileage 139.31 Victoria Subdivision.
- 93963 Mar. 26—In the matter of the application of the C.N.R. on behalf of The British American Oil Company Limited, for approval of location of proposed facilities for the handling and storage of flammable liquids at Rosssburn, Manitoba, mileage 78.83 Rosssburn Subdivision.

- 93964 Mar. 26—In the matter of the application of C.N.R. on behalf of North Star Oil Limited, for approval of location of revised and additional facilities for the handling and storage of flammable liquids at Smoky Lake, Alberta, mileage 64.6 Coronado Subdivision.
- 93965 Mar. 26—Authorizing the Ontario Department of Highways to construct Highway No. 11 across the C.N.R. by means of an overhead bridge in the Township of West Ferris, Ontario.
- 93966 Mar. 26—Relieving C.P.R. from erecting cattle guards at certain crossings on its Shamrock Subdivision, Saskatchewan.
- 93967 Mar. 26—In the matter of the application of Trans Mountain Oil Pipe Line Company for an Order approving plan, profile and book of reference.
- 93968 Mar. 26—Authorizing Northwestern Utilities Limited to construct a gas pipe line across the oil pipe line of Trans Mountain Oil Pipe Line Company in the Province of Alberta.
- 93969 Mar. 27—Permitting the removal of slow order at C.P.R. crossing at Abercorn, Quebec.
- 93970 Mar. 27—In the matter of Tariff C.T.C. 25 of The Detroit and Windsor Subway Company and Detroit & Canada Tunnel Corporation issued on February 15, 1958, to be effective on March 16, 1958, in respect of the tunnel between the City of Windsor, Ontario, and City of Detroit, Michigan and Order No. 93843, dated March 11, 1958.
- 93971 Mar. 27—Authorizing the Saskatchewan Department of Highways and Transportation to widen Highway No. 8 where it crosses the C.N.R. at mileage 45.71 Preeceville Subdivision, Saskatchewan.
- 93972 Mar. 27—Authorizing Cattermole Timber Limited to construct a private logging road across pipe line of Trans Mountain Oil Pipe Line Company, in the Province of British Columbia.
- 93973 Mar. 27—Authorizing the Rural Municipality of Mankota, Saskatchewan, to relocate Grid Road where it crosses C.P.R. in the Province of Saskatchewan.
- 93974 Mar. 27—Authorizing the Ontario Department of Highways to relocate Highway No. 43 at grade across the tracks of the C.P.R. in the Township of Roxborough, Ontario.
- 93975 Mar. 27—Dismissing the application of Industrial Traffic Bureau Limited re Transit Arrangements on Rough Lumber.
- 93976 Mar. 27—In the matter of consideration of improved protection at the crossing of the railway of Canadian Pacific Railway Co. and Dorchester St., in the City of Quebec, P.Q.
- 93977 Mar. 27—Requiring the C.N.R. to install certain protection at the crossing of Metabetchouan Rd., south of Blackburn, Que.
- 93978 Mar. 27—In the matter of the application of C.P.R. on behalf of The British American Oil Co. Ltd., for approval of location of revised and additional facilities for the handling and storage of flammable liquids at Altona, Man. mileage 6.8 Gretna Subd.
- 93979 Mar. 28—In the matter of the accident on March 15, 1958, at the crossing of the highway and Quebec Central Railway, being just south of the station at Bishopton, Que. mileage 26.24 Quebec Subd.
- 93980 Mar. 28—Permitting the removal of slow order at C.N.R. crossing at mileage 11.27, Togo Subd. Man.
- 93981 Mar. 28—Authorizing the C.N.R. to extend its siding at Caye, Man.
- 93982 Mar. 28—Authorizing the C.N.R. to extend its siding at Scott, Sask.
- 93983 Mar. 28—Authorizing the Munic. of Metropolitan Toronto to relocate Pottery Road across the C.N.R. in the Munic. of Metropolitan Toronto, Ont.
- 93984 Mar. 28—Authorizing the C.N.R. to construct a siding across Russell Road, Ottawa, Ont.
- 93985 Mar. 31—Permitting the removal of slow order at C.N.R. crossing of Governors Rd., mileage 42.7, Dundas Subd., Ont.

- 93986 Mar. 31—In the matter of application of C.N.R. for an Order amending Order No. 91752, dated June 7, 1957, authorizing the installation of automatic protection at the crossing of its railway and Clarke Side-road, east of Oxford St. between lots 4 and 5, Concession 2, Twp. of London, Ont. mileage 28.3 Thorndale Subd.
- 93987 Mar. 31—Authorizing the C.N.R. to operate over the bridge over Knee Hills Creek, Alta. mileage 78.8 Three Hills Subd.
- 93988 Mar. 31—Approving under the Maritime Freight Rates Act tolls published in certain tariffs filed by C.N.R. under Section 3.
- 93989 Mar. 31—Authorizing the C.N.R. to operate over the bridge over Rosebud River, Alta. at mileage 74.6, Drumheller Subd.
- 93990 Mar. 31—In the matter of application of C.N.R. for approval of plan showing signals installed between Union Station, Winnipeg and Paddington, Man.
- 93991 Mar. 31—Authorizing the C.P.R. to operate under the overhead bridge at mileage 1.64, Mountain Subd., B.C.
- 93992 Mar. 31—Permitting the removal of slow order at C.P.R. crossing of St. Louis St., Farnham, Que.
- 93993 Mar. 31—Authorizing the C.P.R. to operate its trains under the overhead bridge at mileage 43.78 Nelson, B.C.
- 93994 Mar. 31—Authorizing the Quebec Dept. of Roards to construct its connecting road across the C.N.R. in the County of Jacques Cartier, mileage 2.65, Montfort Subd., Que.
- 93995 Mar. 31—Authorizing the C.P.R. to discontinue operation of its St. Gabriel Subd. passenger train service, Que.
- 93996 Mar. 31—Authorizing the C.N.R. to extend its siding at Exira, Man.
- 93997 Mar. 31—In the matter of application of C.N.R. for an order amending Order No. 93698 dated Feb. 19, 1958, authorizing the installation of automatic protection at the crossing of their railway and the railway of C.P.R. and Highways Nos. 3 and 6 east of Melfort, Sask. mileage 97.8 Tisdale Subd. of C.N.R.
- 93998 Mar. 31—Authorizing the Dist. of Burnaby, B.C. to construct certain water mains on Willoughby St. and Noel Drive.
- 93999 Mar. 31—Authorizing the C.P.R. to operate under the overhead bridge at mileage 65.88, Laggan Subd., Alta.
- 94000 Mar. 31—Authorizing the C.P.R. to operate under the overhead bridge at mileage 85.71, Laggan Subd., Alta.
- 94001 Apr. 1—Permitting the removal of slow order at C.P.R. crossing at Buckingham Junction, Que.
- 94002 Apr. 1—In the matter of Order No. 69687, dated October 30, 1947.
- 94003 Apr. 1—In the matter of protection at the crossing of Norfolk St. (Highway No. 24), and the C.N.R. in the Town of Simcoe, Ont. mileage 73.18, Cayuga Subd. directed by Order No. 71365, dated October 21, 1948, and Order No. 86634, dated July 22, 1955.
- 94004 Apr. 1—Permitting the removal of slow order at Dominion Atlantic Railway crossing west of the station at Lawrencetown, N.S.
- 94005 Apr. 1—In the matter of The Bell Telephone of Canada for approval of revised Appendix to Traffic Agreement between it and the Rural Telephone Co. of Kitley Ltd.
- 94006 Apr. 1—In the matter of application of The Bell Telephone Co. of Canada, for approval of revised appendix to Traffic Agreement between it and the Lyndhurst Telephone Co. Ltd.
- 94007 Apr. 1—In the matter of application of the Bell Telephone Co. of Canada for approval of appendix to Traffic Agreement between it and the Addison Rural Independent Telephone Co. Ltd.
- 94008 Apr. 1—Directing the Canadian National Railways to place an all-time watchman at the crossing of Russell Road, Ottawa.

- 94009 Apr. 1—Permitting the removal of slow order at C.P.R. crossing west of Pendleton, Ont.
- 94010 Apr. 1—Authorizing the Village of Golden, B.C. to maintain the street crossing at Bonanza St. and the C.P.R.
- 94011 Apr. 1—In the matter of application of C.P.R. for an extension of time for construction of a branch line of railway in the Twp. of Whitby, Ont., and for installation of protection thereon, authorized by Order No. 89862 dated Oct. 2, 1956, as amended.
- 94012 Apr. 2—In the matter of application of Trans-Northern Pipe Line Co. for authority to construct a 10-inch diameter loop of its company pipe line across certain streets and a railway in the Twp. of North York, County of York, Ont.
- 94013 Apr. 2—Authorizing the C.N.R. to construct a siding at Tako, Sask.
- 94014 Apr. 2—Authorizing the C.P.R. to remove the caretaker at Kedleston, Sask.
- 94015 Apr. 2—Authorizing the C.N.R. to relocate its tracks across Sullivan St., Port Mann, B.C.
- 94016 Apr. 2—Authorizing the C.N.R. to open for freight traffic a portion of its reconstructed line serving its freight sheds adjoining the City of Ottawa, Ont.
- 94017 Apr. 2—Authorizing the Sask. Dept. of Highways and Transportation to widen Highway No. 42 where it crosses the C.P.R. at Eyebrow, Sask.
- 94018 Apr. 2—Authorizing the C.P.R. to operate over the concrete bridge over the siphon of the Alta. Dept. of Water Resources at mileage 79.57, Suffield Subd.
- 94019 Apr. 2—Approving operation of C.N.R. trains over private siding serving James and Reimer Ltd., Edmonton, Alta.
- 94020 Apr. 2—Authorizing the C.P.R. to construct a siding to serve Western Canadian Seed Processors Ltd. in the City of Lethbridge, Alta.
- 94021 Apr. 2—In the matter of application of Dept. of Highways and Transportation of the Province of Sask. for an Order authorizing the construction of an overhead bridge across the right of way of the C.P.R. in the Northwest quarter of Sec. 27, Twp. 16, Rge. 5, West 2nd Meridian, Sask. mileage 1.6 Indian Head Subd.
- 94022 Apr. 2—In the matter of application of Dept. of Highways and Transportation of the Province of Sask. for an Order authorizing the construction of the Trans-Canada Highway across the right of way of C.P.R. by means of an overhead bridge at mileage 94.64 Maple Creek Subd. in the Northwest quarter of Sec. 6, Twp. 12, Rge. 27, West 3rd Meridian, Sask.
- 94023 Apr. 2—Authorizing the C.P.R. to dispense with the caretaker at Shuswap, B.C.
- 94024 Apr. 2—Permitting the removal of slow order at C.N.R. crossing west of switch at Grahamvale, Ont.
- 94025 Mar. 31—In the matter of the general freight rates investigation directed by Order in Council P.C. 1487, dated April 7, 1948, (Equalization case) re commodity freight rates and of section 336 of the Railway Act: AND in the matter of the Judgment and Order No. 92504 therein, dated Sept. 18, 1957.
- 94026 Apr. 2—Authorizing The Lake Erie & Northern Railway Co. to remove the station building at Glen Morris, Ont.

The Board of  
**Transport Commissioners for Canada**

Judgments, Orders, Regulations and Rulings

Vol. XLVIII

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*In the matter of re-examination by the Board of Transport Commissioners for Canada of the rule governing the position of utility companies in relation to the apportionment of cost of railway-highway grade separations.*

File No. 38329.

Heard in Ottawa October 22 and 23, 1957, and February 11 and 12, 1958

**Before:**

C. D. SHEPARD, Q.C., *Chief Commissioner.*  
ARMAND SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
HOWARD B. CHASE, C.B.E., *Commissioner.*

**Appearances:**

J. L. O'BRIEN, Q.C., JOHN A. NOLAN, Q.C., N. A. MUNNOCH, Q.C.,  
F. A. BURGESS, G. F. BONNYCASTLE, and ERNEST E. SAUNDERS,  
for The Bell Telephone Company of Canada.  
K. D. M. SPENCE, Q.C., and A. J. ALLISTON, for the Canadian Pacific  
Railway Company.  
J. W. G. MACDOUGALL, for the Canadian National Railways.  
L. R. McDONALD, Q.C., for The Hydro-Electric Power Commission  
of Ontario.  
F. A. CAWTHORNE, Q.C., for Toronto Electric Commissioners.  
J. J. FRAWLEY, Q.C., for Alberta Government Telephones.  
S. L. DAVIES, for Manitoba Telephone System.  
Hon. J. W. deB. FARRIS, Q.C., for the British Columbia Telephone  
Company.  
B. S. LOWE, for the British Columbia Electric Company Limited  
and British Columbia Electric Railway Company Limited.  
R. J. ZIMMERMAN and W. BAKER, for Consumers' Gas Company  
of Toronto and Provincial Gas Company Limited.  
L. G. GANNE, for the Saskatchewan Power Corporation.  
B. C. FAIRCHILD, for the Canadian Electrical Association.  
LEO ROY and A. M. DUFRESNE, for the Quebec Hydro-Electric  
Power Commission.

- J. D. ARNUP, Q.C., and A. R. DICK, for the Minister of Highways of Ontario.
- F. PALIN, for the Canadian Gas Association.
- F. A. A. CAMPBELL, Q.C., and W. L. CALLOW, for the Corporation of the City of Toronto.
- A. P. G. JOY, for the Municipality of Metropolitan Toronto and Township of North York.
- J. McCUBBIN, for the Municipality of Metropolitan Toronto.
- T. E. CROSS, for the Quebec Natural Gas Corporation.
- H. R. DAVIDSON, Q.C., for the Corporation of the City of London.
- DAWSON A. McDONALD, Q.C., and GEORGE GOULD, for the City of Montreal.
- GORDON C. MEDCALF, Q.C., for the City of Ottawa.
- HOLLIS E. BECKETT, Q.C., for the Township of Scarborough.
- JAMES E. WATSON, Q.C., and R. J. DESMARAIS, for the City of Windsor.
- W. S. ROGERS, for the Township of North York.
- E. M. BREDIN, for the City of Calgary.
- BENOIT PELLETIER, Q.C., for the City of Quebec.
- LEOPOLD PINSONNAULT, Q.C., for the City of Trois-Rivieres.
- J. D. LUCAS, Q.C., for the County of York and the Toronto and York Roads Commission.
- K. E. HARP, representing the Gatineau Power Company.
- T. KALISKI, representing Southern Canada Power Company.

## JUDGMENT

SHEPARD, Chief Commissioner:

### 1. *Origin of Case:*

The Board, by Section 265 of the Railway Act, is required to administer the Railway Grade Crossing Fund in the manner therein stipulated. Under the discretion granted to it by this section, and by sections 39 and 262, the Board developed a rule of practice which, together with the Board's attitude towards such rule, is stated as follows at pp. 65-66 of the Board's Report on the Railway-Highway Crossing Problem in Canada, dated May 10, 1954:

"Removal of Facilities of Public Utilities.

The principle which the Board follows in respect of apportionment of costs incurred by the Bell Telephone Company of Canada and other public utilities in moving their wires and facilities to permit grade separation or other protection at level crossings was stated by Guthrie, Chief Commissioner, in 1937 in the case of Bell Telephone Company v. C.N.R., 46 C.R.C. 329 at 336-40 in the following words:

"The general principle upon which the Board has acted for many years may be briefly stated as follows: When an application is made for grade separation by a railway company, or by a municipality, either for the greater convenience or facility of the applicant in the movement of traffic or for the re-arrangement of streets and which may ultimately result in affording greater protection and safety to the public who use the crossing, the Board deems that the matter of greater convenience or improved facility to the applicant constitutes the main purpose of the application, and that improved crossing protection is merely incidental to the main purpose. In such cases where the removal of the plant and equipment of utility companies is ordered, the cost of such removal is

placed upon the applicant. Upon the other hand, where the paramount reason for grade separation appears to be the protection, safety and convenience of the public in the use of the crossing, and where the removal of the plant and equipment of utility companies becomes necessary, the Board has decided in many cases that under such circumstances the cost of removal and erection of equipment should be borne by the utility companies. While it is true that utility companies neither create nor aggravate the danger at grade crossings, nor do they benefit from grade separation, the Board has always considered that where the project is in reality *pro bono publico*, utility companies should bear the expense of moving their plant and equipment for the free use of streets enjoyed by them.'

The Bell Telephone Company of Canada has objected in a number of cases to this principle and presented a seventy-eight page brief during the present investigation in which it submitted that the Board should ensure that when private property of utility companies is injuriously affected by an alteration in the grade of the street, even if the alteration is made in the public interest, the utility companies are compensated for this injurious affection by being reimbursed the full amount of their costs in relocating their facilities to accommodate them to the new street condition or grade; furthermore that it is unjust and inequitable to discriminate against such utility companies, which neither cause nor contribute to the danger, by compelling them to bear the whole cost of altering their facilities.

The principle above mentioned was considered by the Supreme Court of Canada in 1939 in *C.N.R. v. Bell Telephone Company*, 50 C.R.T.C. 10, and *Bell Telephone Company v. C.N.R.* 50 C.R.T.C. 22. The Supreme Court stated, *inter alia*,

"It has already been observed that, while it is, no doubt, the duty of the Board of Railway Commissioners to act reasonably in discharging the responsibility involved in the exercise of its powers and not arbitrarily and capriciously, the Railway Act does not afford any rule or guide, nor does the law afford any rule or guide, by which the Board is or can be governed in determining what, in the circumstances of any particular case, is the reasonable order to make under ss. (2) of s. 39 in respect of the allocation of costs. The Board itself has adopted a principle fully explained in the passages quoted from the Judgment of the Chief Commissioner which it has followed in making orders as to costs where works ordered by the Board in connection with highway crossings have involved in their execution the removal of the plants of what are commonly known as public utility companies. It is entirely within the competence of the Board to lay down and follow such a rule of practice which, no doubt, it has found to be a just and reasonable rule.'

and the Supreme Court dismissed the appeal by the Bell Telephone Company on certain questions including the following question: 'Had the Board jurisdiction to order the utility companies affected to move their facilities at their own expense and without compensation in the circumstances in this case?'

As the objection is not to the legislation under which the Board acts, but to the principle which the Board follows, which it may change if it sees fit, the Board does not recommend any change in the Railway Act in this connection."

Section 36 of the Railway Act reads:

"The Board may, of its own motion, or shall, upon the request of the Minister, inquire into, hear and determine any matter or thing that,

under this Act, it may inquire into, hear and determine upon application or complaint, and with respect thereto has the same powers as, upon any application or complaint, are vested in it by this Act."

Pursuant to this Section, the Minister of Transport wrote to the then Chief Commissioner of the Board on September 14, 1955, formally requesting the Board to re-examine the position of utility companies in relation to the apportionment of cost of grade separations and the principles applied thereto in the light of present day conditions.

This Judgment follows hearings which took place in compliance with this formal request by the Minister of Transport.

As the appearances at the hearings indicate, the Board has had the benefit of a broad cross section of views from all types of utilities, municipalities and highway authorities located in many different parts of Canada and subject to various different provincial statutes, as well as from the railways. Rather than deal with these views as put forward by each party represented, the principal points made are set out under the following headings as a background against which to assess the merits of the various submissions:

Summary of Utilities' Position.

Summary of Position of Municipalities and Highway Authorities.

Summary of Railways' Position.

## 2. *Summary of Utilities' Position:*

- The utilities do not benefit from grade separations; neither their service nor their revenues are improved thereby.
- The utilities do not contribute to the hazards which are eliminated by the construction or improvement of grade separations.
- The utilities are innocent bystanders; they are not consulted and have no means of avoiding relocation costs related to grade separations since they do not and cannot control whether these projects should be undertaken.
- Even during periods when their revenues are down, utilities are powerless to avoid relocation costs: this is particularly unfair to the utilities, since the construction or improvement of grade separations is apt to be among public works projects which are stepped up in times of recession or depression.
- The so-called "free use" of streets by utilities is, by and large, in consideration of the utilities supplying their respective services and must be deemed to be in the public interest in keeping the rates charged to utilities' users at a reasonably low level.
- The history of the Railway Grade Crossing Fund as outlined at p. 19 of the Board's 1954 Report and subsequent legislation in 1955 increasing the Fund to \$5,000,000 per year, coupled with highway and vehicle growth statistics, show changed conditions to the extent that grade separations are today invariably required for improvement of traffic flow to a greater extent than for safety and protection, since safety and protection can usually be achieved by crossing protection only.
- Many utilities are taxpayers to all levels of government and feel that they contribute sufficiently in that capacity to grade separation costs without being required to assume the added burden of their own relocation costs.
- Utilities operate as much in the public interest as do municipalities or railways.
- The extent to which railway, municipal and utility rights on highways or across highways are granted by federal or provincial legislation must in each case be deemed to be in the public interest. Since this is so, utilities should not be singled out to pay their own relocation costs.

- As a matter of principle, the total cost of each grade separation project should, in fairness, justness and equity, include the cost of relocation of any and all utility plants affected.
- The manner of computing utility costs should be a matter for determination by the Board at the time of approval of each individual project.
- The Board should require the Applicant in each case to list in its application the utilities affected and to serve each of them with a copy of the application and supporting material.
- The Board should not consider itself bound by its previous rulings where justness and fairness are not today served because of changed conditions.
- Easements, such as those granted to telephone utilities are a benefit only if they are used by the utility; in this regard, the utilities' position is not as favourable as that of a railway which owns its right-of-way, or a municipality or highway authority which owns its highways, since railway right-of-ways and highways can be sold if not required or used.
- The present rule of the Board under today's conditions makes an illogical distinction between a grade separation constructed for improvement of highway traffic flow and one constructed for safety and protection since in all instances, it is invariably a work for the public good. The rule is therefore now obsolete and no distinction need be made on the basis of the primary purpose of each project.
- Today's paramount reason for grade separation construction or improvement is highway convenience.
- Provincial legislation is of no relevance to the issue; the Board's rule must be fairly applicable on a national basis, irrespective of variations in Provincial legislation which may or may not assist utilities.
- The Board's rule should be consistent with the general principle that property rights cannot be taken away for the benefit of the public without compensation.
- To a small local utility with relatively small earning capacity, the imposition of its relocation costs could seriously impair its overall financial position.

### 3. *Summary of Position of Municipalities and Highway Authorities:*

- The relocation costs of utilities should be borne by those who use them, not by the general public.
- If utility relocation costs are included in the overall costs of grade separation projects, the end result will be to increase the cost of the project to the Municipality or highway authority; this would be particularly serious to smaller municipalities.
- Utilities are already receiving some assistance, in varying degree, by differing provincial legislation: they are entitled to no more except at the hands of the respective provincial legislatures.
- The trend toward publicly owned utilities allows an adjustment, if deemed equitable by any provincial legislature to be made by provincial statute in favour of the utilities.
- Utilities have failed to make out a case for a change in the Board's rule.
- The Board now has jurisdiction, through its statutory discretion, to depart from its rule in any case of clear and obvious hardship upon a utility; the present rule is equitable and just.
- The distinction between the right of use of a highway by a utility and the ownership of the highway cannot be ignored.

- The benefit rule is not properly applicable to a utility.
- All taxpayers contribute to grade separation costs as do the railways: utilities should be required to do likewise.
- Nothing should be done to increase the financial burden on the Municipalities.

#### 4. *Summary of Railways' Position:*

- The benefit principle is only a guide, not a precise rule: it was not and should not be rigidly followed by the Board.
- The railways fear that, if the rule is changed, some portion of the utilities' relocation costs will be payable by them.
- Utilities' relocation costs should not form part of the overall grade separation project costs.
- The utilities are a third party not owning their own right-of-way.
- The railways would not object to the utilities receiving assistance from the Railway Grade Crossing Fund providing such assistance was not at the expense of the railways, the municipalities or the highway authorities.
- In any event, utilities should not receive 100% of their relocation costs since other parties do not do so.
- A special grant for public utilities might be logical, but the railways do not advocate this. The railways support the municipal and highway authorities' view that the Board's present rule is adequate.

#### 5. *Discussion and Conclusions:*

During the hearing, the Board was referred to many decisions, both its own and others, to United States legislative attitude on the question and to various passages from the Board's Report on the Railway-Highway Crossing Problem in Canada, dated May 10, 1954. These references have been carefully studied by the Board and no useful purpose is served by a detailed review of them in this Judgment. The Board has also concluded that, for the purpose of determining the issue, it is unnecessary, and indeed improper, for it to take cognizance of provincial law as it may exist in varying forms in the different provinces.

All parties agree that the Board has a discretion in the allocation of costs of construction or improvement of grade separations. All parties agree that utilities, except under most unusual circumstances, do not contribute to the hazards at railway-highway crossings, nor are their respective services to their customers improved by paying relocation costs made necessary by the construction or improvement of grade separations. These are matters of fact which the Board finds cannot be controverted. The Board also finds as a fact that conditions have changed substantially since the present rule of the Board was last applied and discussed in detail in 1948, now ten years ago, in *Toronto v. C.N.R. and C.P.R.*, 63 C.R.T.C. 261.

During the past ten years, highway construction and highway use have increased tremendously. There has been a large increase in the number of grade separation projects and, without attempting to forecast the future, it seems safe to assume that this trend will continue. Pursuant to Order in Council P.C. 1953-52, of January 14, 1953, the Board studied the railway-highway crossing problem, as directed, and reported to the Governor in Council on May 10, 1954. The Railway Grade Crossing Fund was increased from \$1,000,000 to \$5,000,000 in 1955 and allowable percentage and dollar contributions from the Fund for individual projects were also substantially increased (1955 Statutes of Canada, chap. 41). In the Board's opinion, these facts, viewed together, constitute substantially changed conditions.

The evidence and argument placed before the Board in the present proceedings justify the conclusion that most, if not all, grade separation projects today are made necessary and desirable by the factor of ensuring the free flow of highway traffic to a greater extent than by the factors of safety and protection. The Board therefore finds that the utilities have made out a good case for relief.

The Board is not, however, prepared to accept the suggestion that the utilities should be reimbursed for their full relocation costs incurred by the construction or improvement of grade separations. The Board considers that the utilities' position would be fairly and adequately dealt with if they should be permitted to recover from the Railway Grade Crossing Fund the same percentage on projects involving construction or reconstruction and improvement, as the case may be, as permitted as a contribution from the Fund to other costs as those percentages are presently fixed and as they may be varied from time to time in the future, but that the utilities should themselves absorb the balance of such relocation costs.

The Board is mindful of the fact that if it should exercise its discretion in favour of the utilities to the extent already indicated, the end result, on all projects where the dollar rather than the percentage limit would apply to the contribution from the Railway Grade Crossing Fund, would be that the municipalities, highway authorities and possibly the railways would be obliged to pay an additional amount. The Board is not prepared to exercise its discretion in a manner which would thus impose an added financial burden on the other parties, particularly the municipalities, since to do so would, in the Board's view, tend to defeat what the Board conceives to be one of the basic functions of the Railway Grade Crossing Fund, i.e., to encourage the construction and improvement of grade separations by these other parties.

The Board is therefore prepared to alter its present rule at this time to the following extent only:

1. In future, any Applicant for a grade separation shall notify the Board of any utilities affected by the proposed project and shall serve such utilities with a copy of its application and supporting material.

2. On any project for grade separation construction, reconstruction or improvement, towards which a grant is made from the Railway Grade Crossing Fund, where the total costs thereof, including all utility relocation costs, are such that the percentage rather than the dollar limit provided by Section 265 of the Railway Act would apply to the contribution from the Railway Grade Crossing Fund, the Board will, in future, grant to the utility or utilities affected the same percentage of such relocation costs as is granted to the other costs of the project. This ruling applies to the percentages now authorized by Section 265 and as they may be varied from time to time in the future. This finding will be applied by the Board to the following applications on which this question has been reserved pending the outcome of this hearing:

ORDER NO.	RAILWAY	LOCATION	UTILITIES MENTIONED
87815..... Jan. 16/56	C.N.R.....	Mercier Street in Town of Victoriaville, mileage 55.64 Danville Subd., P.Q.	Bell Telephone
89186..... July 9/56	T.H. & B.....	Hwy. No. 2, Lot 43, Conc. 4, Twp. of Brantford, mileage 59.17 Waterford Subd., Ont.	Bell Telephone Ont. Hydro Consumers' Gas
90880..... Feb. 4/57	C.N.R.....	St. Jean St., Village of Charny, mil. 103.2, Armagh Subd., P.Q.	Bell Telephone
91103..... Mar. 4/57	C.N.R.....	Plank Road & Indian Road, City of Sarnia, Ont.	Ont. Hydro, Bell Telephone.
92807... Oct. 29/57	C.P.R.....	Pottery Road, Toronto, Ont.....	Ont. Hydro, Bell Telephone, Consumers' Gas.
93518..... Jan. 29/58	C.N.R.....	County Road No. 22, Twp. of Glandford, Ont.	Bell Telephone, Ont. Hydro.

The Board further finds that the manner of computing utility relocation costs is a matter which should properly be determined by the Board in relation to the circumstances of each project.

It has already been mentioned that the origin of this matter was a letter from the Minister of Transport requesting the Board, under Section 36 of the Railway Act, to re-examine the position of utility companies in relation to the apportionment of costs of grade separations. Since the Board, as a result of these hearings, has concluded that conditions have changed sufficiently to warrant relief to the utilities, but further, since the Board is not prepared to exercise its discretion to grant such relief to the financial detriment of the other parties affected, particularly the municipalities, the Board is, concurrently with the issuance of this Judgment, reporting to the Minister of Transport its recommendation that the Railway Act be amended in a manner which will enable the Board, on any project where the dollar rather than the percentage limit applies, to make a grant to the utilities from the Railway Grade Crossing Fund in the same manner and to the same extent as grants are authorized by the Board for the assistance of other parties affected, such grants to the utilities to be in addition to and separate from grants to other parties. The Board's recommendation to the Minister will include the following applications on which the question has been reserved pending the outcome of this hearing:

ORDER NO.	RAILWAY	LOCATION	UTILITIES MENTIONED
88366..... Mar. 13/56	C.P.R.....	Royal York Rd., Dundas St., Twp. of Etobicoke, mileages 7.70 and 7.76, Galt Subd., Ont.	Consumers' Gas, Bell Telephone, Ont. Hydro, Toronto Transit.
88437..... Mar. 23/56	C.N.R.....	Greenwood Ave., City of Toronto, mileage 330.27, Oshawa Subd., Ont.	Toronto Electric Comm., Consumers' Gas, Bell Telephone.
88436..... Mar. 23/56	C.P.R.....	Bloor St. West, City of Toronto, mileage 8.9 Galt Subd., Ont.	Bell Telephone, Ont. Hydro, Consumers' Gas.
90758..... Jan. 22/57	Algoma Central and Hudson Bay	Wellington Street, City of Sault Ste. Marie, Ont.	Bell Telephone, Great Lakes Power Comm., Public Utilities Comm. of Sault Ste. Marie, Gr. Northern Gas Co.
91476..... Apr. 30/57	C.P.R. & C.N.R. & Toronto Ter.	Eastern Avenue, Toronto, Ont.....	Toronto Electric Comm., Consumers' Gas, Bell Telephone, Ont. Hydro.
91884..... June 25/57	C.N.R.....	St. Joseph Blvd., City of Drum- mondville, mileage 98.5 Drum- mondville Subd , P.Q.	Bell Telephone.
92000..... July 10/57	C.N.R.....	Fairview, Halifax, N.S.....	N.S. Light & Power, Maritime Tel. & Tel.
92807..... Oct. 29/57	C.P.R.....	Pottery Road, Toronto, Ont.....	Ont. Hydro, Bell Telephone, Consumers' Gas.

CLARENCE D. SHEPARD.

*I concur:*

A. SYLVESTRE.

*I concur:*

H. B. CHASE.

MARCH 19, 1958.

*In the matter of the application of Canadian Trucking Associations, dated August 21, 1957, requesting the disallowance of certain competitive rates published by the Canadian National Railways and the Canadian Pacific Railway Company on commodities moving between points in Manitoba, Saskatchewan, Alberta and British Columbia.*

File No. 47439.9

HEARD in Ottawa, February 18, 1958.

Before:

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*  
 F. M. MACPHERSON, *Commissioner.*  
 H. B. CHASE, C.B.E., *Commissioner.*

Appearances:

H. E. B. COYNE, Q.C., for Canadian Trucking Associations.  
 K. D. M. SPENCE, Q.C., for the Canadian Pacific Railway Company.  
 J. W. G. MACDOUGALL, Q.C., and W. G. BOYD, for the Canadian National Railways.  
 H. I. ROBINSON, representing the Canadian Transport Tariff Bureau.

#### JUDGMENT

SHEPARD, Chief Commissioner:

This is an application by the Canadian Trucking Associations, dated August 21, 1957, requesting the disallowance, as more specifically stated therein, of certain competitive rates published by the Canadian National Railways and the Canadian Pacific Railway Company on certain commodities moving between certain points in Manitoba, Saskatchewan, Alberta and British Columbia.

At the hearing on February 18, 1958, a motion was made on behalf of the two railways for dismissal of the application on the ground that the Applicant has no status to invoke the jurisdiction of this Board. At the conclusion of the argument, the hearing was adjourned sine die. This Judgment deals only with the motion and not with the facts alleged by the Applicant in support of its application.

The application requests “. . . the disallowance of the aforementioned rates on the grounds that the said rates are not compensatory and are lower than necessary to meet the competition and, further, fail to meet the requirements set out in Section 334 of the Railway Act.” It is emphasized at the outset that the Applicant's complaint is limited to the level of the rates in question and does not include any allegation of unjust discrimination in railway facilities, rates or services.

Reference was made during the hearing to certain sections of the Railway Act, including the following:

“33(1) The Board has full jurisdiction to inquire into, hear and determine any application by or on behalf of any *party interested*.

(a) complaining that any company, or person, has failed to do any act, matter or thing required to be done by this Act, or the Special Act, or by any regulation, order or direction made thereunder by the Governor in Council, the Minister, the Board, or any inspecting engineer or other lawful authority, or that any company or person has done or is doing any act, matter or thing contrary to or in violation of this Act, or the Special Act, or any such regulation, order or direction, or

- (b) requesting the Board to make any order, or give any direction, leave, sanction or approval, that by law it is authorized to make or give, or with respect to any matter, act or thing, that by this Act, or the Special Act, is prohibited, sanctioned or required to be done.

. . . . .

(5) The decision of the Board as to whether any company, municipality or person is or is not a *party interested* within the meaning of this section is binding and conclusive upon all companies, municipalities and persons."

"319. (3) No company shall

. . . . .

(c) subject any particular person, or company, or any particular description of traffic, to any undue, or unreasonable prejudice or disadvantage, in any respect whatsoever; . . ."

. . . . .

"328. (1) The Board may disallow any tariff or any portion thereof that it considers to be unjust or unreasonable, or contrary to any of the provisions of this Act, and may require the company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed."

. . . . .

"334. (1) The Board may provide that any competitive rate may be acted upon and put into operation immediately upon the issue thereof before it is filed with the Board, or allow any such rate to go into effect as the Board shall appoint.

(2) The Board may require a company issuing a competitive rate tariff to furnish at the time of filing the tariff, or at any time, any information required by the Board to establish that

- (a) the competition exists;
  - (b) the rates are compensatory; and
  - (c) the rates are not lower than necessary to meet the competition;
- and such information, if the Board in any case deems it practicable and desirable, shall include all or any of the following:
- (i) the name of the competing carrier or carriers,
  - (ii) the route over which competing carriers operate,
  - (iii) the rates charged by the competing carriers, with proof of such rates as far as ascertainable,
  - (iv) the tonnage normally carried by the railway between the points of origin and destination,
  - (v) the estimated amount of tonnage that is diverted from the railway or that will be diverted if the rate is not made effective,
  - (vi) the extent to which the net revenue of the company will be improved by the proposed changes,
  - (vii) the revenue per ton-mile and per car-mile at the proposed rate and the corresponding averages of the company's system or region in which the traffic is to move, and
  - (viii) any other information required by the Board regarding the proposed movement."

It was contended by the railways that the Applicant is not a "party interested" within the meaning of Section 33. It was further contended by the railways that Section 334(2) does not impose a statutory duty for the benefit of truck operators but that its scope and purpose is limited to the effect that competitive rates will have on the revenues of the railways.

The Applicant cited Section 319(3)(c) as an example of the language used in the Railway Act in support of its claim to status to make the application and be heard as a "party interested" and submitted that that provision has application in the present case.

Counsel for the Applicant and the railways cited several cases and certain references on the interpretation of statutes, all of which have been considered by the Board.

The Board is not prepared to accept the Applicant's contention that it is a "party interested" under the circumstances and accordingly hereby grants the motion for dismissal of the application on the ground that the Applicant has no status to invoke the jurisdiction of the Board in a matter involving the justness and reasonableness of railway rates. Broadly speaking, the Board agrees with the view expressed by Mr. Spence, Counsel for the Canadian Pacific Railway, when he stated at volume 1012, p. 1940 of the Transcript:

" . . . all of that part of the Railway Act dealing with rates and tolls, traffic and tariffs, is designed with one aim in mind, to protect the travelling and shipping public against unfairness by the railways and to protect the railways against unfairness by the travelling and shipping public."

In the Board's view, what Parliament did in using the expression "party interested" in Section 33 of the Railway Act was to make a qualification restricting entitlement to make an application and require the Board to "inquire into, hear and determine" it, to a party who is "interested"; but such "interest" that a party needs in order to qualify as a "party interested" in the circumstances of this application must be a kind of interest that Parliament had in mind when giving a right to make an application to the Board respecting railway rates and imposing on the Board a duty to determine it.

While the matter is arguable but need not be decided here, the Board does not consider that the Applicant or any person or company engaged in the trucking business is necessarily outside the Section merely because trucking is a relatively new business that has come into existence since the expression in question was first used in the statute.

Having regard to the mischief which Parliament dealt with in the Railway Act and the remedies it provided and the rate control purposes and scope of that Act, to be entitled to recognition as a "party interested" and therefore to be entitled to complain under the Railway Act that railway rates are unjust or unreasonable, non-compensatory or lower than necessary to meet competition, the Board finds that the party by whom or on whose behalf such a complaint is made must have a more direct interest than that of a competing carrier whose interest is to lessen the competition provided by the railway, notwithstanding the provisions of the Railway Act which expressly permit the railways to publish competitive rates. This is not to say, however, that a person or company engaged in the trucking business might not have a status as a "party interested" in a complaint alleging unjust discrimination in railway facilities, rates or services. This point need not be dealt with herein, since the Applicant is not alleging unjust discrimination.

In any event, as to the Applicant's submission that paragraph (c) of subsection (3) of Section 319 has application in the present case, the Board finds that, in making the rates complained of, the railways have not made any unjust discrimination or given any undue or unreasonable preference or advantage or subjected the Applicant to any undue or unreasonable prejudice or disadvantage, within the meaning of the Railway Act.

Having granted, for the reasons already stated, the railways' motion dismissing the application on the ground that the Applicant has no status to invoke the jurisdiction of the Board under circumstances where only the justness and reasonableness of rates is in issue, the Board proposes to investigate the rates of its own motion. In reaching this conclusion, the Board is reaffirming its past practice, as stated by Chief Commissioner Mabee in *Purcell v. Grand Trunk Pacific*, 13 C.R.C. 193, at p. 201:

"This Board is bound to see that the provisions of the Railway Act are observed. It need not wait for a complaint, if it has drawn to its attention that the Act is being disobeyed, or its provisions ignored. I conceive it to be the duty of the Board to move upon its own initiative, and not wait for some injured person, having the rights and status of a plaintiff in a court of law, to appeal to it. The Act provides that the Board may, of its own motion, inquire into, hear and determine any matter or thing which it might inquire into, hear and determine, upon application or complaint, and the Act in no respect requires some complainant before the Board, with the rights of a "plaintiff" before it can move."

As an initial procedure in its investigation of this matter, the Board will require the railways to furnish it with certain relevant information. The Board will then set the matter down for a hearing, for the purpose of affording the Applicant an opportunity of appearing as a witness (not as a "party interested") to furnish such information as would assist the Board in determining the propriety of the rates in question.

Order accordingly.

CLARENCE D. SHEPARD.

*I concur:*

F. M. MACPHERSON.

*I concur:*

H. B. CHASE.

MARCH 24, 1958.

## ORDER No. 93945

*In the matter of the application of Canadian Trucking Associations, hereinafter called the "Applicant", dated August 21, 1957, requesting the disallowance of certain competitive rates published by the Canadian National Railways and the Canadian Pacific Railway Company on commodities moving between points in Manitoba, Saskatchewan, Alberta and British Columbia:*

File No. 47439.9

MONDAY, the 24th day of March, A.D. 1958.

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing argument at Ottawa on February 18, 1958, by Counsel for Canadian National Railways, Canadian Pacific Railway Company and the Applicant on the question of the status of the Applicant on the said Application, and a motion that the Application be dismissed on the ground that the Applicant has no status to invoke the jurisdiction of the Board herein, and pursuant to the Judgment herein dated March 24, 1958—*

*It is ordered that the said Application be, and it is hereby, dismissed.*

CLARENCE D. SHEPARD,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

*Application of Industrial Traffic Bureau Limited re Transit Arrangements on Rough Lumber, as set out in Item 286 of Canadian National Railways' Tariff No. W. 20-R, C.T.C. No. W. 2061.*

File No. 8641.94

H. TISDELL, for Applicant.

J. W. G. MACDOUGALL, Q.C., for Respondent, Canadian National Railways.

JUDGMENT

BY THE BOARD:

This is an application by the Industrial Traffic Bureau Limited, Calgary, Alta., on behalf of Nance Lumber Company, Red Deer, Alta., which alleges unreasonableness and unjust discrimination in the transit arrangements set out in Item 286 of Canadian National Railways' Tariff No. W. 20-R, C.T.C. No. W. 2061, and also seeks a ruling as to the correct application and interpretation of the provisions of Item 286. Both the applicant and the respondent railway company request that the Board decide the matters at issue upon the written submissions which have been filed and have agreed to be bound thereby.

Before dealing with the allegations of unreasonableness and unjust discrimination, it is considered advisable to dispose of the matter of the correct application and interpretation of the tariff provisions governing the transit arrangement and a brief description of the relevant provisions of Item 286 follows.

*Description of the Tariff Provisions*

The transit arrangements set out in Item 286 provide for a single stop-off in transit, in a designated area in Western Canada, for carloads of rough lumber for dressing, kiln-drying, re-sawing, ripping or sorting, and subsequent reshipment via Canadian National Railways and connections to points in Canada, or to points in the United States. Shipments are waybilled to the transit point at the tariff rate applicable thereto and, upon reshipment to final destination, the freight charges are computed on the basis of the through lumber rate from point of origin to final destination, plus the charges for stop-off and any out-of-line haul, as set out in Item 286, and any other charges for incidental services, such as switching and demurrage, which may have been incurred.

Reshipment may be made only by the person or firm to whom the inbound rough lumber was originally consigned at the transit point, and from the same yard or siding at which the inward car was delivered. Under the transit privilege afforded by Item 286, traffic must be reshipped within six months from the first 7 a.m. after the car arrives at the transit point.

The actual inbound weights of rough lumber to the transit point are subject to deductions for shrinkage, varying from 5% to 15%, according to the kind of operation carried out on the lumber, in arriving at the maximum outbound weights on which application of the through lumber rate is permitted. The minimum weight applying to the outbound shipment is that weight provided in connection with the through rate from point of origin to final destination, except where the type of car used for the outbound shipment differs from that used for the inbound shipment, in which event, the minimum weight provided in connection with the outbound car will govern, but in no case less than 40,000 pounds.

Paragraph 24 of Item 286 provides: "Original receipted freight bill covering inward shipment, or shipments, must be presented for cancellation at the time reshipment is made from the transit point." Such original receipted freight bill must be accompanied by a shipper's certificate, in the form prescribed in paragraph 25.

Where the actual weight of outbound lumber is greater than the actual weight of inbound lumber, the difference in weight is dealt with in accordance with the provisions of paragraph 20 of Item 286, and such difference cannot be used to make up the carload minimum weight.

### *Interpretation and Application of the Tariff Provisions*

The applicant takes the position that the transit arrangements in Item 286 are based entirely on inward and outward weights and that nowhere is a "car-for-car" basis either stated or implied. The respondent railway company, on the other hand, maintains that the transit arrangement is on a "car-for-car" basis and that one or more inbound bills must be cancelled in their entirety in respect of each outbound car.

It is argued by the applicant that the actual weight of outbound lumber should be cancelled from the weight shown on the inbound freight bill, or bills, less the appropriate deduction for shrinkage, and that any balance of weight remaining should be credited to the shipper for application against other outbound cars. The practice of the railway company in requiring the surrender of the inward freight bill for cancellation in its entirety is described as "depriving the applicant of all unused transit on which the inward freight charges have been paid."

In support of his views, the applicant refers to paragraphs 20 and 21 of Item 286; to paragraph 9(b) of Item 216; and to the accounting instructions of the railway company. The accounting instructions of the railway, however, are not helpful to the interpretation of Item 216 and do not change the clear and obvious meaning of its provisions.

Paragraph 20 of Item 286 covers a situation where the actual weight of outbound lumber is greater than the weight of inbound lumber, less authorized deductions for shrinkage. The applicant points out that the term "surplus weight" is used in paragraph 20(b), rather than the term "excess weight" used in paragraph 20(a). He maintains that there cannot be excess weight unless it is lumber additional to that shipped in to the mill under the transit arrangement and that the term "excess weight" could refer only to such additional lumber. It is not stated, however, in what way the use of the terms "surplus weight" and "excess weight" in paragraph 20 supports the view that the transit arrangement is on a so-called "weight-for-weight" basis.

It is clear from an examination of the provisions of paragraph 20 that, when the actual weight of outbound lumber is greater than the weight of inbound lumber, the shipper has two alternatives: (1) he may pay on such excess, or surplus, weight the carload rate applicable from transit point to final destination or, (2) he may surrender for cancellation an additional freight bill for an inbound carload. Paragraph 20(a) is linked with paragraph 20(b) by the phrase "except as provided in sub-paragraph (b)" and in our view the terms "surplus weight" and "excess weight" are synonymous.

Paragraph 21 describes the weights which govern the applicable charges on (a) inbound shipments and (b) outbound shipments. In the case of inbound shipments, actual weight will govern to the transit point, subject to the carload minimum weight as provided for in the tariff naming the rate to the transit point. In the case of outbound shipments, the weight is subject to that of the inbound shipment, as modified by the specified deductions for shrinkage, and is also subject to the minimum weight provided in connection with the through rate from the original point of shipment to the final destination. Paragraph 21 merely designates the weights which will govern the charges to apply to the separate shipments; it does not set out the basis of the transit arrangements.

Item 216 of Tariff C.T.C. No. W. 2061 provides for a stop-off at St. Boniface or Winnipeg, Manitoba, on carloads of beans, peas and lentils for cleaning and/or splitting and reshipment. The applicant asserts that the term "unused cancellations", as used in paragraph 9(b) of Item 216, is evidence that the railways do not necessarily use the term "cancellation" to imply complete cancellation of an inward expense bill. Whilst we do not agree that the terminology of a tariff provision, covering a completely different transit arrangement, is necessarily relevant to the interpretation of the tariff item in issue, namely Item 286, it is sufficient to note that paragraph 9 of Item 216 deals with the records a shipper must keep and paragraph 10 of Item 216 provides for the return of cancelled inward expense bills to the shipper for his records.

The basis of the transit arrangement provided by Item 286 is made abundantly clear in paragraph 24 thereof which carries the marginal notation "Surrender of Freight Bills" and reads as follows:

"Original receipted freight bill covering inward shipment, or shipments, must be presented for cancellation at the time reshipment is made from the transit point."

The cancellation of the freight bill, or bills, is unqualified and the addition or omission of such qualifying words as "in its, or their, entirety" would neither add to, nor detract from, the meaning, which is: that the inbound freight bill is to be cancelled at time of reshipment, and not a portion of a particular item, such as weight, appearing thereon. It follows from this that any unused transit weight is cancelled with reshipment of the outbound carload.

A careful examination of all of the pertinent provisions of Item 286 does not disclose any support for the interpretation the applicant has sought to read into them. There is no provision, express or implied, in Item 286 which would permit a partial cancellation of the inbound weights, shown on inbound freight bills, against outbound shipments and a credit of unused weights to be applied against future outbound shipments.

#### *The Questions of Unreasonableness and Unjust Discrimination*

The applicant asserts that he cannot ship carloads of rough lumber into the transit point to coincide with the quantities of dressed lumber ordered by each individual customer; that any suggestion that the transit arrangements are on a "car-for-car" basis is grossly unreasonable and unrealistic; and that the railway's present practice of assessing freight charges on the same goods several times over on a "car-for-car" basis is grossly unreasonable.

The railway company states that transit privileges are concessions given to shippers and receivers of freight by the railways; that these privileges, as well as the degree or extent of the concessions involved and the restrictions required thereunder, are matters within the discretion of the railways themselves and are not rights to be demanded by shippers; and that the lumber transit privileges applicable in Western Canada under Item 286 of Tariff C.T.C. No. W. 2061, are the same as those granted in Eastern Canada under the provisions of Item 255 of Canadian National Railways' Tariff No. C.R. 200, C.T.C. No. E. 1694.

The rules and conditions governing a transit arrangement of general application, such as Item 286, cannot reasonably be framed to suit all the varying conditions of particular markets and the inability of the shipper to ship carloads of rough lumber into the transit point to coincide with the quantities of outbound lumber ordered by each individual customer is not a condition for which the railway company is responsible.

The applicant assumes that he has a right to unused transit weight; that he is deprived of such weight by the practice of the railway company in requiring the surrender of inward freight bills on a "car-for-car" basis; and that this results in the assessment of freight charges on the same goods several times over. With these assumption we do not agree. The tariff conditions governing the transit privilege clearly require what the railway is in practice doing; the shipper is not obliged to surrender an additional freight bill for so-called "excess weight", but has the option of paying the local rate thereon.

The applicant's allegation of unjust discrimination and undue preference is founded upon a comparison of the provisions of Item 286 with those of Item 320 of Tariff C.T.C. No. W. 2061. The respondent railway company states that Item 320 was originally published to cover the staining in transit of shingles and that, while lumber and articles taking lumber rates were subsequently added thereto, their investigation of the matter indicated that Item 320 is now used only by shingle manufacturers. Effective April 22, 1957, by appropriate tariff amendment, lumber and articles taking lumber rates were deleted from Item 320, and the applicant's comparison has lost any validity it may have had.

The matter of unjust discrimination, however, cannot be determined by a mere comparison of tariff items, and the following citations from previous judgments of the Board are particularly germane to the present application:

"The ultimate test of discrimination is to be found not in a difference of rates, but in the question whether as a result of this difference an injury is worked to an individual or locality. One test of this is whether the locality alleged to be favoured actually gets into a common market on a lower rate." In *Re Telegraph Tolls* (1916), 20 C.R.C. 1 at page 23.

"One criterion of unjust discrimination is whether the district or individual alleged to be discriminated in favour of has profited at the expense of the locality against which it is alleged the discrimination has taken place. Where no evidence was submitted that any rate advantage possessed by a competitor had rendered it more difficult for the applicant company to do business, the allegation of unjust discrimination was held to be unfounded." *Ontario Paper Co. v. G. T. R. Co.*, 24 C.R.C. 177.

"Where fabrication of steel in transit was concerned, it was held that similarity of articles did not warrant similarity of treatment where it appeared that the similar articles were in no wise competitive. *Middleton Car Co. v. Penn. Rd. Co.*, 32 I.C.C., 143." 7 J.O.R. & R. 290 at page 294; 22 C.R.C. 125 at page 132.

"The creosoting of telephone poles in transit is not a customary or usual service in connection with the business of a railway company, but what is involved is that the Section, as amended, be invoked to give the Board a jurisdiction it has uniformly held that it does not possess, namely, to order the carrier to give to the shipper the right to stop-off in transit, telephone poles for creosote treatment and, continue transit in the improved condition on the one through rate.

"During the hearing of the case, the Chief Commissioner remarked that if the Board exercised jurisdiction under the sub-section mentioned and granted an application of this kind it would mean that the Board would have a tremendous number of the like applications, and, as Mr. Lanigan pointed out for the railway company, the local freight business of the railway would be dislocated and demoralized. A number of instances were cited where similar applications might be made with equal force. In several cases this Board has held that it has no jurisdiction to order such a service. That it is wholly a privilege—not a right—accorded by the railway company to the shipper, and heretofore has been restricted

to the milling in transit of grain, and that the jurisdiction of this Board is restricted solely to questions of discrimination in the granting of such privilege to one shipper and denying it to another, under conditions that call for the intervention of the Board to prevent unjust discrimination, or difference of treatment.

"Sudbury Brewing Co. v. C.P.R., 18 C.R.C. 411; Koch v. Pennsylvania R.R. Co., 10 I.C.C.R., p. 675; United Grain Growers et al v. Can. Freight Association, 24 C.R.C., p. 128.

"The same principle was followed and affirmed at the hearing of an application by the Shingle Agency of British Columbia for an order that railway companies in that section of the country (British Columbia) allow the privilege of dressing and sorting in transit rates—21 C.R.C. 9—in the course of which hearing the then Chief Commissioner said (Vol. 251, p. 4181): 'The Board has no jurisdiction unless there is a question of discrimination. We cannot interfere except in cases of discrimination.'" 27 C.R.C. 317 at pp. 318-319.

Upon the basis of what has been submitted, and without reciting all the arguments made by the applicant, we are of the opinion that he has failed to make out a case of unjust discrimination or undue preference. Order will issue dismissing the application.

HUGH WARDROPE  
F. M. MacPHERSON  
L. J. KNOWLES

OTTAWA, March 27, 1958.

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ORDER No. 93975

*In the matter of the application of Industrial Traffic Bureau Limited re Transit Arrangements on Rough Lumber, as set out in Item 286 of Canadian National Railways' Tariff No. W. 20-R, C.T.C. No. W. 2061.*

File 8641.94

THURSDAY, the 27th day of March, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*  
F. M. MACPHERSON, *Commissioner.*  
L. J. KNOWLES, *Commissioner.*

Upon reading the submissions filed by the applicant, the Industrial Traffic Bureau Limited, Calgary, Alberta, on behalf of Nance Lumber Company, Red Deer, Alberta, and by the respondent, Canadian National Railways—

It is ordered that the complaint of unreasonableness and unjust discrimination made in the said application be, and it is hereby, dismissed.

HUGH WARDROPE,  
*Asst. Chief Commissioner,*  
The Board of Transport Commissioners for Canada.

## ORDER No. 94166

*In the matter of Order No. 93952, dated March 24, 1958, granting Licence No. C.T.C. (W.T.) 345 to Canada Steamship Lines Limited (including its wholly owned subsidiary Northern Navigation Company Limited operated by the Licensee as its Northern Navigation Division):*

File No. 42076.4.2

MONDAY, the 21st day of April, A.D. 1958

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*F. M. MACPHERSON, *Commissioner.*H. B. CHASE, C.B.E., *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

The said Order No. 93952 is amended by including, in paragraph numbered two, the following:

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Tonnage</i>
Fort York .....	188391	6021.44

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

## ORDER No. 94199

*In the matter of the application of McInnes Products Corporation Limited, Edmonton, Alberta, hereinafter called the "Applicant", for a licence under section 10 of the Transport Act:*

File No. 42076.32

THURSDAY, the 24th day of April, A.D. 1958

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

*It is hereby ordered as follows:*

Licence No. C.T.C. (W.T.) 347 is issued to the Applicant licensing for the period of one year commencing February 9, 1958, the following ships to transport goods by water between all ports and places in Canada in the areas designated herein with respect to each ship:

- (a) Between Waterways and ports and places on Great Slave Lake and all intermediate points.
- (b) Between ports and places on Lake Athabaska.
- (c) Between ports and places on Lake Athabaska and ports and places described in (a) hereof.

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Nor-Alta .....	158312	101
Nor-Basca .....	156571	30
Beaver Lake .....	171632	54
Liard River .....	150795	36
Dease Lake .....	156579	95

<i>Barges</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
MPC 21 .....	175676	217
MPC 32 .....	172331	195
MPC 33 .....	175136	213
HB 18 .....	173710	53
HB 21 .....	171649	195
HB 23 .....	174968	192
HB 24 .....	174969	64
HB 25 .....	175551	64
HB 26 .....	175552	149
HB 204 .....	157172	275
HB 205 .....	171648	271
HB 253 .....	171637	190
HBC 208 .....	175553	202
HB Mackenzie River .....	130279	134.66

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 94027 Apr. 2—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Section 3.
- 94028 Apr. 3—Approving Traffic Agreement between The Bell Telephone Company of Canada and the Telephone System of the Munic. of the Township of Waterloo.
- 94029 Apr. 3—Authorizing the B.C. Electric Company Limited to construct a gas main across the company pipe line of the Trans-Mountain Oil Pipe Line Company, in the vicinity of Brentwood Drive, Munic. of Surrey, B.C.
- 94030 Apr. 3—Relieving the C.P.R. from erecting cattle guards at certain highway crossings on its Swift Current Subd., Sask.
- 94031 Apr. 3—Relieving the C.P.R. from erecting cattle guards at certain highway crossings on its Stewart Valley Subd., Sask.
- 94032 Apr. 3—Authorizing the City of Winnipeg to construct Burrows Ave. across the C.P.R., Winnipeg, Man.
- 94033 Apr. 3—Relieving the C.P.R. from erecting cattle guards at certain highway crossings on its Vanguard Subd., Sask.
- 94034 Apr. 3—Authorizing the C.N.R. to extend its switching lead across certain streets in the City of Edmonton, Alta.
- 94035 Apr. 3—Permitting the removal of slow order at the C.P.R. crossing at Pine Beach, Que.
- 94036 Apr. 3—Approving plan showing location of a portion of Trans-Mountain Oil Pipe Line Company's loop in the Kamloops Division of the Yale District of B.C.
- 94037 Apr. 3—In the matter of the application of the Saskatchewan Power Corporation for authority to construct a 14-inch natural gas pipe line across the right of way of the Interprovincial Pipe Line Company in Sec. 2, Twp. 33, Rge. 21, W.3M., Sask.
- 94038 Apr. 3—Application of Trans-Mountain Oil Pipe Line Company for approval of plan, etc. granting leave to carry its company pipe line across all public highways, railways and utilities as shown on plan.
- 94039 Apr. 8—Authorizing the Ogdensburg Bridge Authority to take certain lands which are required for the construction of a bridge across the St. Lawrence River from the vicinity of Prescott, Ontario, to the vicinity of Ogdensburg, N.Y.
- 94040 Apr. 9—In the matter of application of the C.N.R. on behalf of the Inland Cement Company Limited, for approval of the proposed location of facilities for storage of flammable liquids at Cadomin, Alta.
- 94041 Apr. 9—In the matter of application of the C.N.R. on behalf of McColl-Frontenac Oil Company Limited, for approval of location of facilities for storage of flammable liquids at Riviere du Loup, P.Q.
- 94042 Apr. 9—Permitting the removal of slow order at C.N.R. crossing of Steeles Ave., Thornlea, Ontario.
- 94043 Apr. 9—In the matter of application of the Quebec North Shore and Labrador Railway Company for approval of signal profile Mileage 320 to Mileage 340 Menihok Subd., Nfld.
- 94044 Apr. 9—Authorizing the City of Oshawa, Ontario, to construct a public pedestrian crossing of right of way of the Oshawa Railway (Can. Northern Ontario Rly.) in the said City.
- 94045 Apr. 9—Authorizing the N.S. Dept. of Highways to construct Highway No. 5 across the C.N.R. by means of an overhead bridge at Little Bras d'Or, N.S.
- 94046 Apr. 9—Authorizing the Nfld. Dept. of Highways to improve the sight lines by removing trees at Mount Pearl Crossing of the C.N.R. near the City of St. John's, Nfld.
- 94047 Apr. 9—Authorizing the C.N.R. to make certain changes to the crossing protection at St. Albert Trail, City of Edmonton, Alta.

- 94048 Apr. 9—Authorizing the C.P.R. to operate over the concrete bridge over the siphon of the Alta. Dept. of Water Resources at Mileage 77.59 Suffield Subd., Alta.
- 94049 Apr. 9—Authorizing the C.P.R. to operate its trains over the culverts at certain mileages on its Red Deer Subd., Alta.
- 94050 Apr. 9—Authorizing the C.N.R. to make certain changes in the protection at the crossing of 127th Street, Edmonton, Alta.
- 94051 Apr. 9—Authorizing the Northern Alberta Railways Company to operate over the bridge over Burnt River, Alta., Mileage 345.1 Smoky Subd., Alta.
- 94052 Apr. 9—Authorizing the Calgary District Planning Commission on behalf of the Village of Cochrane, Alta., to construct a highway across the tracks of the C.P.R. in the said Village.
- 94053 Apr. 9—Authorizing the Hallmark Investments Limited to construct a cast iron water main across the company pipe line of the Trans-Northern Pipe Line Company in the Twp. of Kingston, Ontario.
- 94054 Apr. 9—Authorizing the Twp. of Normanby to construct a road south of and adjacent to the C.N.R. right of way in the above Township.
- 94055 Apr. 9—Authorizing the installation of automatic protection at the crossing of Highway No. 2 and the C.N.R. at Mileage 261.9 Oshawa Subd., and the crossing of Highway No. 2 and the C.P.R. at Mileage 30.32 Oshawa Subd., Ontario.
- 94056 Apr. 9—Approving under the Maritime Freight Rates Act tolls published in tariffs published by the Canadian Freight Association under Sections 3 and 8.
- 94057 Apr. 9—Authorizing the C.P.R. to operate its trains under the overhead bridge near Shannonville, Ontario.
- 94058 Apr. 9—Permitting the removal of slow order at C.P.R. crossing 170 miles south of Ingersoll, Ontario.
- 94059 Apr. 9—Authorizing the C.P.R. to remove the station agent at Horizon, Sask.
- 94060 Apr. 10—Authorizing the N.B. Dept of Public Works to construct an overhead bridge across the right of way of the C.N.R. at 34th Ave., Edmondston, N.B.
- 94061 Apr. 10—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Section 3.
- 94062 Apr. 10—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the Canadian Freight Association under Sections 3 and 8.
- 94063 Apr. 10—Authorizing the C.P.R. to operate under the overhead bridge at Highbury Ave., London, Ontario.
- 94064 Apr. 10—Authorizing the C.N.R. to operate over the subway on Highway No. 2, in the Township of Ekfrid, Ontario.
- 94065 Apr. 10—In the matter of application of the C.P.R. on behalf of Imperial Oil Limited for approval of location of proposed additional facilities for the storage of flammable liquids at Sedgewick, Alta.
- 94066 Apr. 10—In the matter of application of the C.N.R. on behalf of Imperial Oil Limited, for approval of proposed location of facilities for storage of flammable liquids at Beiseker, Alta.
- 94067 Apr. 10—In the matter of application of the C.N.R. on behalf of Imperial Oil Limited for approval of location of proposed additional facilities for storage of flammable liquids at Hudson Bay, Sask.
- 94068 Apr. 10—In the matter of application of the C.N.R. on behalf of The British American Oil Company Limited, for approval of location of proposed facilities for storage of flammable liquids at Lynn Lake, Man.
- 94069 Apr. 10—Requiring the C.N.R. to install certain protection at the crossing of the road allowance in the Twp. of Vaughan, Ontario, Mileage 19.6 Newmarket Subd.
- 94070 Apr. 10—Requiring the C.P.R. to install certain protection at the crossing of Highway No. 17 and Dyke Street, Warren, Ont.

- 94071 Apr. 10—Requiring the C.N.R. to install certain protection at the crossing of the highway in the Twp. of King, Ontario, at Mileage 24.6 New-market Subd.
- 94072 Apr. 11—Relieving the C.P.R. from erecting right of way fencing at certain mileages on its Lacombe Subd.
- 94073 Apr. 11—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 94.67 Galt Subd., Ontario.
- 94074 Apr. 11—Authorizing the C.P.R. to operate over the underpass between Conc. 6 and 7, in the Twp. of Tecumseh, Ontario, Mileage 38.01 MacTier Subd.
- 94075 Apr. 11—Authorizing the C.P.R. to operate over the Bloor Street subway west of Islington Avenue, in the Twp. of Etobicoke, Ontario, Mileage 8.8 Galt Subd.
- 94076 Apr. 11—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.P.R. under Section 8.
- 94077 Apr. 11—In the matter of filing of tariffs by The Bell Telephone Company of Canada.
- 94078 Apr. 11—Authorizing the C.P.R. to operate over the new substructure and approach testle for the bridge at Mileage 53.6 Emerson Subd., Manitoba.
- 94079 Apr. 11—Permitting the removal of slow order at the C.N.R. crossing at Baker Brook, N.B.
- 94080 Apr. 11—In the matter of the filing of tariffs by The Bell Telephone Company of Canada.
- 94081 Apr. 11—Permitting the removal of slow order at the C.N.R. crossing west of the station at Drummondville, Que.
- 94082 Apr. 11—Authorizing the C.N.R. to make signal changes to the block signal system between certain mileages on its Kashabowie Subd., and Fort Frances Subd., Ontario.
- 94083 Apr. 11—Authorizing the City of Woodstock, Ont. to widen Dundas St. where it crosses the C.P.R.
- 94084 Apr. 11—Permitting the removal of slow order at C.P.R. crossing at Eastry, Que.
- 94085 Apr. 11—Requiring the C.N.R. to install certain protection at the crossing of Townsend St., City of Sydney, N.S.
- 94086 Apr. 11—Authorizing the C.N.R. to render the swing span fixed at the bridge over the Saskatchewan River, Man., at mile 0.6 Wekusko Subd.
- 94087 Apr. 14—Authorizing the Shell Oil Co. of Canada to construct a pipe line under the company pipe line of Trans-Mountain Oil Pipe Line Co., Dist. of New Westminster, Province of British Columbia.
- 94088 Apr. 14—In the matter of application of Corp. of the City of Fort William, Ont. for reinforcement of C.P.R. bridge over the Kaministiquia River, Fort William, Ont.
- 94089 Apr. 14—Authorizing the Town of Lasalle to construct 90th Ave. across the C.P.R., mileage 0.84 LaSalle Loop Line, Que.
- 94090 Apr. 14—Authorizing the City of Sarnia to construct St. Andrew St. across the Froomfield Spur of the C.N.R. at mileage 0.22, Sarnia, Ont.
- 94091 Apr. 14—In the matter of the application of The Bell Telephone of Canada, under section 380 of the Railway Act, for approval of Supplement No. 6, dated March 24, 1958, to Traffic Agreement dated December 21, 1951, between the Applicant Co. and The Corp. of the Twp. of Chinguacousy.
- 94092 Apr. 14—In the matter of application of The Bell Telephone Co. of Canada, under section 380 of the Railway Act, for approval of Traffic Agreement dated March 21, 1958.
- 94093 Apr. 14—In the matter of application of the Dept. of Highways of the Province of Nova Scotia, for authority to construct Gunning Cove Road at grade across the right of way of the C.N.R. at mileage 62.86 Yarmouth Subd., N.S.

- 94094 Apr. 14—In the matter of application of C.P.R. for an Order extending the time within which it is required by Order No. 92774 to construct an individual spur track, mileage 35.76, Adirondack Subd.
- 94095 Apr. 14—Authorizing the C.N.R. to discontinue passenger service between Terrace and Kitimat, B.C.
- 94096 Apr. 14—Authorizing the Alberta Dept. of Highways to construct the highway across the C.N.R. at mileage 150.78, Coronado Subd.
- 94097 Apr. 14—Requiring the C.N.R. to install certain protection at the crossing of French River Road, at Merigomish, N.S.
- 94098 Apr. 14—In the matter of application of Trans-Mountain Oil Pipe Line Co. for approval of plan authorizing it to carry its company pipe line across all public highways and railways as shown on the said plan.
- 94099 Apr. 14—Approving plan showing location of a portion of Trans-Mountain Oil Pipe Line Co. company pipe line in the Township of Kendrey, Ont.
- 94100 Apr. 14—Approving plan showing location of a portion of Trans-Mountain Oil Pipe Line Co. pipe line loop in the Kamloops Division of the Yale Dist., B.C.
- 94101 Apr. 14—Approving plan showing location of a portion of Trans-Mountain Oil Pipe Line Company company pipe line loop in the Kamloops Div. of the Yale Dist., B.C.
- 94102 Apr. 14—Authorizing the British Columbia Electric Co. Ltd. to construct a gas main across the company pipe line of Trans-Mountain Oil Pipe Line Co. at Rochester Road, Munic. of Coquitlam, B.C.
- 94103 Apr. 14—Authorizing the Town of Leaside, Ont. to construct a sewer pipe under the company pipe line of the Trans-Northern Pipe Line Co. in the twp. of York, Ont.
- 94104 Apr. 14—Approving plan showing location of a portion of Trans-Canada Pipe Lines Ltd. company pipe line in the Twp. of Morrison, Dist. of Muskoka, Twp. of Vespra, County of Simcoe, Ont.
- 94105 Apr. 14—Authorizing the C.P.R. to operate under the bridge at 1st Ave., Brandon, Man.
- 94106 Apr. 14—Authorizing the C.P.R. to make signal and track changes Montreal Terminals and Smiths Falls Division, Winchester Subd., Que.
- 94107 Apr. 14—Authorizing the Northwestern Utilities Ltd. to construct a gas pipe line across the company pipe line of Trans-Mountain Oil Pipe Line Co. in the Province of Alberta.
- 94108 Apr. 14—Requiring the C. & O. Rly. Co. to install certain protection at the crossing of Queen St., Kingsville, Ont.
- 94109 Apr. 15—Authorizing Trans-Northern Pipe Line Co. to open for the transportation of petroleum a portion of its line in the Township of Toronto, Ont.
- 94110 Apr. 14—In the matter of application of City of St. Jean, Que. for authority to widen Boveri Blvd. where it crosses the right of way of C.P.R. in the City of St. Jean, Que. mileage 25.60 Rouses Point Subd.
- 94111 Apr. 15—Authorizing the Northern Alberta Railways Company to operate over the subway at mileage 6.4 Edmonton Subd. Munic. Dist. of Sturgeon River No. 90, Alta.
- 94112 Apr. 15—Authorizing the Bell Telephone Co. of Canada to construct its lines of telephone over a public highway in the County of Kent, Ont.
- 94113 Apr. 15—Authorizing C.N.R. to operate over Pictou Harbour Bridge, N.S.
- 94114 Apr. 15—Approving Traffic Agreement between The Bell Telephone Co. of Canada and The Plum Hollow & Eloida Independent Telephone Co. Ltd.
- 94115 Apr. 15—Relieving the Toronto, Hamilton & Buffalo Railway Co. from erecting cattle guards at highway crossings on its Welland Subd. Twp. of Saltfleet, Ont.

- 94116 Apr. 15—Authorizing the C.P.R. to replace the north abutment of the bridge at mileage 70.32, Langdon Subd., Alta.
- 94117 Apr. 15—Approving under the Maritime Freight Rates Act tolls published in tariff filed by the C.P.R. under Section 8.
- 94118 Apr. 15—Authorizing the C.P.R. to remove the agent and appoint a caretaker at Kelloe, Man.
- 94119 Apr. 15—Authorizing the C.P.R. to remove the agent and appoint a caretaker at Streamstown, Alta.
- 94120 Apr. 15—In the matter of application of C.N.R. on behalf of The British American Oil Co. Ltd. for approval of location of existing facilities for the handling and storage of flammable liquids at Riviere du Loup, Que., mileage 83.44 Rimouski Subd.
- 94121 Apr. 15—In the matter of application of the Northern Alberta Railways Co. on behalf of British American Oil Co. Ltd. for approval of the proposed location of additional facilities for the handling and storage of flammable liquids at Grimshaw, Alta., mileage 65.3 Peace River Subd.
- 94122 Apr. 15—In the matter of application of the Toronto, Hamilton & Buffalo Railway Co. for approval of Plan No. 1430, revised to March 13, 1958, showing the crossing protection as installed at the crossing of its railway and Gage Ave. in Hamilton, Ont., in lieu of Plan No. 1430, dated Mar. 1, 1957, which was approved under Order No. 92282, dated August 14, 1957.
- 94123 Apr. 16—Authorizing the C.N.R. to construct its railway line across Riverside Dr. and Sir Wilfrid Laurier Blvd., City of St. Lambert by means of overhead bridges.
- 94124 Apr. 16—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Section 3.
- 94125 Apr. 16—Permitting the removal of slow order at C.N.R. crossing of Cadillac St., Montreal East, Que.
- 94126 Apr. 16—Requiring the C.N.R. to install certain protection at the crossing of Notre Dame St., Victoriaville, Que.
- 94127 Apr. 16—Authorizing the C.P.R. to remove the agent at McTavish, Man.
- 94128 Apr. 16—Permitting the removal of slow order at C.P.R. crossing at Cherrywood, Ont.
- 94129 Apr. 17—In the matter of application of Messrs. Hu Harries & Associates, on behalf of Alberta Phoenix Tube & Pipe Ltd. for elimination of unjust discrimination and undue preference alleged to exist in respect of rates on Skelp and Pipe, from eastern points to Edmonton, Alta., and Vancouver, B.C., under the provisions of the Railway Act, Chapter 234, and the Transport Act, Chapter 271, R.S.C. 1952.
- 94130 Apr. 17—In the matter of application of C.N.R. for approval of proposed location of facilities for the handling and storage of Class II flammable liquids at Hornepayne, Ont.
- 94131 Apr. 17—In the matter of application of the C.P.R. for authority to operate under the overhead bridge at mileage 12.49 Shuswap Subd., B.C. authorized to be constructed by Order No. 87331 dated Nov. 4, 1955.
- 94132 Apr. 17—Authorizing the C.P.R. to operate under the overhead bridge over its tracks at 9th St. South, Lethbridge, Alta.
- 94133 Apr. 17—Authorizing the Northern Alberta Railways Co. to reconstruct the bridge over the East Prairie River, Alta.



# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations, and Rulings

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*In the matter of the application of Messrs. Hu Harries and Associates, on behalf of Alberta Phoenix Tube & Pipe Limited, for elimination of unjust discrimination and undue preference alleged to exist in respect of rates on Skelp and Pipe, from eastern points to Edmonton, Alberta, and Vancouver, B.C., under the provisions of the Railway Act, Chapter 234, and the Transport Act, Chapter 271, R.S.C. 1952:*

File No. 48703

Heard at Calgary, Alberta, February 27, 1958.

Before:

- A. SYLVESTRE, Q.C., Deputy Chief Commissioner.
- L. J. KNOWLES, Commissioner.

Appearances:

- R. A. MACKIMMIE, Q.C., and J. R. SMITH, for Alberta Phoenix Tube and Pipe Limited.
- K. D. M. SPENCE, Q.C., and A. J. ALLISTON, for Canadian Pacific Railway Company.
- W. G. BOYD, for Canadian National Railways.

### J U D G M E N T

BY THE BOARD:

This application, as originally presented, consisted of a letter dated December 31st, 1957 to the Secretary of the Board from Messrs. Hu Harries & Associates of Edmonton, Alberta, on behalf of Alberta Phoenix Tube & Pipe Limited, enclosing copies of eight letters exchanged with the railway companies and, in the terms of the application, "seeking the elimination of the unjust discrimination and undue preference that now exists in certain of the rates on steel and pipe from several eastern destinations to Edmonton and Vancouver. As the correspondence reveals, this problem has not been resolved and we, therefore, herewith formally request that the Board hear the complaint that we make."

The correspondence shows that the applicant manufactures steel pipe at Edmonton, Alberta, that this pipe is manufactured from steel skelp brought in from Hamilton or Sault Ste. Marie, Ont., and the pipe is shipped generally to the Prairie Provinces, with some movement to eastern British Columbia.

At the hearing at Calgary on February 27th, 1958, the applicant filed a "formal application and submission", the first paragraph of which reads as follows:

"The Applicant, Hu Harries & Associates, on behalf of Alberta Phoenix Tube & Pipe Limited applies to the Board pursuant to the provisions of the Railway Act of Canada being Chapter 234 of the Revised Statutes of Canada, 1952 and Amendments thereto, and the Transport Act being Chapter 271 of the Revised Statutes of Canada 1952, for an order that a specified toll or tolls be charged Alberta Phoenix Tube & Pipe Limited for the transport of steel skelp from Hamilton, Ontario to Edmonton, Alberta and steel pipe from Edmonton to Vancouver, British Columbia, the said toll or tolls not to exceed, in the aggregate \$1.32 per 100 lbs., or alternatively for an order fixing a similar charge, for the transport, by the British Columbia Electric Railway Company Limited, Canadian National Railways, Canadian Pacific Railway Company, The Esquimalt & Nanaimo Railway Company, The New York Central Railroad Company, Ontario Northland Railway, The Toronto, Hamilton and Buffalo Railway Company, Vancouver and Lulu Island Railway Company (Canadian Pacific Railway Company, Lessee), Wabash Railroad Company, of the goods of the shipper Alberta Phoenix Tube & Pipe Limited, namely, steel skelp and steel pipe, from and to stations and/or places as set out in Agreed Charges C.T.C. (AC) No. 63 or alternatively, Agreed Charges C.T.C. (AC) No. 89, as are in the said Agreed Charges contained."

It will be noted that while the formal application is submitted under both the Railway Act and the Transport Act, no specific section or sections of those Acts was referred to. Upon it being pointed out by the Board to Counsel for the applicant that both the rate on skelp from eastern Canada to Port Moody of 95 cents per 100 lbs., which was one of the factors complained of, and the rate of \$1.20 on finished pipe from Welland to Vancouver, were under agreed charges, Counsel was unable to explain fully how he could substantiate unjust discrimination under the provisions of the Railway Act (section 317) when the alleged unjust discrimination was mainly caused by agreed charges under the provisions of the Transport Act. He put it that, "First we say that this is undue preference under the Railway Act," and secondly, subsection 10 of section 32 which was amended under the Transport Act, and which is found in the 1955 Statutes, was quoted by him with the further statement:

"Now, sir, my submission is that on the evidence before the Board, we are entirely and within all fours under that section . . .". "All the other qualifications of this section as to where it goes are fully met, so I say, sir, admittedly the application might well have been in more specific terms as to what section but as far as the Transport Act is concerned I respectfully submit we are entirely within that particular section."

When Counsel was further asked by the Board:

"And you are asking for a remedy under the Transport Act and not the Railway Act?"

he replied:

"Well, I would not want to decide right away, to tell the truth. I do think it is within the terms of the Railway Act as well."

(Transcript page 2505).

The Board has given consideration to this question of unjust discrimination under these two Acts, because it is fundamental to a decision in this case as to what power the Board has to apply a remedy, if any, under the circumstances stated in the application.

In order to understand the difficulty, it is necessary to set forth the rate situation as shown on pages 4 and 5 of the formal application and as substantiated in the evidence, as follows:

*Welland, Ontario, plant:*

Average inbound rate on skelp .....	\$ .11
Loss factor—10% .....	.01
Pipe rate Welland to Vancouver (AC No. 63) ....	1.20

Total transportation cost steel mill via Welland to Vancouver ..... \$1.32 per 100 lbs.

*Port Moody, British Columbia, plant:*

Average inbound rate on skelp (AC No. 89) ....	\$ .95
Loss factor—10% .....	.09½
Pipe rate Port Moody to Vancouver .....	.25

Total transportation cost steel mill via port Moody to Vancouver ..... \$1.29½ per 100 lbs.

*Edmonton, Alberta, plant:*

Average inbound rate on skelp .....	\$1.70½
Loss factor—10% .....	.17
Pipe rate Edmonton to Vancouver .....	1.29

Total transportation cost steel mill via Edmonton to Vancouver ..... \$3.16½ per 100 lbs.

In the case of the Welland, Ontario plant the skelp comes from Hamilton, Ont., and has been shipped at various rates averaging 11 cents per 100 lbs., ranging from a competitive rate of 7 cents per 100 lbs., to 15 cents per 100 lbs., which is a normal commodity rate, both published in tariffs under the Railway Act. The pipe rate from Welland to Vancouver of \$1.20 is an agreed charge (C.T.C. (AC) No. 63). The loss factor will be omitted because it is not necessary to a decision in this case.

So far as the Port Moody, B.C., plant is concerned, the inbound rate of 95 cents per 100 lbs. on skelp is an agreed charge (C.T.C. (AC) No. 89), while the rate on pipe from Port Moody to Vancouver is a normal rate under the Railway Act.

In the case of the Edmonton, Alberta plant, the inbound rate of \$1.70½ on skelp consists of an average of commodity rates under the Railway Act via all rail, lake and rail, or rail, lake and rail. The pipe rate of \$1.29 from Edmonton to Vancouver is the normal rate under the Railway Act.

The applicant is therefore complaining of rates published exclusively under the Railway Act to and from his Edmonton plant, against rates published for its competitors at Welland and Port Moody, consisting partly of rates under the Railway Act and partly of rates under agreed charges.

It is clear from what has been recited above that the complaint in this matter in respect of the competitors of the Edmonton plant, is in the main based upon the rate on finished pipe from Welland and other points in that vicinity to Vancouver of \$1.20 per 100 lbs. under Agreed Charge C.T.C. (AC) No. 63, and the rate on skelp from Hamilton, Ont. to Port Moody of 95 cents per 100 lbs. under Agreed Charge C.T.C. (AC) No. 89, the skelp being converted into finished pipe at Port Moody.

The applicant asks for an alternative remedy under the Transport Act itself, and in this alternative we consider that the applicant is on sound ground rather than in appealing to the Railway Act for a remedy.

While the Board does not now initially inquire into or approve agreed charges since the Transport Act was amended on July 28th, 1955 by 3-4 Elizabeth II, c. 59, nevertheless once an agreed charge is filed the Board is given power by subsection 10 of section 32, as amended, to deal with matters of alleged unjust discrimination under the Transport Act. Subsection 10 of that section reads as follows:

“Any shipper who considers that his business is or will be unjustly discriminated against by an agreed charge may at any time apply to the Board for a charge to be fixed for the transport by the same carrier with which the agreed charge was made of goods of the shipper that are the same as or similar to, and are offered for carriage under substantially similar circumstances and conditions as, the goods to which the agreed charge relates, and, if the Board is satisfied that the business of the shipper is or will be unjustly discriminated against by the agreed charge, it may fix a charge, including the conditions to be attached thereto, to be made by the carrier for the transport of such goods of the shipper, and may fix the day on which such charges shall be effective, not being earlier than the day on which the agreement for the agreed charge was made.”

The question of unjust discrimination is a matter of fact, and the factors were fully developed on the record. As to the raw material, skelp, the evidence of Mr. Gommel, General Manager of Alberta Phoenix Tube & Pipe Limited, was that skelp is a product made by the steel mills and is used only for the manufacture of pipe. There is no other purpose for which skelp is used. It is shipped in coils in open cars. While the formal complaint refers to the rate on skelp from Hamilton, the submission of Counsel for the applicant at the hearing referred to the Agreed Charge on skelp from both Hamilton and Sault Ste. Marie, Ontario.

As to the method of conversion of the skelp into pipe, the evidence also is that the applicant's method of conversion is similar to the process used by the applicant's competitors. The further evidence given by the applicant, and not contradicted by any other evidence, is that the applicant is unable to sell pipe similar to its competitors in the Vancouver market because of (1) the competition of finished pipe from Welland, Ont., and (2) the competition of skelp from Hamilton or Sault Ste. Marie, converted into finished pipe at Port Moody, B.C., in the vicinity of Vancouver; and that the inbound skelp and the outbound pipe of the applicant are shipped in the same kind of cars, over generally the same routes, and under substantially similar transportation circumstances and conditions as exist in the case of the skelp and pipe of its two competitors.

Under the interpretation section (2) (1) (L) of the Transport Act, “shipper” means “a person sending or receiving or desiring to send or receive goods by means of any carrier to whom this Act applies.”

The evidence also shows in the case of both the Port Moody plant and the Welland plant, which are competitors of the applicant, that the rate of 95 cents per 100 lbs. on skelp from Hamilton and Sault Ste. Marie to Port

Moody was established for the admitted purpose of meeting market competition of skelp imported from European and other countries for converting into pipe; and that the rate of \$1.20 per 100 lbs. on pipe from Welland to Vancouver and other Pacific coast points was also established as a market competitive rate to meet the competition of pipe imported in a finished state. The applicant contends that its pipe, converted at Edmonton from skelp received from Hamilton or Sault Ste. Marie, Ont., and shipped as finished pipe from Edmonton to the Vancouver area, is for the same purpose of meeting market competition under substantially similar circumstances and conditions, and that the two agreed charges made by the railways with its competitors unjustly discriminate against its business.

The applicant at the hearing requested the Board to prescribe a rate or fixed charge on skelp from Hamilton to Edmonton of 78 cents per 100 lbs., and a rate or fixed charge on finished pipe from Edmonton to Vancouver of 48 cents per 100 lbs., or a total of \$1.26 per 100 lbs.

The position of the railways, as exemplified by the evidence of two traffic witnesses and the argument of their Counsel, is that, while they sympathized with the position of the applicant, they considered that they are unable to comply with the remedy suggested by the applicant for several reasons: the main reason being that the railways considered the remedy proposed is a fabricating in-transit or manufacturing in-transit arrangement which they have repeatedly refused to consider in connection with iron and steel products and many other commodities; that their rates generally, into and out of manufacturing plants, are local rates which preserve the railways' revenue, and that fabricating or manufacturing in-transit arrangements at a through rate from origin to destination would cause a great loss in revenue to the railways; other reasons are that any such arrangement as suggested by the applicant would be difficult to police in the respect that there would be no check on skelp brought into Edmonton at a rate lower than the normal rate when for manufacturing and reshipment as pipe to Vancouver, particularly as the outbound pipe from Edmonton after being billed to Vancouver could be diverted in-transit to other destinations, where the same rate conditions do not prevail as at Vancouver. It was admitted, however, by the railway witnesses that there are some arrangements in effect by which traffic is billed into a manufacturing point at the normal rate, and that when the product is reshipped the inbound rate is reduced to a lower figure. That is particularly the case in western Canada with logs and rough lumber for various kinds of treatment, and there is no difficulty in "policing" the arrangement.

The pipe from Welland under Agreed Charge No. 63 with which the applicant competes in the Vancouver area, is unrestricted as to size, and the applicant makes pipe of diameters ranging from  $3\frac{1}{2}$  inches to  $12\frac{3}{4}$  inches in diameter, (Exhibit No. 1). The reference to "skelp" has been used by the applicant throughout this case without qualification as to width, nor did the respondents question the width of skelp referred to; on the inbound skelp from eastern Canada to Edmonton at the normal rates there is no restriction as to width. However, it must be noted that the skelp from eastern Canada to Port Moody under Agreed Charge No. 89 with which the applicant also competes is limited to skelp not in excess of 15 inches in width. Skelp of such width will produce pipe of  $3\frac{1}{2}$  inches diameter, which is one of the sizes manufactured by the applicant. Under the authority contained in subsection 10 of section 32 of the Transport Act, the charge to be fixed by the Board for a shipper complaining of unjust discrimination under an agreed charge, may not only be applied on goods "the same as" but also on "similar" goods. "Similar" as defined in Websters New International Dictionary means "nearly corresponding; resembling in many respects; somewhat like; having a general likeness". In the Winston Simplified Dictionary, "similar" is defined as "like,

but not the same or exactly alike". The Board, therefore, has authority to fix a charge to be applicable on all sizes of skelp under the agreed charge legislation, whether the same (15 inches in width) or "similar" (over 15 inches in width). The Board also has power to fix the conditions to be attached thereto.

### *Findings*

The Board finds:

- (1) That the applicant is qualified as a shipper within the meaning of the term in section (2)(1)(L) of the Transport Act;
- (2) That the goods of the said shipper, and which the shipper desires to ship or receive are the same as, or similar to, the goods to which Agreed Charges CTC (AC) Nos. 63 and 89 relate;
- (3) That the said goods of the said shipper are offered for carriage under substantially similar circumstances and conditions as the goods to which Agreed Charges CTC (AC) Nos. 63 and 89 relate; and
- (4) That the business of the shipper is unjustly discriminated against by the said Agreed Charges CTC (AC) Nos. 63 and 89, and that the unjust discrimination arises solely out of the arrangements made by the railways to enable the shippers at Welland and other points in Ontario to ship pipe to the Pacific coast to meet import competition; and to enable the plant at Port Moody to obtain skelp at Hamilton and Sault Ste. Marie, Ontario, in competition with imported skelp and thus directly enable pipe to be made at Port Moody to meet the competition of imported pipe.

### *Conclusions*

Subsection 10 of section 32 of the Transport Act provides that the Board, upon a finding that unjust discrimination exists against the business of any shipper complaining against an agreed charge, may fix a charge, including conditions to be attached thereto, to be made by the carrier for the transport of the goods of the complaining shipper. In the opinion of the Board this does not necessarily mean the same charge as the agreed charge; it means a charge which the Board considers will remove the unjust discrimination. The Board is of the opinion, therefore, that it has power where an intermediate point is concerned, such as Edmonton, to fix a charge related to the shorter distance of that intermediate point. The Board considers, however, that having regard to the low revenue (approximately 7 mills per ton-mile) produced by the rate of 95 cents per 100 lbs. on skelp from Hamilton to Port Moody, that it is not justified in fixing a much lower charge on that material for the shorter distance from eastern Canada to Edmonton.

The Board, therefore, for the purposes of this case and on the record as made, fixes a charge for the applicant of 90 cents per 100 lbs. on skelp, iron or steel, in carloads, without limitation as to width, carload minimum weight 120,000 lbs., from Hamilton and Sault Ste. Marie, Ont. to Edmonton, Alberta, to be made by the same carriers parties to Agreed Charge CTC (AC) No. 89, and under the conditions attaching to the said Agreed Charge, with the further condition that the said fixed charge shall only be applied upon proof submitted to the carrier that the said skelp has been converted into pipe and shipped from Edmonton, Alberta at the charge fixed and in accordance with the provisions of the next succeeding paragraph hereof;

The Board further fixes a charge for the applicant of 44 cents per 100 lbs. on pipe, wrought iron or steel, carloads, of the same description and under the conditions attaching to the said Agreed Charge CTC (AC) No. 63, to be made by the same carriers parties to that Agreed Charge, from Edmonton, Alberta, to the stations and places to which the said Agreed Charge is applicable, to the extent that the said carriers participate in the carriage of the said goods from Edmonton to the said stations and places.

Under these conditions the railways' revenues will be protected against any unwarranted reductions in rates or charges from or to other stations or places, and practically no "policing" of the inbound or outbound shipments at Edmonton will be necessary. It may be added that were it not for the restriction placed upon the Board by the Transport Act of fixing a charge related to each agreed charge, the Board would have fixed a single charge of \$1.34 per 100 lbs. for the combined movements of both skelp and pipe.

Order to go accordingly.

A. SYLVESTRE  
L. J. KNOWLES

OTTAWA, April 17, 1958.

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ORDER No. 94129

*In the matter of the application of Messrs. Hu Harries and Associates, on behalf of Alberta Phoenix Tube & Pipe Limited, for elimination of unjust discrimination and undue preference alleged to exist in respect of rates on Skelp and Pipe, from eastern points to Edmonton, Alberta, and Vancouver, B.C., under the provisions of the Railway Act, Chapter 234, and the Transport Act, Chapter 271, R.S.C. 1952:*

File No. 48703

WEDNESDAY, the 17th day of April, A.D. 1958

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

*Whereas* Alberta Phoenix Tube & Pipe Limited has made application under subsection 10 of section 32 of the Transport Act, and has represented to the Board that its business is unjustly discriminated against by Agreed Charge C.T.C. (AC) No. 63 on pipe, wrought iron or steel, as described in the said Agreed Charge, from Welland, Ont. and other places in the Province of Ontario to Vancouver and other points in the Province of British Columbia; and by Agreed Charge C.T.C. (AC) No. 89 on skelp, iron or steel, as described in the said Agreed Charge, from Hamilton and Sault Ste. Marie, Ont. to Port Moody, B.C.;

*And whereas* the said application was heard at Calgary, Alberta on the 27th day of February, 1958, in the presence of Counsel for the Applicant, for Canadian Pacific Railway Company and Canadian National Railways;

*And whereas* the Board by its Judgment herein dated April 17, 1958, has made a finding that the business of the Applicant is unjustly discriminated against by each Agreed Charge above referred to;

*And whereas* the Board by the said Judgment has fixed for the Applicant a charge in relation to the said Agreed Charge No. 63 and a charge in relation to the said Agreed Charge No. 89, with Order to go accordingly;

*It is ordered* that such charges be, and they are hereby fixed, in accordance with the provisions of the said Judgment and that they shall come into effect on the 17th day of May, 1958.

CLARENCE D. SHEPARD,  
*Chief Commissioner,*

*In the matter of the application of the Corporation of the City of Calgary, Alberta, for an Order authorizing the reconstruction of the Alyth Bridge over the Canadian Pacific Railway Company's tracks in the City of Calgary, Alberta.*

File No. 15542.

HEARD at Calgary, Alberta, February 27, 1958.

Before:

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
F. M. MACPHERSON, *Commissioner.*

Appearances:

E. M. BREDIN, Q.C., for the City of Calgary.  
K. D. M. SPENCE, Q.C., R. R. MITCHELL, Q.C., and A. J. ALLISTON,  
for the Canadian Pacific Railway Company.  
W. G. BOYD, for the Canadian National Railways.

#### J U D G M E N T

MACPHERSON, Commissioner:

The existing overhead bridge known as the Alyth Bridge was constructed under Board Order No. 11652, dated September 8, 1910, which was an Order to construct; Order No. 12505, dated September 17th, 1910, which apportioned the costs 50 per cent to the City of Calgary, and 50 per cent to the Canadian Pacific Railway Company; Order No. 12838, dated January 31, 1911, which authorized the overhead bridge to be constructed in accordance with the terms and conditions in the Agreement between the City of Calgary and the Canadian Pacific Railway Company, dated August 20th, 1910. This Order was issued after a hearing of the application by the Board at Calgary, on September 16th, 1910.

This overpass crosses the large C.P.R. rail yard at Alyth. It is made up of two 100' through pin trusses with a 64' HDPG at the south end and a 38' HDPG at the north end, with timber approaches on both the north and south approach. The bridge was constructed in 1910 by the Hamilton Bridge Company.

In the above-mentioned agreement between the City and the Railway, a copy of which was filed by the Canadian Pacific Railway Company at the hearing as Exhibit No. 7, the cost of construction, exclusive of the value of the land occupied, was divided between the Canadian Pacific Railway Company and the City of Calgary on an equal basis. The maintenance of the bridge after construction is as follows:

The C.P.R. maintains, at its own expense, the steel spans of the said bridge and the supports and superstructure thereof on the property of the C.P.R., including such stringers as may be necessary for the maintenance of the flooring and the railing of the said bridge. The City of Calgary maintains at its own expense the timber approaches, the flooring and the railing of the said bridge.

Previous to the opening of the hearing, the Chief Engineer and the District Inspector of the Board, together with myself, made an inspection, which revealed that the timber approaches had lived their life and now require replacement. The steel spans, supports and concrete sub-structure maintained by the C.P.R. appear to be in a reasonable state of repair.

The travelled portion of the existing bridge is only approximately 22 feet wide. This travelled portion being in an enclosed area, is not up to present day standards for two-lane traffic. Present day standards for the heavy traffic on this bridge would be from 24 to 28 feet travelled surface for a two-lane roadway. The original bridge was designed for a loading of approximately H-10, and is in fair condition. However, timber approach spans have outlived their usefulness, and mainly because of their weakened condition, traffic on the bridge has been restricted. The bridge now bears signs restricting traffic to passenger vehicles and half-ton trucks only with a restricted speed of 10 m.p.h. As mentioned above, these restrictions are maintained because of the condition of the timber approaches.

A map filed by the City of Calgary, dated August 30th, 1956, shows in red a proposed truck by-pass route in the City of Calgary, and also shows all industries and facilities in the area adjacent to this overpass.

Alyth overhead is the only non-level crossing of the C.P.R. right-of-way in the southeast part of the City. The nearest level crossings are as follows: the first level crossing to the east is 9400 feet distant, being 50th Avenue; the first level crossing to the west is 3300 feet distant, being 12th Street East.

Because of the above restrictions to the traffic on this bridge former bus service in the area has been suspended with the following effects:

Valley Field children are attending Ramsey School.

Ogden Junior High School students are going to Col. Walker School. The employees working in the C.P.R. Ogden Shops, and living in East Calgary, have dislocated bus service.

Re-routing of Ogden Line means two level crossings at Shamrock Hotel and at 11th Street East.

Also because of the suspension of traffic on the bridge, Fire Station No. 3 has now been isolated from its direct means of access to the south side of the C.P.R., and if called must take the alternate routes on the level crossings as mentioned above. The fire station is located in its present position to serve the following industries:

Alberta Stockyards Ltd. (C.P.R.)

Government Elevators

Mannix Ltd.

Revelstoke Saw Mill

Rock Mountain Distilleries

R.C.A.F. Depots

Canada Malting

Renown Flour Mills

Imperial Oil Ltd.

Western Gypsum Ltd.

Burns & Co.

The re-routing because of the restriction on the overhead means an additional mile of hazardous delay because of the two level crossings. The next fire station is in Victoria Park, a considerable further distance away.

In addition to the re-routing of the bus lines and adequate fire service to the above area, the industries themselves are affected by trucks hauling to them not being able to use the existing bridge.

It is proposed by the City of Calgary to make the Alyth Bridge a truck by-pass route and to bring a 44' paved road from Highways 1 and 2, north of the C.P.R. tracks over this overpass, and connect up with the Macleod Trail on the south side, thus by-passing the main business area of Calgary. In connection with this proposed by-pass route, two bridges are now under

construction north of the existing overpass, one being the Cushing Bridge over the Bow River, and the other being over a drainage canal. The new Cushing Bridge has just been completed and is only of two-lane capacity. Apparently this bridge was originally intended for a four-lane bridge, but due to difficulties, was of necessity constructed to two-lane. Footings, etc., for the additional two lanes were poured at the time of original construction, but as yet the additional two lanes have not been constructed.

I consider that an overpass is a definite necessity at this location for two reasons. (1) The existing overpass is intended to serve a highly developed industrial area with a large volume of road traffic. (2) The City wishes to incorporate this overpass as part of their plan for the truck by-pass route. Considering these two reasons for the maintenance of the overpass at this location, I state the following:

For the purpose of serving the entire area in the vicinity of the overpass, the present overpass is not adequate even if it were in good repair and up to original design. The width of the present bridge cannot be increased to provide adequate loading. It is stated that the bridge can be increased to H-15 loading at a reasonable expense, as indicated by the C.P.R. Exhibit No. 11, at the cost of approximately \$23,000.

Even if the bridge is suitable for the present day traffic, the width of the bridge would not be sufficient for a good two-lane which would require about 28 feet.

I am of the opinion that even if the present overpass were constructed as above, it would not be suitable for the future trucking now being planned, and in support of this I refer to Exhibit No. 10, in which the C.P.R. estimate the cost of replacing two spans for H-20-S16 loading at \$82,000.

The by-pass as it is called is not intended by the City of Calgary as merely a truck by-pass, but also for the moving of traffic, and to relieve in part the city centre of traffic congestion that would otherwise continue south to north on the east side of the city. In other words, this by-pass will provide a major highway within the city street system. In addition, this road is restricted to where it now crosses the C.P.R. right-of-way and the City wishes to construct and maintain a public highway up to present day highway standards.

I am of the opinion that the request of the City of Calgary for a new construction is justified as the present one is very inadequate to take care of the traffic offered, particularly when the roads are linked with the north and south provincial highways now in the process of construction north and south of the city. According to the City's plans, as filed with the Board, the cost would be in the neighbourhood of \$861,000, made up as follows:

Bridge and approaches .....	\$624,500
Removal of existing bridge .....	20,000
Property and damage .....	161,778
Engineering and inspection .....	55,000
<b>Total .....</b>	<b>\$861,278</b>

This structure would be prestressed concrete, and the maintenance costs, as estimated by the City, would be \$230 per annum.

Another feature is the request of the Canadian Pacific Railway Company for sufficient space to allow for two or three more tracks in addition to five sets of tracks which have been installed under this bridge since it was built.

In my opinion, Section 267 of the Railway Act clearly states that traffic of the railway and the highway must always be considered in structures over or under either railway or highway.

There is no doubt that inconvenience is caused by the bridge in its present state. The Canadian Pacific Railway Company has suggested reinforcing the bridge to H-15 S-12 loading at an estimated cost of \$18,000, but this would not be sufficient as the bridge would still be too narrow. The same applies to the suggestion of providing H-20 S-16 loading at a cost of \$82,000, as it would also be inadequate. Even if the Railway spent \$82,000 for the handling of present day traffic, as suggested by them, and assuming the Board, under Section 265 of the Railway Act, would contribute 30 per cent towards the costs, it would still remain for the Railway to pay \$57,400. This would be the cost of the work exclusive of the approaches.

Having given consideration to all these suggestions, I believe that an adequate structure should be provided to allow the Railway to install additional tracks, and to have a loading capacity of H-20 S-16, in accordance with the City's plan.

The City has estimated the total cost of maintenance at \$230 per annum. I am of the opinion that the Railway should contribute \$100 annually as their share of the maintenance costs. The Board will contribute from the Railway Grade Crossing Fund, 30 per cent of the costs of the above structure, up to the maximum of \$150,000. I believe that it is only fair that the Railway should contribute as much to the new structure as it would have if the present bridge were reinforced to provide H-20 S-16 loading, mentioned above. I therefore apportion the Canadian Pacific Railway Company's share in this case at \$60,000, the balance to be assumed by the City of Calgary.

Order to issue.

FRANK M. MacPHERSON

*I Concur:*

A SYLVESTRE.

APRIL 21, 1958.

## ORDER No. 94184

*In the matter of the application of the Corporation of the City of Calgary, Alberta, hereinafter called the "Applicant", for an Order authorizing the reconstruction of the Alyth Bridge over the tracks of the Canadian Pacific Railway Company in the City of Calgary, Alberta:*

File No. 15542

WEDNESDAY, the 23rd day of April, A.D. 1958

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

*Upon hearing the application at a sitting of the Board held at Calgary, Alberta, on February 27, 1958, in the presence of Counsel for the City of Calgary, the Canadian Pacific Railway Company and the Canadian National Railways—*

*It is hereby ordered as follows:*

1. The Applicant is authorized to reconstruct the Alyth Bridge over the tracks of the Canadian Pacific Railway Company in the City of Calgary, Alberta,
2. Thirty per cent of the cost of reconstruction of the said bridge, not exceeding, however, the sum of \$150,000.00, shall be paid out of The Railway Grade Crossing Fund, \$60,000.00 shall be paid by the Canadian Pacific Railway Company and the balance of the said cost shall be borne and paid by the Applicant.
3. The cost of maintenance of the said structure shall be borne and paid \$100.00 annually by the Canadian Pacific Railway Company and the balance by the Applicant.

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

## P.C. 1958-601

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 29th April, 1958.*

The Committee of the Privy Council, on the recommendation of the Right Honourable John George Diefenbaker, the Prime Minister, having received, heard and considered, pursuant to section 53 of the Railway Act, a petition to rescind Order No. 93265 of the Board of Transport Commissioners dated 27th December 1957 authorizing increases in railway freight rates, and an answer to such petition, and having also received and considered a subsequent petition to rescind the increase in railway freight rates granted by Order No. 90447 of 17th December 1956 and an answer thereto, recommended that Your Excellency be pleased:

1. To rescind the said Order No. 93265 of the Board;
2. To direct the Board that, as a principle of rate making policy, credits to tax equalization reserves shall not be regarded as necessary expenses or requirements in determining rates; and
3. To confirm on other grounds, including the lapse of time since Order No. 90447 came into effect namely on 1st January 1957, the freight rates authorized by that Order.

R. B. BRYCE,  
*Clerk of the Privy Council.*

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P.C. 1958-602

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 29th April, 1958.*

The Committee of the Privy Council on the recommendation of the Right Honourable John George Diefenbaker, the Prime Minister, having received, heard and considered, pursuant to section 53 of the Railway Act, a petition to rescind Order No. 93401 of the Board of Transport Commissioners for Canada dated 10th January, 1958, approving revisions of the tariffs of the Bell Telephone Company of Canada for exchange and long distance services and equipment, and an answer to such petition, recommend that Your Excellency may be pleased to rescind the said Order No. 93401 of the Board and to direct the Board that, as a principle of rate making policy, credits to tax equalization reserves shall not be regarded as necessary expenses or requirements in determining rates and charges.

R. B. BRYCE,  
*Clerk of the Privy Council.*

## ORDER No. 94273

*In the matter of Order No. 93952, dated March 24, 1958, granting licence No. C.T.C. (W.T.) 345 to Canada Steamship Lines Limited (including its wholly owned subsidiary Northern Navigation Company Limited operated by the Licensee as its Northern Navigation Division):*

File No. 42076.4.2.

MONDAY, the 5th day of May, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

The said Order No. 93952 is amended by striking out, in paragraph numbered two, the following:

Glenelg	150237	2099
Iroquois	176119	2300

and including it in paragraph numbered one of the said Order.

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

## ORDER No. 94294

*In the matter of the application of Canadian Pacific Railway Company, as lessee exercising the franchises of the Atlantic and North West Railway Company, hereinafter called the "Applicant", under section 203 and other relevant sections of the Railway Act for authority to take without the consent of the owner the lands and premises hereinafter described:*

File No. 27167.94.

TUESDAY, the 6th day of May, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

*Upon hearing the application at a sitting of the Board at Ottawa, Ontario, on May 6th, 1958, in the presence of Counsel for the Applicant, no one appearing in opposition to the application, and upon consideration of the matter—  
It is hereby ordered as follows:*

The Applicant is authorized to take, without the consent of the owner or owners, the following lands and any easement, servitude, right, privilege or interest in, to, upon, under, over or in respect of the same:

A vacant parcel of land of irregular figure situated in the Municipality of the Parish of St. Constant, in the Province of Quebec, composed of part of Lot One hundred and forty-three (Pt. 143) of the Official Plan and Book of Reference for the Parish of St. Constant, containing Five arpents, more or less, in area, bounded towards the North-west partly by Subdivision One of Lot One hundred and fifty on the said Official Plan and Book of Reference and partly by Subdivisions One hundred and fifty-three, one hundred and fifty-four and One hundred and fifty-five of the said Subdivision One of the said Lot One hundred and fifty, towards the North-east partly by an unsubdivided part of Lot One hundred and forty-six on the said Official Plan and Book of Reference and partly by part of Subdivision One hundred and fifty-six of the said Subdivision One of the said Lot One hundred and fifty, towards the South-east by the residue or remainder of the said Lot One hundred and forty-three, and towards the South-west by Subdivisions Six, Three, Twenty-five, Twenty-six and Twenty-seven of the said Lot One hundred and fifty and being more particularly described as follows:

Commencing at the point where the division line between the said Lot One hundred and forty-three and the said Subdivision One of the said Lot One hundred and fifty intersects the North-easterly boundary of the said Lot One hundred and forty-three, thence proceeding in a South-easterly direction along the said North-easterly boundary of the said Lot One hundred and forty-three a distance of Four hundred and four feet to a point, thence turning and proceeding in a South-westerly direction in a straight line a distance of Four hundred and ninety-two feet to a point on the South-westerly boundary of the said Lot One hundred and forty-three, which point is the Southeast corner of the said Subdivision Six of the said Lot One hundred and fifty, thence turning and proceeding in a North-westerly direction along the said South-westerly boundary of the said Lot One hundred and forty-three a distance of Three hundred and thirty-four feet and six-tenths of a foot to the North-westerly boundary of the said Lot One hundred and forty-three, thence turning and proceeding in a generally North-easterly direction along the said North-westerly boundary of the said Lot One hundred and forty-three to the point of commencement.

the said described lands being shown outlined in red on the plan, profile and book of reference bearing revised date 20th February, 1958, attached to the said application and on file with the Board under file No. 27167.94.

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

## ORDER No. 94305

*In the matter of the application made on behalf of the Department of Highways of the Province of Quebec, hereinafter called the "Applicant", for an Order authorizing the reconstruction of the tunnel at the intersection of Highway No. 38 and the Canadian National Railways' tracks, in the Parish of Ste. Dorothee, County of Laval, Province of Quebec, at mileage 7.77 Montfort Subdivision:*

File No. 2342.109.

WEDNESDAY, the 7th day of May, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*F. M. MACPHERSON, *Commissioner.*

Upon hearing the application at the sittings of the Board held in the City of Montreal, on the 9th day of April, 1958, in the presence of Counsel for the Department of Highways of the Province of Quebec and Canadian National Railways—

*It is hereby ordered as follows:*

1. The Applicant is authorized to construct Highway No. 38 across the right of way of Canadian National Railways, by means of a subway, in the Parish of Ste. Dorothee, County of Laval, Province of Quebec, at mileage 7.77 Montfort Subdivision, as shown on Plan No. C-18245, dated May 9, 1957, on file with the Board under file No. 2342.109.

2. The said subway shall be constructed in accordance with the provisions of General Order No. 589; detailed plans showing the construction thereof shall be submitted for the approval of an Engineer of the Board.

3. Upon the subway hereby authorized being open to the public the Applicant shall close and dismantle the existing subway at mileage 7.79 Montfort Subdivision.

4. The question of the apportionment of the cost of construction and maintenance of the subway hereby authorized, as well as the cost of dismantling the existing subway, is reserved for further consideration and order of the Board.

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
MARCH, 1958

Railway Accidents .....	181	Killed	6	Injured	184
Level Crossing Accidents ....	41	Killed	14	Injured	48
	<u>222</u>		<u>20</u>		<u>232</u>
Total .....					

		Killed	Injured
Passengers .....	—	—	37
Employees .....	—	—	135
Others .....	20	20	60
		<u>20</u>	<u>232</u>
Total .....			

## DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

## NOVA SCOTIA

*Killed Injured*

— 2 Auto truck struck by train. Licence: N.S. 564-15.

## NEW BRUNSWICK

1 — Auto truck struck by train. Licence: N.B. C-35-495.

— 1 Automobile struck by train. Licence; N.B. 22-322.

## QUEBEC

1 — Pedestrian passed under gate and was struck by train.

— 2 Automobile struck by train. Licence: Que. 320427.

— 1 Automobile struck by train. Licence: Que. 451916.

— 1 Automobile struck by train. Licence: Que. 588766.

— 2 Automobile ran into side of train. Licence: Que. 447-230.

— 1 Automobile struck by train. Licence: Que. 690-080.

— 1 Boy on bicycle ran into side of train.

— 5 Automobile ran into side of engine. Licence: Ont. B-36329.

— 1 Automobile struck by train. Licence: Alta. TV-813.

1 — Automobile struck by train. Licence: Que. T-9424.

— 1 Automobile ran into side of train. Licence: Que. T-15822.

— 2 Automobile struck by train. Licence: Que. 466-121.

## ONTARIO

1 — Transport Trailer truck struck by train. Licence: Ont. 20030-B.

— 1 Auto truck ran into side of train. Licence: Ont. 92808-A.

— 2 Automobile ran into side of train. Licence: Ont. 468-921.

1 1 Automobile struck by train. Licence: Ont. 541-107.

— 1 Auto truck struck by train. Licence not given.

1 2 Auto truck struck by train. Licence: Ont. 512-987.

1 — Automobile ran into side of train. Licence: Ont. 25292-X.

1 — Auto truck ran into side of train. Licence: Ont. 73057-A.

— 1 Auto truck struck by train. Licence: Ont. 91408-C.

— 1 Automobile struck by train. Licence: Ont. 79653.

1 — Automobile struck by train. Licence: Ont. 593-040.

— 1 Transport truck struck by train. Licence: Ont. 67729-C.

— 1 Automobile struck by train. Licence: Ont. 363-838.

— 1 Automobile ran into side of train. Licence: Ont. 13161.

— 1 Automobile struck by train. Licence: Ont. 868-969.

1 — Pedestrian stepped in front of approaching train and was struck.

— 1 Automobile ran into side of train. Licence: Ont. B-17129.

— 3 Automobile ran into side of train. Licence: Ont. A-78630.

2 — Automobile struck by train. Licence: Ont. 20217-X.

— 1 Automobile struck by train. Licence: Ont. C-60063.

— 1 Automobile struck by train. Licence: Ont. 903-624.

## MANITOBA

— 4 Auto truck ran into side of train. Licence: Man. FT-75435.

— 1 Auto taxi struck by train. Licence: Man. Lid. 534.

## SASKATCHEWAN

— 1 Automobile ran into side of train. Licence: Sask. 1467.

## ALBERTA

— 1 Auto truck ran into side of train. Licence: Alta. 165-039.

2 2 Automobile struck by train. Licence: Alta. YK-687.

Of the 41 accidents at highway crossings, 30 occurred at unprotected crossings, 11 at protected crossings, 20 occurred after sunrise and 21 after sunset.

OTTAWA, Ontario, May 1, 1958.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 94134 Apr. 17—In the matter of application of the C.N.R. on behalf of Imperial Oil Ltd., for approval of proposed location of additional facilities for protection of above ground pipe lines at Lytton, B.C., Mileage 97.38 Ashcroft Subd.
- 94135 Apr. 17—In the matter of application of the Northern Alberta Railways Company on behalf of North Star Oil Limited for approval of proposed location of additional facilities for handling and storage of flammable liquids at Fairview, Alta., Mileage 97.4 Peace River, Subd.
- 94136 Apr. 17—In the matter of application of the C.N.R. on behalf of North Star Oil Limited, for approval of proposed location of additional facilities for the handling and storage of flammable liquids at Hoey, Sask., Mileage 82.6 Cudworth Subd.
- 94137 Apr. 17—In the matter of filing of tariffs by The Bell Telephone Company of Canada.
- 94138 Apr. 17—In the matter of application of Trans-Canada Pipe Lines Limited, for approval of plan showing a portion of its line in the Twps. of Grenfell and Kerns, Ontario.
- 94139 Apr. 17—In the matter of application of Trans-Canada Pipe Lines Limited for an order approving plan showing portion of its company pipe line in the District of Cochrane, Ont.
- 94140 Apr. 17—In the matter of application of Trans-Canada Pipe Lines Limited, for an order approving plan showing location of a portion of its company pipe line in the District of Nipissing, Ontario.
- 94141 Apr. 17—In the matter of application of Trans-Canada Pipe Lines Limited, for an order approving plan showing the location of a portion of its company pipe line in the Districts of Parry Sound and Muskoka, Ontario.
- 94142 Apr. 17—In the matter of application of Trans-Canada Pipe Lines Limited, for an order approving plan showing a portion of its company pipe line in the District of Nipissing, Ont.
- 94143 Apr. 17—In the matter of application of Trans-Canada Pipe Lines Limited, for an order approving plan showing location of a portion of its pipe line in the District of Muskoka, Ont.
- 94144 Apr. 18—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 57.5 Hoadley Subd., Alta.
- 94145 Apr. 18—Authorizing the Northern Alberta Railways Company to reconstruct the bridge in the Town of Grande Prairie, Alta.
- 94146 Apr. 18—Authorizing the C.P.R. to reconstruct the north end of the bridge over the Little Bow River, Alta.
- 94147 Apr. 18—In the matter of apportionment of cost of maintenance and operation of automatic protection at crossing of Stanley Street and the C.N.R., City of Niagara Falls, Ontario, Mileage 0.36 Welland Subd.
- 94148 Apr. 18—In the matter of application of Trans-Canada Pipe Lines Limited for an order approving plan showing location of a portion of its company pipe line in the District of Nipissing, Ontario.
- 94149 Apr. 18—Authorizing the C.P.R. to close the old Banff-Lake Minnewanka Road at Mileage 79.5 Laggan Subd., Alta.
- 94150 Apr. 18—In the matter of application of The Bell Telephone Company of Canada for approval of revised Appendix to Traffic Agreement between it and The Wright and Pontiac Telephone Company (Incorporated).
- 94151 Apr. 18—In the matter of application of The Bell Telephone Company of Canada for approval of Traffic Agreement between it and La Compagnie de Telephone de Risborough.
- 94152 Apr. 18—Authorizing the Northern Alberta Railways Company to reconstruct the railway bridge over the Christina River, Alta.
- 94153 Apr. 18—Requiring the C.P.R. to install certain protection at the crossing of the highway at Canmore, Alta.
- 94154 Apr. 18—Approving clearances at the fertilizer plant of Canada Packers Limited, Toronto, Ontario.

- 94155 Apr. 18—Requiring the C.N.R. to install certain protection at the crossing of the highway west of the station at St. Apollinaire, P.Q.
- 94156 Apr. 18—Authorizing the C.P.R. to operate its trains over the temporary track diversion of its Park Avenue Subd., across Cremazie Blvd., Montreal, P.Q.
- 94157 Apr. 18—Relieving the C.P.R. from erecting right of way fencing between certain mileages on its Amulet Subd., Sask.
- 94158 Apr. 18—Relieving the C.P.R. from erecting right of way fencing between certain mileages on its Kisbey Subd., Sask.
- 94159 Apr. 18—Authorizing the C.N.R. to operate over the subway at Mileage 4.2 Tidewater Subd., B.C.
- 94160 Apr. 18—Relieving the C.P.R. from erecting right of way fencing between certain mileages on its Assiniboia Subd., Sask.
- 94161 Apr. 18—In the matter of application of the C.P.R. for approval of location of facilities for handling and storage of flammable liquids at Roseberry, B.C., Mileage 4.3 Kaslo Subd.
- 94162 Apr. 18—Approving operation of C.P.R. trains over private siding serving the City of Winnipeg Hydro Electric System, Winnipeg, Man.
- 94163 Apr. 18—Authorizing the C.N.R. to operate over the subway at Mileage 113.46 Vegreville Subd., Alta.
- 94164 Apr. 18—Approving operation of C.P.R. trains over the siding to serve the Firestone Tire and Rubber Company of Canada Limited, Saskatoon, Sask.
- 94165 Apr. 21—Authorizing the C.N.R. to remove the caretaker at Dugald, Man.
- 94166 Apr. 21—In the matter of Order No. 93952 granting Licence No. C.T.C. (W.T.) 345 to Canada Steamship Lines Limited (including its wholly owned subsidiary Northern Navigation Company Limited operated by the Licensee as its Northern Navigation Division).
- 94167 Apr. 21—In the matter of application of Westcoast Transmission Company Limited for approval of detailed drawing No. RRX-2650, revised to September 30, 1957, in connection with Order No. 87775.
- 94168 Apr. 21—In the matter of application of the Dominion Atlantic Railway Company for approval of locations of "Stop" signs at the bridges at Mileages 12.86 and 41.64 Yarmouth Subd., N.S., as shown on Plan No. 808/1, dated February 24, 1958.
- 94169 Apr. 21—Approving location of siding facilities proposed to be erected by the C.P.R. at Truro, N.S.
- 94170 Apr. 22—Authorizing the C.N.R. to remove the caretaker at Leitches Creek, N.S.
- 94171 Apr. 22—In the matter of application of the C.N.R. on behalf of Progas Limited, for temporary permit to load liquefied petroleum gas from tank trucks to tank cars at Acheson, Alberta.
- 94172 Apr. 23—Permitting the removal of slow order at C.P.R. crossing at Estevan, Sask.
- 94173 Apr. 23—Authorizing the C.N.R. to erect a siding at Bruce, Alta.
- 94174 Apr. 23—Authorizing the Northern Alberta Railways Company to operate over their bridge crossing Burnt River at Mileage 10.8 Grande Prairie Subd., Alberta.
- 94175 Apr. 23—Authorizing the C.N.R. to construct a siding extension at Viking, Alberta.
- 94176 Apr. 23—Authorizing the C.N.R. to construct a siding at Holden, Alberta.
- 94177 Apr. 23—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Section 3.
- 94178 Apr. 23—In the matter of application of the C.N.R. for an Order approving Plan No. SD-3777, dated February 26, 1958, showing protection as now installed at crossing of Highway No. 54 (Blossom Avenue) just east of Cainsville Station, Ontario, Mileage 72.14 Dunnville Subd.
- 94179 Apr. 23—Authorizing the C.P.R. to operate its trains over the bridge at Mileage 68.8 Chaudiere Subd., P.Q.
- 94180 Apr. 23—Authorizing the C.P.R. to operate its trains over the railway bridge at Mileage 28.4 Chaudiere Subd., P.Q.
- 94181 Apr. 23—Authorizing Trans-Canada Pipe Lines Limited to construct a pipe line across the Groundhog River, in the Twp. of Shackleton, Ontario.

- 94182 Apr. 23—Authorizing Trans-Canada Pipe Lines Limited to construct a pipe line across the Severn River, Twp. of Orillia, Ontario.
- 94183 Apr. 23—Authorizing the C.N.R. to construct a siding extension at Kinsella, Alberta.
- 94184 Apr. 23—Authorizing the City of Calgary, Alta., to reconstruct the Alyth Bridge over the C.P.R.
- 94185 Apr. 23—Authorizing the Trans-Northern Pipe Line Company to open a portion of its pipe line in the Twp. of North York, Ont.
- 94186 Apr. 23—Authorizing the C.N.R. to operate its trains over the railway bridge at Mileage 0.6 Minaki Subd., Ontario.
- 94187 Apr. 23—Authorizing the Great Northern Railway Company to abandon the stock yard at False Creek, Vancouver, B.C.
- 94188 Apr. 23—Approving plan showing location of a portion of Trans-Canada Pipe Lines Limited company's pipe line from a point in the District of Cochrane to a point in the District of Temiskaming, Ont.
- 94189 Apr. 23—Authorizing Trans-Canada Pipe Lines Limited to construct its pipe line across the Magnetawan River, Twp. of Armour, Ont.
- 94190 Apr. 23—Authorizing Trans-Canada Pipe Lines Limited to construct its company pipe line across the Magnetawan River, Twp. of Armour, Ontario.
- 94191 Apr. 23—Authorizing Trans-Canada Pipe Lines Limited to construct its pipe line under the Watabeg River, Twp. of Carr, Ont.
- 94192 Apr. 23—Requiring the C.N.R. to install certain protection at the crossing of the highway at Mileage 111.7 Vegreville, Alta.
- 94193 Apr. 23—Authorizing the C.N.R. to make certain changes in the operating circuits of the highway crossing protection at the crossing of St. Jacque St., St. John's, P.Q.
- 94194 Apr. 23—Authorizing the C.P.R. to remove the caretaker agent and appoint a caretaker at Champlain, P.Q.
- 94195 Apr. 23—Authorizing the C.N.R. to remove the caretaker at Tilney, Sask.
- 94196 Apr. 23—Authorizing Consumers' Gas Company to construct a gas main across the C.N.R. at Highway No. 17, in the Twp. of McNab, Ont.
- 94197 Apr. 24—In the matter of application of Northern Alberta Railways Company on behalf of Imperial Oil Limited, for approval of proposed location of facilities for handling and storage of flammable liquids at Faust, Alta., Mileage 199.0 Slave Lake Subd.
- 94198 Apr. 24—Relieving the C.P.R. from erecting cattle guards at the public crossing at Mileage 26.6 Neptune Subd., Sask.
- 94199 Apr. 24—In the matter of application of McInnes Products Corp. Limited, Edmonton, Alta., for a licence under Section 10 of the Transport Act.
- 94200 Apr. 24—In the matter of application of the Dept. of Highways for Ontario, for authority to construct Highway 51 across the right of way of the C.P.R. by means of an overhead bridge near Caledon, Ont., Mileage 27.31 Orangeville Subd.
- 94201 Apr. 24—Approving under the Maritime Freight Rates Act tolls published in certain tariffs filed by the C.N.R. under Section 3.
- 94202 Apr. 24—In the matter of Order authorizing the C.N.R. to use and operate the Point Ellice Bridge in the City of Victoria, B.C.
- 94203 Apr. 24—Authorizing the Nfld. Department of Highways to construct the Trans-Canada Highway across the C.N.R. by means of an overhead bridge at Mileage 154.22 Clarendville Subd., Nfld.
- 94204 Apr. 24—Permitting removal of slow order at C.N.R. crossing of Cowie Street, Granby, P.Q.
- 94205 Apr. 24—Authorizing the B.C. Dept. of Highways to construct and maintain a diversion of a portion of the Trans-Canada Highway between certain mileages on its Cascade Subd., B.C.
- 94206 Apr. 25—Requiring the C.N.R. to install certain protection at the crossing of Mutual Street, Town of Ingersoll, Ont.
- 94207 Apr. 25—In the matter of application of The Express Traffic Assoc. of Canada for approval of proposed Supplement No. 9 to Express Classification for Canada No. 9.

- 94208 Apr. 25—In the matter of application of C.N.R. for authority to reconstruct the crossing of the highway and the railway formerly owned by the N.Y. Central Railroad Company in Lots 5 and 6, Con. 6, Rideau Front, Twp. of Gloucester, Co. of Carleton, Ont.
- 94209 Apr. 25—Authorizing the Manitoba Dept. of Public Works to construct the Metropolitan Winnipeg Bypass across the C.N.R. in the R. Munic. of Fort Garry, Man.
- 94210 Apr. 28—Authorizing the C.N.R. to operate their trains over the subway at Sixth Street East in the City of Calgary, Alta.
- 94211 Apr. 28—In the matter of installation of automatic protection at the crossing of diverted section of the C.N.R. Cornwall Subd. on County Road No. 11, Mileage 84.2 diverted Cornwall Subd., Ont.
- 94212 Apr. 28—In the matter of application of the C.P.R. for an Order authorizing the construction of an extension to its south siding at grade across Herchmer Ave., Broken Front Conc. Twp. of Thurlow, Ont., Mileage 90.70 Belleville Subd.
- 94213 Apr. 28—Permitting removal of slow order at C.N.R. crossing of St. Francois St., Victoriaville, P.Q.
- 94214 Apr. 28—Authorizing the C.P.R. to operate over the pipes and fill at Mileage 2.3 Taber Subd., Alta.
- 94215 Apr. 28—In the matter of installation of automatic protection at the crossing of diverted section of the C.N.R. Cornwall Subd., and Nine Mile Road at Mileage 70.6, Ont.
- 94216 Apr. 28—In the matter of application of C.N.R. for authority to install two flashing light signals, two short arm gates and one bell at crossing of diverted section of Cornwall Subd. and County Road No. 12, Mileage 77.5 diverted Cornwall Subd.
- 94217 Apr. 28—In the matter of application of The Bell Telephone Company of Canada for approval of revised Appendix "A" to Traffic Agreement dated Dec. 31, 1951, between it and La Telephone Somerset.
- 94218 Apr. 28—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.P.R. under Section 8.
- 94219 Apr. 29—Authorizing the C.P.R. to replace the east abutment of the bridge at Beauceville, P.Q.
- 94220 Apr. 29—In the matter of application of The Bell Telephone Company of Canada for approval of revised Appendix to Traffic Agreement between it and The Madawaska Valley Telephone Company Limited (Bancroft District).
- 94221 Apr. 29—In the matter of application of the C.P.R. on behalf of Imperial Oil Limited, for approval of proposed location of additional facilities for storage of flammable liquids at Bredenbury, Sask.
- 94222 Apr. 29—Permitting the removal of slow order at C.P.R. crossing East of station at Taylor, Alta.
- 94223 Apr. 29—Requiring the Chesapeake & Ohio Rly. Co. to install certain circuits at crossing of Erie Street, Leamington, Ontario.
- 94224 Apr. 29—Authorizing the C.N.R. to remove the caretaker at Tracadie Station, N.S.
- 94225 Apr. 29—Approving Supplements to Traffic Agreement filed by The Bell Telephone Co. between it and the Thamesville Telephone Company Limited.
- 94226 Apr. 29—In the matter of application of the C.P.R. for leave to operate its Princess Street spur in the City of Winnipeg, Man.
- 94227 Apr. 29—Authorizing the C.N.R. to remove the caretaker at Lapointe, P.Q.
- 94228 Apr. 29—Authorizing the C.N.R. and C.P.R. to operate their trains through the interlocking plant at Brampton, Ontario.
- 94229 Apr. 29—In the matter of the application of the C.N.R. for an order rescinding Orders Nos. 66445 and 75505, restricting the speed of trains over the crossing of its railway and 33rd St. West, Saskatoon, Sask., Mileage 1 Saskatoon Subd., and authorizing them to increase the speed of trains over the said crossing.
- 94230 Apr. 30—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.P.R. under Section 3.

- 94231 Apr. 30—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 45.66 Peterborough Subd., Ontario.
- 94232 Apr. 30—Authorizing the Parish of Ste. Genevieve, P.Q., to construct the highway across the C.N.R. at Mileage 3.52 Montfort Subd.
- 94233 Apr. 30—In the matter of application of the C.N.R. on behalf of Imperial Oil Limited, for approval of proposed location of facilities for the handling and storage of flammable liquids at Elia, Ontario, Mileage 11.95 Newmarket Subd.
- 94234 Apr. 30—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the Dominion Atlantic Rly. Company under Section 8.
- 94235 Apr. 30—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the Dominion Atlantic Railway Company under Section 8.
- 94236 Apr. 30—Authorizing the B.C. Dept. of Highways to construct the Trans-Canada Highway across the C.P.R. by means of an overhead bridge at Mileage 14.7 Cascade Subd.
- 94237 Apr. 30—Permitting the removal of slow order at C.N.R. crossing of Beaugrand Ave., Montreal, P.Q.
- 94238 Apr. 30—Permitting the removal of slow order at C.P.R. crossing west of station at Elmstead, Ontario.
- 94239 Apr. 30—Permitting the removal of slow order at C.N.R. crossing of Main Street, Lansdowne, Ontario.
- 94240 Apr. 30—Authorizing Trans-Canada Pipe Lines Limited to construct its company pipe line across and under the Holland River Drain, Township of King, Ontario.
- 94241 Apr. 30—Permitting the removal of slow order at C.P.R. crossing of Tremblay Road, Ottawa, Ontario.
- 94242 Apr. 30—In the matter of application of The British American Oil Company Limited, for a temporary permit to unload Class I and Class II petroleum products from tank cars to tank wagons from its siding at Campbellton, N.B.
- 94243 Apr. 30—In the matter of filing of tariffs by the British Columbia Telephone Company.
- 94244 Apr. 30—In the matter of application of the C.P.R. on behalf of British American Oil Company Limited for approval of the proposed location of additional facilities for the handling and storage of flammable liquids at Trail, B.C.
- 94245 Apr. 30—Authorizing the Montreal-Laurentian Autoroute Board to construct its dual highway across the C.N.R. by means of an overhead bridge at Mileage 32.194 Montfort Subd., P.Q.
- 94246 May 1—Approving Agreement between The Bell Telephone Company of Canada and Canadian Overseas Telecommunications Corporation.
- 94247 May 1—Authorizing the Montreal-Laurentian Autoroute Board to construct its dual highway across the C.N.R. at St. Jerome, P.Q.
- 94248 May 1—In the matter of the application of the C.N.R. on behalf of Canadian Oil Companies Limited, for approval of proposed location of facilities for the handling and storage of flammable liquids at Chicoutimi, P.Q. Jonquiere Subd.
- 94249 May 1—In the matter of application of the C.N.R. for approval of Plan SD-3236-C, showing the protection as installed at the crossing of their railway and Highway No. 2 at Mileage 72.3 Dunnville Subd., Twp. of Brantford, Ontario, in lieu of Plan SD-3236-A.
- 94250 May 1—In the matter of the temporary road across the C.N.R. at Port aux Basques, Nfld., at Mileage 547.22 Port aux Basques Subd.
- 94251 May 1—Approving under the Maritime Freight Rates Act tolls published in certain tariffs filed by the C.N.R. under Section 3.
- 94252 May 1—In the matter of application of the Yellowknife Transportation Company for a licence under section 10 of the Transport Act.
- 94253 May 1—Requiring the C.P.R. to install certain protection at the crossing of Keewatin Street, Winnipeg, Manitoba.
- 94254 May 1—In the matter of application of the Township of Trafalgar, Ontario, for installation of automatic protection at the crossing of the C.N.R. and Third Line, Mileage 24.42 Oakville Subd.

- 94255 May 1—In the matter of application of the C.N.R. on behalf of Canadian Petrofina Limited for approval of proposed location of facilities for the handling and storage of flammable liquids at St. Basile, N.B., Mileage 108.80 Grand Falls Subd.
- 94256 May 1—In the matter of application of the C.P.R. on behalf of The British American Oil Company Limited for approval of the proposed location of additional facilities for the handling and storage of flammable liquids at Schreiber, Ontario, Mileage 117.89 Nipigon Subd.
- 94257 May 2—In the matter of application of the C.N.R. for approval of plan showing protection as shown at the crossing of their railway and Trans-Canada Highway, Yale Road, B.C.
- 94258 May 2—Authorizing the C.N.R. to operate their trains over the bridge across Ptarmigan Creek, B.C., Mileage 46.8 Fraser Subd.
- 94259 May 2—Authorizing the C.N.R. to operate its trains over the timber bridge crossing Snowshoe Creek, B.C., Mileage 38.7 Fraser Subd.
- 94260 May 2—Authorizing the Trans-Canada Pipe Lines Limited to construct its company pipe line across the North Muskoka River, Ont.
- 94261 May 2—Authorizing the C.N.R. to use the bridge over Catfish Creek, Mileage 40.7 Fraser Subd., B.C.
- 94262 May 2—In the matter of application of the C.N.R. on behalf of Imperial Oil Limited, for approval of location of facilities for handling and storage of flammable liquids at Edenwold, Sask., Mileage 72.3 Qu'Appelle Subd.
- 94263 May 2—Authorizing the C.N.R. to use the bridge over Eagle Creek at Mileage 125.2 Fraser Subd., B.C.
- 94264 May 2—Authorizing Trans-Canada Pipe Lines Limited to construct its company pipe line across Kabshe River, Township of Morrison, Ontario.
- 94265 May 2—Dismissing application of the C.P.R. for authority to remove the agent and appoint a caretaker at Bobcaygeon, Ont.
- 94266 May 2—Authorizing Trans-Canada Pipe Lines Limited to construct its company pipe line under the Big East River, Township of Chaffey, Ontario.
- 94267 May 2—Authorizing Trans-Canada Pipe Lines Limited to construct its company pipe line across Lake Vernon, Township of Chaffey, Ontario.
- 94268 May 2—Authorizing the Saskatchewan Dept. of Highways and Transportation to construct Provincial Highway No. 13 across the C.P.R. at Mileage 18.70 Assiniboia Subd.
- 94269 May 2—In the matter of the application of the Dominion Atlantic Railway Company for approval of location and layout of station facilities proposed to be erected at Truro, N.S.
- 94270 May 2—Authorizing the C.N.R. to make alterations in the Mount Royal Tunnel, Montreal, P.Q.
- 94271 May 2—Authorizing Trans-Canada Pipe Lines Limited to construct its company pipe line across Gull Lake, Township of Muskoka, Ontario.
- 94272 May 5—Authorizing the C.P.R. to divert its Peterborough Subdivision where it crosses Oshawa Suburban Road No. 2 at Mileage 61.03, Ontario.
- 94273 May 5—In the matter of Order No. 93952, granting Licence No. C.T.C. (M.T.) 345 to Canada Steamship Lines Limited, (including its wholly owned subsidiary Northern Navigation Company Limited, operated by the Licensee as its Northern Navigation Division).
- 94274 May 5—Approving operation of C.P.R. trains over private siding serving Western Canadian Seed Processors Limited, Lethbridge, Alberta.
- 94275 May 5—Authorizing the Township of Otonabee, Ontario, to improve the grades at the C.P.R. crossing of the Highway near Indian River, Ontario.
- 94276 May 5—Authorizing the B.C. Department of Highways to construct a subway to carry the Highway under the C.P.R. at Creston, B.C.
- 94277 May 5—Authorizing the Consumers' Gas Company of Toronto to construct a gas main under the pipeline of Trans-Canada Pipe Lines Limited in the Township of Markham, Ontario.
- 94278 May 5—Authorizing the C.N.R. to construct a railway bridge over a private highway near Atikokan, Ontario.

- 94279 May 5—Authorizing the C.N.R. to remove the caretaker at Naco, Alberta.
- 94280 May 5—Authorizing the C.N.R. to remove the caretaker at Ridpath, Saskatchewan.
- 94281 May 5—Approving operation of C.P.R. trains over private siding serving Grinnell Company of Canada Limited, Township of Etobicoke, Ontario.
- 94282 May 5—Authorizing the Saskatchewan Power Corporation to construct a gas main under the company line of Trans-Canada Pipe Lines Limited in Sec. 36, Twp. 16, Rge. 20, W2M Saskatchewan.
- 94283 May 5—In the matter of the application of the Quebec Central Rly. Co., and its Lessee the Canadian Pacific Railway Company for authority to operate over the bridge at mileage 68.8, Chaudiere Subd., Quebec.
- 94284 May 5—Approving deviation of C.N.R. L'Assomption Subd., between Mileage 43.66 and 46.1, near Ballantyne, Quebec.
- 94285 May 5—In the matter of the application of C.N.R. on behalf of Shell Oil Co. of Canada Ltd., for approval of location of facilities for the handling and storage of flammable liquids at Sudbury, Ont., mile 1.41, Sudbury Terminals Subd.
- 94286 May 5—Approving certain changes to the interlocker at the station at Calgary, Alberta.
- 94287 May 5—Authorizing the Town of Victoriaville, Quebec to re-align Notre Dame Street where it crosses the C.N.R. in the Town of Victoriaville, Quebec.
- 94288 May 6—Authorizing the C.N.R. to remove the caretaker at Gore, Quebec.
- 94289 May 6—Approving operation of C.N.R. trains over private siding serving American Standard Products (Canada Ltd.), Toronto, Ontario.
- 94290 May 6—In the matter of application of the C.P.R. as lessee exercising the franchises of the Q.C.R. under sec. 254 of the Railway Act for authority to replace the east abutment of the bridge at Beauceville, Quebec, mileage 16.8 Chaudiere Subd.
- 94291 May 6—Approving under the Maritime Freight Rates Act, tolls published in certain tariffs filed by the C.N.R. under Section 3.
- 94292 May 6—In the matter of filing of tariffs by The Bell Telephone Company of Canada.
- 94293 May 6—Approving plans showing subway now under construction at the intersection of C.N.R. main line and Greenwood Avenue, Toronto, Ontario.
- 94294 May 6—In the matter of the application of C.P.R. as lessee exercising the franchises of the Atlantic and North West Rly. Co., hereinafter called the Applicant under sec. 203 and other relevant sections of the Railway Act for authority to take without the consent of the owner the lands and premises described.
- 94295 May 6—Authorizing the Gagnon & Freres de Roberval Ltee., to construct a suspended pipe across the C.N.R. at Roberval, Quebec.
- 94296 May 6—Approving clearances on C.N.R. private siding serving Electric Reduction Company of Canada Ltd. at North Vancouver, B.C.
- 94297 May 6—Authorizing the C.P.R. to install automatic protection (block signals) between certain mileages on its Carberry Subd., Manitoba.
- 94298 May 7—Approving plan showing deviation of Lake Erie and Detroit River Rly. Co. line in the corporate limits of the Town of Wallaceburg, Ontario.
- 94299 May 7—Authorizing the C.P.R. and the St. Lawrence Seaway Authority to make deviations in the C.P.R. trackage and facilities between certain mileages on the Adirondack Subd., Quebec.
- 94300 May 7—Approving Appendix to Traffic Agreement by The Bell Telephone Company of Canada Limited and La Compagnie de Telephone de St. Hubert de Spaulding.
- 94301 May 7—Permitting the removal of slow order at C.N.R. crossing of Aird Avenue, Montreal, Quebec.
- 94302 May 7—Permitting the removal of slow order at Metropolitan Boulevard, Montreal West, Quebec.

- 94303 May 7—In the matter of the application of the Town of Victoriaville, Quebec, for an Order authorizing the construction of a viaduct between Gamache and Carignan Boulevards with a view to eliminating the Octave Street level crossing.
- 94304 May 7—Authorizing the B.C. Department of Highways to construct a highway across the C.N.R. by means of an overhead bridge at mileage 96.97, Nechako Subd., B.C.
- 94305 May 7—Authorizing the Quebec Department of Highways to construct Highway No. 38 across the C.N.R. by means of a subway in the Parish of Ste. Dorothee, Quebec.
- 94306 May 8—In the matter of application of Mid-Continent Pipelines Limited to construct a pipe line for transportation of oil from Edmonton, Alberta to Northgate, Saskatchewan.
- 94307 May 8—Authorizing the Sask. Department of Highways and Transportation to widen Highway No. 8 where it crosses the C.N.R. at mileage 7.0, Lampman Subd., Saskatchewan.
- 94308 May 8—Authorizing the Sask. Department of Highways and Transportation to widen Highway No. 13 across the C.N.R. at mileage 14.80, Avonlea Subd.
- 94309 May 8—Authorizing the C.P.R. to construct a siding across Norwell Drive near Northfield, B.C.
- 94310 May 8—Requiring the C.N.R. to install certain protection at the crossing of Chambord Road at Lac Bouchette, Quebec.
- 94311 May 8—In the matter of the application of C.N.R. on behalf of Imperial Oil Ltd., for approval of additional facilities for the handling and storage of Class I flammable liquids at Prince Rupert, B.C. mile 0.76 Seal Cove Branch.
- 94312 May 8—Requiring the C.N.R. to install certain protection at the crossing of the Highway just west of the station at Norval, Ontario.
- 94313 May 8—In the matter of the accident on Nov. 30/56 at the crossing of Provincial Highway No. 7 and the C.P.R. being the first public crossing west of station at Agassiz, B.C. mile 58.9, Cascade Subd.
- 94314 May 9—In the matter of Order No. 90928, dated Feb. 12/57 authorizing the City of Lethbridge, Alta. to reconstruct and improve the overhead bridge at the crossing of 9th Street South and the C.P.R., Lethbridge, Alberta.
- 94315 May 9—In the matter of the application of the City of St. Jean, Que., for authority to widen the crossing of Boulevard du Seminaire and the industrial spur of the C.N.R. at St. Jean, Que., Rouse's Point Subd.
- 94316 May 9—Approving clearances at fertilizer plant of Canada Packers Ltd., Toronto, Ont., mile 5.65, Galt Subd., C.N.R.
- 94317 May 9—Relieving the C.P.R. from erecting cattle guards at certain mileages on its Shaunavon Subd., Saskatchewan.
- 94318 May 9—In the matter of application of the C.P.R. for approval of Plan No. X-4-127-2, dated March 26, 1958 showing the protection as now installed at the crossing of its railway and highway, being first crossing west of station at Parham, Ont., mile 42.8, Belleville Subd., in lieu of Plan No. X-4-127-2, dated Sept. 30/57 which was approved under O. No. 92272, Aug. 14/57.
- 94319 May 9—Authorizing the C.P.R. to operate under the overhead bridge at mile 25.59 Boundary Subd., B.C.
- 94320 May 9—Requiring the C.N.R. to install certain protection at the crossing of the Highway at La Durantaye, Quebec.
- 94321 May 12—Authorizing the Montreal-Laurentian Autoroute Board to carry its dual highway across the C.P.R. by means of overhead bridges at mileages 20.73 and 20.77, Lachute Subd., Quebec.



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# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

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*In the matter of the application of Canadian Pacific Railway Company on behalf of Dominion Atlantic Railway under Section 168 and all other relevant sections of the Railway Act to abandon the operation of the Weston Subdivision, namely from Centreville, N.S. to Weston, N.S.*

File No. 39309.30

*Before:*

C. D. SHEPARD, Q.C., *Chief Commissioner.*  
H. B. CHASE, C.B.E., *Commissioner.*

*Heard at:*

KENTVILLE, N.S., on March 28th, 1958.

*Appearances:*

K. D. M. SPENCE, Q.C., for Canadian Pacific Railway on behalf of Dominion Atlantic Railway.  
ERIC B. KINSMAN, for the Municipality of the County of Kings.  
D. J. WATERBURY, for Northville Fruit Co. Ltd., Lakeville Fruit Co. Ltd., Minas Basin Pulp and Power Co., United Woodville Ltd., Grafton Fruit Ltd., Donald Sawler, E. D. MacLean.

### J U D G M E N T

*CHASE, Commissioner:*

This is an application made by the Canadian Pacific Railway Company (lessee) on behalf of the Dominion Atlantic Railway (lessor) for leave to abandon the operation of its Weston Subdivision which extends from Centreville to Weston, N.S., a distance of 14½ miles. The hearing was conducted in Kentville, N.S., on March 28th, 1958. Shortly after the application was filed and in line with its usual practice, the Board directed one of its Engineers, in company with one of its Operating Inspectors, to make a thorough survey of the Subdivision in question and to make a complete report with respect thereto.

The report was received under date of December 11th, 1957, from which, inter alia, the following appears.

The line is parallel to the main line of the Dominion Atlantic Railway (hereinafter sometimes referred to as the "Railway"), at distances varying between 2.5 and 4 miles. The track is maintained as a minor branch line, satisfactory for the speed of trains and the amount of traffic being handled. The width of the right-of-way varies but in most places it is 100 feet. It is covered with bushes and trees to within 6 feet of the rail, fences are in poor condition and in many places they are completely broken down.

There is no scheduled train service on the line and a train is only run when there are three or more carloads on hand at Kentville.

The area served is agricultural, with apple growing the major industry, There are also other products such as seed potatoes and vegetables grown to supply the canning industry. There is a considerable poultry industry the products being marketed in the Maritimes and Central Canada.

A check of the waybills of carloads handled in and out of the stations on the line showed them to be somewhat different from those supplied by the Railway. A comparative statement of carload totals shows the following:

Year	Ry.	Inward		Outward	
		Check	Ry.	Check	Ry.
1954 .....	160	172	33	34	
1955 .....	178	187	78	90	
1956 .....	120	129	63	62	
Total .....	458	488	174	186	

A further statement showing carloads handled for the year 1957 up to October 31st indicates there were 153 carloads in and 15 carloads out.

Interviews were had with approximately all the business people and industries located along the line, from which it appears that if the application were granted various shippers and consignees would face additional costs or losses estimated to be somewhat in excess of \$10,000 per annum.

The Manager of one Company which would be affected by the proposed abandonment expressed the view that if a scheduled service could be instituted by the Railway it would undoubtedly result in an improvement in the traffic situation. He stated that he realized the volume of traffic was light and they could probably not hope for better than a train a week, but if the train were dispatched on a regular day, rather than the present haphazard method, it would enable business men to order carload shipments to coincide with the schedule. He considered that this would in turn result in a saving to the Railway, in that they could quite possibly reduce the number of trains operated, and if a regular schedule were adopted there might be more carloads available and thus reduce the number of trips. This view will be referred to later on in this judgment.

In support of its application and during the hearing, the Railway submitted a number of statements and exhibits showing carloads handled, revenues, expenses, losses, and an estimate as to what would have to be spent in the ensuing years by way of maintenance if the line were to continue in operation.

Summarized in brief, Exhibit 10, entitled "Economics of Complete Abandonment", shows the financial improvement, if abandonment had been permitted prior to 1954, as follows:

1954	1955	1956
\$7,837	\$3,359	\$7,277

Exhibit 11, entitled, "Salvage Value of Material to be Released", shows an amount of \$79,765. Exhibit 12, entitled "Statement Showing Estimated Annual Expense over a 5-Year Period to Rehabilitate the Weston Subdivision to Normal Maintenance Standards", shows an amount of \$79,000; or an average per annum of approximately \$15,800.

In evidence, it was stated that throughout the years 1954-1957, inclusive, the Dominion Atlantic Railway as an entity did not earn sufficient revenue to meet expenses. In 1954 the loss was \$322,534; in 1955, \$273,656; in 1956, \$226,445; and while exact figures were not obtainable for 1957, the loss was roughly \$181,000.

No evidence was submitted, however, which would indicate in any manner the feeder line value of the Dominion Atlantic Railway to the lessee, namely, the Canadian Pacific Railway Company.

The evidence showed that the Weston Subdivision is 14½ miles in length and runs in a westerly direction roughly parallel to the main line of the Dominion Atlantic Railway. There is an adequate network of gravel and hard surface highways giving access to the main line to inhabitants of the area. Much of the apple traffic which might otherwise originate on the Weston Subdivision is now trucked to a new apple packing plant located on the main line at Coldbrook.

Based on the above, it was the submission of the Applicant that the line had outlived its usefulness and should be abandoned.

The Application was opposed by Counsel representing the Municipality of the County of Kings, the Northville Fruit Company, Limited, Lakeville Fruit Company, Limited, Minas Basin Pulp and Power Company, E. D. MacLean, United Woodville, Limited, Grafton Fruit Company, Limited, and Donald Sawler.

It is not necessary to deal at any length with the evidence and argument submitted in opposition to the application.

Briefly, it appears that for a number of years after the line was built, a considerable number of apples were shipped out, mostly for the overseas trade, followed by a period when production and shipment of apples declined considerably and to a certain extent the overseas market was practically lost.

In recent years a number of orchards have been cut down, others have been grafted and new orchards planted, and a very determined effort is being made to obtain the overseas market.

It is believed that, if given an opportunity, the line might again be profitable.

If abandonment is approved, considerable inconvenience will be experienced by the business firms situated in the territory together with, in some instances losses, and in others increased expenses. In addition, a further view was expressed to the effect that, if necessary, an effort should be made to secure some form of subsidy in order to keep the line in operation. From what was said to us, I am of the opinion that, if given a chance, the parties affected will put forth a good endeavour to increase the traffic on the railway. At this point I would refer to the operation, namely, the running of a train when there are three or more cars available at Kentville, and would suggest that the parties concerned get together and survey the possibilities of running a train on a regular day—this with the thought of improving the service on the one hand and perhaps reducing the expenses on the other hand.

## CONCLUSIONS

As we have stated in previous cases, the Railway Act lays down no principles upon which the Board should act in granting or withholding approval in applications for abandonment of railway lines. The issue in each case where abandonment is sought resolves itself into a question of whether the loss and inconvenience to the public consequent upon the abandonment outweigh the burden that continued operation of the railway line involves when imposed upon the Railway.

In my opinion the Applicant has not made out a sufficiently convincing case for abandonment of operation of the line in the immediate future, and therefore I would not allow abandonment at this time. There is a possibility that the traffic and revenue position of the line may improve in 1958 and I think that it would be premature to allow it to be abandoned now. The remaining months of this year should show whether the hoped-for upswing in traffic on the line will be realized and the extent to which it will be patronized by the people in the communities served. I also consider that the Board should stay seized of the application and review it after the results for 1958 become known to the Board, and for the purposes of such review the Applicant should furnish to the Board full information in respect of 1958 revenues and expenses in the operation of the subdivision, and also of the Dominion Atlantic Railway as a whole and the latter's feeder value to Canadian Pacific Railway Company.

In the circumstances a formal order is not necessary.

H. B. CHASE.

*I concur:*

C. D. SHEPARD

OTTAWA, April 29, 1958.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
APRIL, 1958

Railway Accidents .....	194	Killed	13	Injured	205
Level Crossing Accidents ..	29	Killed	15	Injured	38
Total .....	223		28		243

	<i>Killed</i>	<i>Injured</i>
Passengers .....	—	39
Employees .....	3	154
Others .....	25	50
	28	243

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

QUEBEC

*Killed Injured*

- 1 Pedestrian struck by train.
- 2 Automobile struck by train. License: Que. 83-267.
- 1 Auto truck ran into side of train. License: Que. L-14405.
- 1 Automobile struck by train. License Que. 289-278.
- 2 Auto truck struck by train. License: Que. FP-5683.
- 1 Auto truck struck by train. License: Que. N-40970.
- 1 Auto truck struck by train. License: Que. FA-8831.
- 1 Automobile struck by train. License: Que. 50739.
- 11 — Automobile struck by R.D.C. unit. License: Que. X-2758.

ONTARIO

- 1 — Pedestrian struck by train.
- 1 Auto truck struck by train. License: Ont. 60775-C.
- 4 Automobile struck by train. License: Ont. 43547-X.
- 1 2 Tractor trailer ran into side of train License not given
- 1 Auto truck struck by train. License: Ont. 79-933-A.
- 2 Track motor car struck by automobile. License: Ont. F-37116.
- 1 Automobile struck by train. License: Ont. B-20892.
- 1 Automobile ran into side of train. License: Ont. E-29772.
- 1 — Automobile struck by train. License: Ont. 695-592.
- 2 Automobile struck by train. License: Ont. H-3406.
- 1 Automobile ran into side of train. License not given.
- 1 Auto truck struck by train. License: Ont. 66-241-B.
- 1 — Automobile struck by train. License: Ont. 86-336-A.

SASKATCHEWAN

- 1 Auto truck ran into side of train. License: Sask. 10-216.
- 5 Automobile struck by train. License: Sask. 68-558.

*Killed Injured*

## ALBERTA

- 1 Automobile struck by train. License: Alta. 217-105.
- 1 Automobile struck by train. License: Alta. YX-746.
- 2 Automobile struck by train. License: Alta. NR-74.

## BRITISH COLUMBIA

- 1 Automobile struck by train. License: BC 332-342.
- 1 Automobile ran into side of train. License: BC 241-349.

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Of the 29 accidents at highway crossings, 22 occurred at unprotected crossings, 7 at protected crossings, 15 occurred after sunrise and 14 after sunset.

OTTAWA, Ontario, May 30, 1958.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 94322 May 12—Permitting the removal of slow order at C.P.R. crossing of Town Line Road west of Hanover, Ont.
- 94323 May 12—Authorizing the C.N.R. to construct a car ferry slip on Okanagan Lake at Naramata, B.C.
- 94324 May 12—Approving appendix to agreement between the Bell Telephone Co. of Canada and the Minister of Transport for Canada.
- 94325 May 12—Approving abandonment of operation of the railway of the Cumberland Railway And Coal Co. between Springhill and Parrsboro, N.S.
- 94326 May 12—Authorizing the C.P.R. to replace the caretaker-agent by a caretaker at West Brome, Que.
- 94327 May 12—Authorizing the Sun Oil Co. to construct a pipe line across the pipeline of Westspur Pipe Line Co. in the Province of Sask.
- 94328 May 12—Authorizing the C.P.R. to make signal changes between certain mileages on its Oshawa Subdivision, Ont.
- 94329 May 12—Authorizing the C.P.R. to make signal changes between certain mileages on its Belleville Subd., Ont.
- 94330 May 13—In the matter of application of C.N.R. on behalf of Imperial Oil Ltd. for approval of proposed location of facilities for the handling and storage of flammable liquids at Libau, Man., mileage 34.1 Victoria Beach Subd.
- 94331 May 13—In the matter of application of C.N.R. on behalf of the Lloydminster Development Co. Ltd. for approval of proposed location of additional facilities for the handling and storage of flammable liquids at Blackfoot, Alta., mileage 89.68 Blackfoot Subd.
- 94332 May 13—In the matter of application of C.N.R. on behalf of Shell Oil Co. of Canada Ltd. for approval of proposed location of additional facilities for the handling and storage of Class I and Class II flammable liquids at Granby, Que., mileage 46.58 Granby Subd.
- 94333 May 13 In the matter of application of C.N.R. on behalf of The British American Oil Co. Ltd. for approval of the proposed location of facilities for the handling and storage of flammable liquids at Chibougamau, Que. near mileage 107.6 Opemisca Subd.
- 94334 May 13—In the matter of application of The Bell Telephone Co. of Canada, under section 380 of the Railway Act, for approval of Supplements Nos. 5 & 6, both dated April 18, 1958, to Traffic Agreement dated July 4, 1952, between the Applicant Co. and The Corp. of the Town of Dryden.
- 94335 May 13—In the matter of application of The Bell Telephone Co. of Canada, under section 380 of the revised Appendix "A", dated April 29, 1958, to Traffic Agreement dated December 28, 1951, between the Applicant Co. and La Compagnie de Telephone de St-Evariste.
- 94336 May 13—In the matter of application of Interprovincial Pipe Line Co. for an Order authorizing it to construct an oil pipe line from LaSalle Rd. to Sun Oil Company Ltd. property Sarnia, Ont.
- 94337 May 13—Authorizing the Sask. Dept. of Highways to widen Highway No. 13 where it crosses the C.P.R. mileage 27.80 Assiniboia Subd. Sask.
- 94338 May 13—Authorizing the Sun Oil Co. of Canada to construct a pipe line under the pipe line of Westspur Pipe Line Co. in the Province of Sask.
- 94339 May 13—Authorizing C.P.R. to make changes to the signal system between certain mileages on its Adirondack Subd., Que.
- 94340 May 13—In the matter of application of British Columbia Telephone Co. for leave to amend its application dated April 2, 1958, in connection with revision of certain of its message tolls and exchange service tariffs.

- 94341 May 14—Permitting the removal of slow order at C.P.R. crossing of highway at mileage 111.46, Portal Subd. Sask.
- 94342 May 14—Permitting the removal of slow order at C.N.R. crossing of highway at mileage 7.1, Vankleek Subd. Ont.
- 94343 May 14—Authorizing C.P.R. to remove the caretaker-agent and appoint a caretaker at Pointe du Lac, Que.
- 94344 May 14—Permitting the removal of slow order at C.P.R. crossing of Kennedy Road at Agincourt, Ont.
- 94345 May 14—Permitting the removal of slow order at C.N.R. crossing at mileage 2.55 Sudbury Terminal Subd., Ont.
- 94346 May 14—Authorizing the British Columbia Electric Co. Ltd. to construct a gas main on Poirier St. at Haversly St. etc., across the oil line of Trans Mountain Oil Pipe Line Co., Dist. of Coquitlam, B.C.
- 94347 May 15—In the matter of application of Shell Oil Co. of Canada Ltd. for approval of drawing showing construction of its pipe line across the company pipe line of Trans-Mountain Oil Pipe Line Co., New Westminster, B.C.
- 94348 May 15—Approving under the Maritime Freight Rates Act tolls published in certain tariffs filed by the C.N.R. under section 3.
- 94349 May 15—Permitting the removal of slow order at C.N.R. crossing of highway Port Hope, Ont., mileage 36.78 Oshawa Subd.
- 94350 May 15—Authorizing Ontario Dept. of Highways to construct Highway No. 71 across the tracks of C.N.R. in the Town of Rainy River, Ont.
- 94351 May 15—Authorizing the C.P.R. to operate under the overhead bridge at mileage 29.30, Shuswap Subd. B.C.
- 94352 May 15—Authorizing C.P.R. to remove the agent and appoint a caretaker at Drinkwater, Sask.
- 94353 May 15—In the matter of application dated March 25, 1958, of The Bell Telephone Co. of Canada under section 380 and all other relevant sections of the Railway Act for an Order approving an alternative "Appendix B", attached to the application, for use at the option of parties to Traffic Agreements in lieu of "Appendix B" attached to the said approved form of Traffic Agreement.
- 94354 May 15—Permitting the removal of slow order at C.N.R. crossing and Fire-proof Co. crossing at mileage 35.76 Oakville Subd., Ont.
- 94355 May 15—Permitting the removal of slow order at The Toronto, Hamilton & Buffalo Railway Co. crossing of Chantler Road at mileage 4.32 Welland Subd., Ont.
- 94356 May 15—Permitting the removal of slow order at crossing of C.N.R. at Port Colborne, Ont., mileage 1.75, Humberstone Subd.
- 94357 May 15—Relieving the C.P.R. from erecting railway fencing on the north side of its right of way between mileage 70.55 and 74.16, Bredenburg Subd. Man.
- 94358 May 15—Permitting the removal of slow order at C.P.R. crossing of Islington Ave., Toronto, Ont.
- 94359 May 15—Authorizing the United Townships of Neelon and Garson to improve the view at the crossing of Moonlight Bay Rd. and the C.P.R. at mileage 74.31 Cartier Subd. Ont.
- 94360 May 15—Approving Appendix to Traffic Agreement between the Bell Telephone Co., of Canada and La Cie de Telephone de Soulanges Ltee.
- 94361 May 15—In the matter of application of Messrs. Hu Harries & Associates on behalf of Alberta Phoenix Tube & Pipe Limited for elimination of unjust discrimination and undue preference alleged to exist in respect of rates on skelp and pipe from eastern points to Edmonton, Alta. and Vancouver, B.C.

- 94362 May 16—In the matter of Order No. 92393, dated August 27, 1957, authorizing C.P.R. to install automatic protection at crossing of its railway and Hauteurs Rd. Que., mileage 15.7, Ste. Agathe Subd.
- 94363 May 16—In the matter of installation of automatic protection at the crossing of the Burrard Inlet track of the Great Northern Railway Co. and Powell St. in Vancouver, B.C.
- 94364 May 16—In the matter of accident on May 12, 1958, at the crossing of the railway of C.P.R. and 55th Ave., at Summerlea, Que., mileage 3.85, Winchester Subd.
- 94365 May 16—In the matter of application of C.P.R. as lessee of Esquimalt & Nanaimo Railway, on behalf of Rockgas Propane Ltd., for approval of location of facilities for the handling and storage of liquefied petroleum gas, near Northfield, B.C., mileage 76.53, Victoria Subd.
- 94366 May 16—In the matter of Order No. 66339 dated August 8, 1945, approving plan submitted to C.N.R. by McColl-Frontenac Oil Co. Ltd. showing proposed location of facilities for the handling and storage of flammable liquids at Bloomfield, Ont.
- 94367 May 16—In the matter of application of C.N.R. under Section 191 of the Railway Act, for approval of location and details of station proposed to be erected at Nash Creek, N.B.
- 94368 May 20—In the matter of application of C.N.R. on behalf of North of 53 Consumer's Co-Operative Ltd. for approval of proposed location of facilities for the handling and storage of Class I and Class II flammable liquids at Flin Flon, Man. mileage 85.0 Flin Flon Subd.
- 94369 May 20—In the matter of application of C.N.R. on behalf of the Naugatuck Chemicals for approval of the proposed location of facilities for handling and storage of styrene and glycol at Elmira, Ont.
- 94370 May 20—In the matter of application of C.P.R. on behalf of St. Gregor Co-Operative Assoc. for approval of proposed location of additional facilities for handling and storage of Class I and Class II flammable liquids at Watson, Sask., mileage 29.2, Melfort Subd.
- 94371 May 20—Authorizing the British Columbia Electric Co. Ltd. to construct an aerial transmission line across Trans-Mountain Oil Pipe Line Co. at Upper Prairie Rd. Munic. of Chilliwack, B.C.
- 94372 May 20—In the matter of application of Interprovincial Pipe Line Co. dated April 22, 1958, under section 31 of the Pipe Lines Act, for leave to carry a second line of pipe across all highways, railways, irrigation ditches, underground telegraph, telephone or electric power lines or pipe lines as in the said application enumerated.
- 94373 May 20—Authorizing Trans-Northern Pipe Line Co. to relocate a portion of its company pipe line south of Dundas St., Township of Toronto, Ont.
- 94374 May 20—In the matter of application of C.N.R. on behalf of British American Oil Co. Ltd. for approval of proposed location of facilities for storage of flammable liquids at Harbour Grace, Nfld.
- 94375 May 20—Permitting removal of slow order at C.P.R. crossing Pilot Butte, Sask.
- 94376 May 20—Approving Traffic Agreement between The Bell Telephone Co. of Canada and Telephone St-Germain de Drummond Ltee.
- 94377 May 20—Authorizing the District of Surrey, B.C. to construct Ferguson Road and other roads across the company pipe line of Trans-Mountain Oil Pipe Line Co., Dist. of New Westminster.
- 94378 May 20—Authorizing Township of West Hatley, Quebec, to construct the highway across the Quebec Central Railway Co. in the Township of Hatley, Que.
- 94379 May 21—Permitting the removal of slow order at C.P.R. crossing of Kilborn Ave., Ottawa.

- 94380 May 21—In the matter of filing of tariffs by The Bell Telephone Co. of Canada.
- 94381 May 21—Authorizing C.P.R. to operate under the overhead bridge at mileage 0.25 Westminster Branch of the Vancouver and Lulu Island Railway.
- 94382 May 21—In the matter of application of C.N.R. for an Order extending the time within which they are required by Order No. 92944 to install certain protection at the crossing of County Road No. 19, north of Frome, Ont.
- 94383 May 21—In the matter of dismantling of bulk plant of Shell Oil Co. of Canada Ltd. at Lindsay, Ont., authorized to be constructed by Order No. 70079, dated January 14, 1948.
- 94384 May 21—In the matter of application of C.N.R. on behalf of British American Oil Co. Ltd. for approval of proposed location of facilities for storage of flammable liquids at Canora, Sask.
- 94385 May 21—In the matter of application of C.N.R. on behalf of Imperial Oil Ltd. for approval of proposed location of storage facilities for flammable liquids at Lumsden, Sask.
- 94386 May 21—Authorizing the C.P.R. to remove the caretaker at Coulter, Man.
- 94387—May 22—Authorizing the City of Salaberry de Valleyfield, Que. to construct a pedestrian crossing across the New York Central Railroad Co. at Viau St.
- 94388 May 22—In the matter of application of C.N.R. on behalf of British American Oil Co. Ltd. for approval of proposed location of additional facilities for storage of flammable liquids at Flin Flon, Man.
- 94389 May 22—Approving under the Maritime Freight Rates Act tolls published in certain tariffs filed by the C.N.R. under Section 3.
- 94390 May 22—In the matter of application of Ontario Dept. of Highways for authority to construct Highway No. 5 across the C.P.R. by means of an overhead bridge.
- 94391 May 22—In the matter of application of C.N.R. for approval of plan showing proposed relocation of their line in a part of the Caribou District, B.C.
- 94392 May 22—In the matter of application of Shawinigan Chemicals Ltd. for leave to construct a trestle to carry pipe lines over the main line track and siding of the C.P.R. at mileage 21.77 St. Maurice Valley Subd., Que.
- 94393 May 22—In the matter of application of C.N.R. on behalf of British Petroleum (Canada) Ltd. for approval of proposed location of facilities for storage of flammable liquids near Federal, Ont.
- 94394 May 22—In the matter of application of C.N.R. on behalf of Country Gas for approval of proposed location of facilities for storage of liquified petroleum gas at Charlemagne, Que.
- 94395 May 22—In the matter of application of C.P.R. on behalf of Plymouth Oil Co. and others for permission to load crude oil into tank cars from trucks at Kirkella, Man.
- 94396 May 23—Authorizing the C.N.R. to reconstruct the subway at crossing of Hutton Side Road and main line of their railway in Township of London, Ont.
- 94397 May 23—Approving under the Maritime Freight Rates Act tolls published in Supplement to Agreed Charge Tariff filed by the Canadian Freight Association under Section 3 & 8.
- 94398 May 23—Authorizing the British American Oil Co. Ltd. to construct an oil pipe line across the company pipe line of Trans-Mountain Oil Pipe Line Co., New Westminster District, B.C.
- 94399 May 23—Authorizing the British Columbia Electric Co. Ltd. to construct a transmission line across Westcoast Transmission Co. Ltd., Chilliwack, B.C.

- 94400 May 23—Authorizing the Municipality of St. Cleophas de Brandon, Que. to widen De Brandon Road at grade across the C.P.R. at mileage 21.85, St. Gabriel Subd.
- 94401 May 23—Authorizing Interprovincial Pipe Line Co. to construct a pipe line for transportation of oil in the vicinity of Edmonton, Alta.
- 94402 May 23—Authorizing the C.N.R. to operate its trains over the bridge crossing Woodward's Slough, Munic. of Richmond, Lulu Island, B.C.
- 94403 May 23—Requiring the C.N.R. to install certain protection at the crossing of Peppett St., Town of North Sydney, N.S.
- 94404 May 23—Approving under the Maritime Freight Rates Act tolls published in Supplement to Agreed Charge Tariff filed by the Canadian Freight Association under Sections 3 & 8.
- 94405 May 26—In the matter of application of C.P.R. on behalf of Quick Flame Gas Ltd. for approval of proposed facilities for storage of liquified petroleum gas at St. Jerome, Que.
- 94406 May 26—In the matter of application of the City of Guelph for authority to relocate Stevenson St. where it crosses the right of way of the C.P.R.
- 94407 May 26—In the matter of application of C.P.R. on behalf of Imperial Oil Ltd. for approval of location of facilities for handling of flammable liquids at Princeton, B.C.
- 94408 May 26—Authorizing C.P.R. to operate over the subway crossing Bayview Extension, Twp. of East York, Ont.
- 94409 May 26—Requiring the C.N.R. to install certain protection at the crossing Barrydowne Rd. mileage 2.55, Sudbury Terminals Subd., Ont.
- 94410 May 26—Authorizing the C.P.R. to removal the agent at Stoney Creek, B.C.
- 94411 May 26—Authorizing Alberta Dept. of Highways to relocate the highway where it crosses the C.N.R. at mileage 0.82 Drumheller North Branch, Alta.
- 94412 May 26—Authorizing the C.N.R. to use the bridge at mileage 95.5 Sangudo Subd., Alta.
- 94413 May 26—Authorizing the C.N.R. to construct the railway across the Government road allowance in the Rural Munic. of St. Clements, Man.
- 94414 May 26—In the matter of installation of automatic protection at C.P.R. crossing east of station at St. Martin Junction Que.
- 94415 May 26—Permitting removal of slow order at C.N.R. crossing west of Lanfine, Alta.
- 94416 May 26—In the matter of application of Twp. of Otonabee, Ont. for authority to improve the sight lines where the Twp. road crosses the C.P.R. at mileage 21.64, Peterboro Subd.
- 94417 May 26—In the matter of clearance of smoke and gases from Connaught Tunnel, B.C.
- 94418 May 27—Approving under the Maritime Freight Rates Act tolls published in Supplement to Agreed Charge Tariff filed by the Canadian Freight Association under Sections 3 & 8.
- 94419 May 27—Approving under the Maritime Freight Rates Act tolls published in Supplement to Agreed Charge Tariff filed by the Canadian Freight Association under Sections 3 & 8.
- 94420 May 27—Permitting the removal of slow order at C.N.R. crossing north of station Delacour, Alta.
- 94421 May 27—Authorizing Alberta Dept. of Highways to widen the overhead bridge near Blackfalds, Alta.
- 94422 May 27—Relieving the C.P.R. from erecting cattle guards at certain highway crossings on its Shamrock Subd., Sask.

- 94423 May 27—Authorizing Westcoast Transmission Co. Ltd. to carry its pipe line across the track of the C.P.R. as shown on revised drawing approved under Order No. 87775 dated January 9, 1956.
- 94424 May 27—In the matter of application of C.N.R. on behalf of the British American Oil Co. Ltd. for approval of location of facilities for storage of flammable liquids at Lethbridge, Nfld.
- 94425 May 27—In the matter of application of C.N.R. on behalf of The British American Oil Co. Ltd. for approval of location of facilities for the handling and storage of flammable liquids at Grandview, Man.

# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations, and Rulings

Vol. XLVIII

OTTAWA, JULY 1, 1958

No. 7

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*In the matter of the application of The Cumberland Railway and Coal Company to abandon all services of its railway between Springhill, N.S., and Parrsboro, N.S., and to lift its materials from the right of way.*

File No. 48647

Before:

C. D. SHEPARD, Q.C., *Chief Commissioner.*  
H. B. CHASE, C.B.E., *Commissioner.*

Heard at:

PARRSBORO, N.S., on March 26th, 1958.

Appearances:

JOHN MACNEIL, Q.C., for The Cumberland Railway and Coal Company.  
W. B. FULLERTON, for the Town of Parrsboro, N.S.

Representations:

HON. STEPHEN PYKE, Minister of Labour and Public Works, Government of Nova Scotia.  
ROBERT C. COATES, M.P., Cumberland County.  
A. T. SMITH, M.L.A., Cumberland East.  
DR. J. A. LANGILLE, M.L.A., Cumberland West.  
G. GRAHAM, Mayor of Parrsboro, N.S.  
WILLIAM WASSON, Warden, C. E. FLETCHER, Councillor, and THOMAS MURRAY, Councillor, Municipality of Cumberland.  
CRAIG S. DICKSON, The Maritimes Transportation Commission.  
EDWARD NICHOLSON and LAWSON C. FOWLER, The Brotherhood of Railway Trainmen.  
D. E. MATTHEWS, R. D. MCDADE, C. E. HARRISON and REV. W. R. ANTHONY, In person.

## J U D G M E N T

CHASE, *Commissioner*:

The application in this case, signed by Mr. H. C. M. Gordon, Vice-President and General Manager of the Dominion Coal Company, Limited, dated August 5, 1957, reads as follows:

"C. W. Rump, Esq.,  
Secretary,  
Board of Transport Commissioners for Canada,  
Ottawa, Ont.

Dear Sir:

For the past five years the coal mining industry in Nova Scotia has been passing through a most difficult period. The operations of the Cumberland Railway and Coal Company at Springhill have suffered losses with the other coal mining operations. In recent months, however, these losses have been particularly severe, so severe, indeed, that unless an immediate improvement is made it is questionable if operations can be continued.

The Company has been operating a railway between Springhill Junction on the Canadian National Railways and Parrsboro for many years. Originally, the railway was laid to Parrsboro in order to ship Springhill coal from that point to Bay of Fundy ports and the New England States. At one time these were the main outlets for Springhill coal. Market conditions have now completely changed and for a good many years no coal at all has been shipped from Parrsboro. The coal markets are now mainly served by shipments over the Canadian National Railways from Springhill Junction.

During recent years general freight and passenger service has fallen off to such an extent that the cost of operating the railway from Springhill to Parrsboro has been very much more than the revenue obtained from that part of the line. Today, that part of Nova Scotia previously served by the railway to Parrsboro is almost entirely served by trucks, in part hauling to and from Springhill Junction and in part hauling to and from Amherst. The number of passengers carried by that part of the railway has fallen to only 30 during the first six months of 1957 and mails have not been carried at all since 1953. The loss incurred by that part of the railway between Springhill and Parrsboro for the first six months of 1957 amounted to \$53,213.62.

The Company cannot support such a loss and it is the Company's desire to abandon that part of the railway between Springhill and Parrsboro but to maintain that part of its line from Springhill to Springhill Junction and to continue a general service on that part of its line.

I am attaching hereto a statement showing the tonnage hauled, the number of passengers carried, the earnings and the cost of operating that part of the railway between Springhill and Parrsboro from 1950 to June 30th, 1957. From that statement you will note that there has been a consistent loss in each of these years but with the loss heavily increased in 1957.

The Cumberland Railway and Coal Company, therefore, makes formal application to the Board of Transport Commissioners for Canada for permission to abandon all services of its railway between Springhill and Parrsboro and to lift its materials from the right-of-way.

The Company would appreciate it greatly if the Board would give its permission for such action at an early date so that the steady drain on the Company's resources may be cut off as quickly as possible.

Very truly yours,

(Sgd.) H. C. M. GORDON,  
*Vice-President and General Manager.*"

This application was heard in Parrsboro, N.S. on March 26, 1958, but prior to that time the Board instructed one of its Engineer Inspectors and one of its Operating Inspectors to make a thorough survey of the line, interview parties interested or affected by the proposed abandonment and report to the Board.

The report was received under date of November 20, 1957, and from the information submitted in the application quoted above, the report of the Board's Inspectors and evidence submitted at the hearing, the situation might be described as follows:

The Cumberland Railway and Coal Company is owned by the Dominion Steel and Coal Corporation, Limited (hereinafter sometimes referred to as the "Company"), and its line runs from Springhill Junction (the connecting point with the main line of the Canadian National Railways) to Parrsboro, N.S., a distance of 31.30 miles. The application is for the abandonment of the line as between Springhill and Parrsboro, N.S., a distance of approximately 27 miles.

The track is maintained in a manner equivalent to Canadian National Railways Class E (their lowest classification) but is in good condition, considering the speed and the amount of traffic handled. The speed of the trains is limited to 15 miles per hour. Carload freight traffic at Parrsboro for the years 1954, 1955, 1956 and for the first six months of 1957 was as follows:

	<i>In</i>	<i>Out</i>	<i>Total</i>
1954 .....	185	75	260
1955 .....	166	67	233
1956 .....	59	59	118
1957 (First 6 Months) .....	32	10	42

The Railway closely parallels Highway No. 2 throughout the distance between East Southampton (mileage 12.49) and Parrsboro (mileage 30.37). Distances of various stations from the highway range from one-half to three-quarters of a mile, with the exception of East Southampton where the station is adjacent to the highway. The area along the railway line is very slightly populated, with inhabitants engaged in mixed farming and lumbering industries.

Highway No. 2 between Springhill Junction and Parrsboro is the main trunk highway between the New Brunswick border and Halifax. It is surfaced with bituminous paving material, is in good condition and is an all-weather road kept open in the winter by the Nova Scotia Department of Highways.

Highway No. 9 between Parrsboro and Advocate is paved through a distance of approximately 12 miles out of a total of 28.7. The remainder is gravel surfaced and in good condition. This road is also kept open in winter by the Nova Scotia Department of Highways.

Parrsboro and other communities on the railway line to Springhill are served by buses operated on Highway No. 2 by Acadian Lines Limited, making two trips per day in each direction.

In addition to the Acadian Lines Limited there is a service operated daily except Sunday by Mr. A. Morris of Advocate, who uses a seven passenger station wagon. This station wagon leaves Advocate at about 7:00 a.m., proceeds to Parrsboro where it operates as a school bus for approximately one hour, and then leaves Parrsboro, arriving at the Acadian Lines Limited bus terminal at Amherst between 10:00 and 10:30 a.m.

This station wagon bus leaves Amherst bus terminal at 2:00 p.m. en route Advocate. It leaves Parrsboro sometime after 4:00 p.m., arriving Advocate at about 5:30 p.m.

By virtue of its location on Provincial Highway No. 2, Parrsboro is served by a number of large trucking firms engaged in trucking between Halifax and points in New Brunswick and elsewhere. A depot of Eastern Transport is situated in Springhill where a local cartage agent distributes to Parrsboro and other points throughout the area. There are, in Parrsboro, a number of independently owned trucks engaged in cartage throughout the region.

Exhibit No. 2 filed by the Company under the heading, "Statement Showing Tonnage Hauled, Number of Passengers, Earnings and Cost of Operating Line, before Depreciation, between Springhill and Parrsboro, for Undernoted Years", shows the losses to be as follows:

1950 .....	\$56,041.11
1951 .....	37,656.60
1952 .....	53,614.64
1953 .....	66,584.20
1954 .....	68,540.96
1955 .....	66,126.47
1956 .....	68,131.64
1957 .....	87,335.10

The above figures, when added together, show that for the 8-year period the losses in the operation of the Railway were in excess of \$504,000.

Consideration must also be given to the cost of deferred maintenance if the railway line were to be kept in operation, and at page 2939 of the transcript, in reply to a question, Mr. Robert Howard, President of the Railway, gave the following answer:

"If this road was to continue it would have to be re-tied with hard wood creosote or some treated tie, ballast, and bridged, Wolfe's bridge down here at Parrsboro. We figure an absolute minimum would be \$150,000."

During the hearing some doubt was cast on the figures submitted by the Railway indicating the losses incurred in the operation of the line as between Springhill and Parrsboro and we therefore requested the Company to furnish us with figures showing the operation of the entire line from Springhill Junction to Parrsboro for the eight years 1950-1957, inclusive. Our request was complied with and under date of April 3, 1958, the Company sent to the Board a statement entitled, "The Cumberland Railway and Coal Company: Statement Showing Tonnage Hauled, Number of Passengers, Total Earnings and Cost of Railway Operations, before Depreciation, for Undernoted Years. This statement shows the losses as follows:

1950 .....	\$ 67,452.04
1951 .....	21,949.27
1952 .....	63,438.65
1953 .....	57,099.66
1954 .....	62,603.12
1955 .....	64,110.49
1956 .....	110,250.48
1957 .....	177,026.90

Or a total loss for the 8-year period of almost \$624,000; and it should be noted particularly that for the years 1956 and 1957 the losses were in excess of \$287,000.

## THE OPPOSITION

The application was most strenuously opposed by briefs submitted to the Board prior to the hearing, during the hearing, and by statements made during the hearing.

The position taken by those opposing the application can be very briefly stated: Years ago a ferry was in operation across the Minas Basin as between Kingsport, Parrsboro and Wolfville. There is an agitation for the re-establishment of a ferry and it is felt that if the application were approved and the railway line abandoned it would ruin any chances there may be for the establishment of a ferry. The abandonment of the railway and services would be detrimental to the economic welfare of the Town of Parrsboro and surrounding area. The service to the travelling public on the railway is of a very inferior quality in that accommodations for passengers are extremely out-dated and out-moded. The Railway has raised rates and charges to such an extent as to prevent themselves from carrying on a profitable business. The Railway has not encouraged passenger and freight service in any way but has refused in several instances to give a fair and competitive rate on carrier service. In view of the proposed governmental plans for development and expansion of natural resources, of which the Parrsboro area could expect a fair share, abandonment of said line would be a very definite backward step and could possibly preclude the Parrsboro area from taking full advantage of nation-wide prosperity and promotion. Abandonment of said line would inconvenience and adversely affect approximately 10,000 persons.

## CONCLUSIONS

We can thoroughly understand the feelings of the people in the Parrsboro area and sympathize with them in the loss of a rail connection but, having regard to decisions reached in previous cases, and more particularly the evidence in this case, when looking at the enormous loss suffered by the Company and also taking into consideration the fact that the territory is adequately served by other forms of transportation as shown herein, we can reach only one conclusion and that is that the losses to the Company greatly outweigh the loss and inconvenience to the public.

Here I would refer to some of the previous decisions of this Board:

(1) Re C.N.R., Tweed Subdivision (1941), 53 C.R.T.C. 139. Abandonment of operation of the Tweed Subdivision between Yarker and Tweed, Ontario, a distance of 33.94 miles. System saving if line abandoned \$22,203. Application granted.

(2) Re C.N.R. Lakefield Subdivision (1951), 66, C.R.T.C. 344. Abandonment of operation of 16.24 miles. System saving if line abandoned \$31,392. Application granted.

(3) Re C.N.R. Westport Subdivision (1952), 69 C.R.T.C. 136. Abandonment of operation of 40.51 miles. System saving if line abandoned \$83,035. Application granted.

(4) Re C.N.R. Algonquin Subdivision (1955), 72 C.R.T.C. 129. Application to abandon 39.95 miles of the Algonquin Subdivision. System saving if line abandoned \$97,109. Application granted.

(5) Re C.N.R. Scotia Subdivision (1955), 72 C.R.T.C. 211. Application to abandon 5.24 miles into Pictou Landing. System saving if line abandoned somewhat in excess of \$20,000 per annum. Application granted.

(6) Re C.N.R. Elgin Subdivision (1955), 72 C.R.T.C. 220. Application to abandon 13.5 miles between Petitcodiac and Elgin. System saving if line abandoned approximately \$30,000 per annum. Application granted.

(7) Re C.N.R. Albert Subdivision (1955), 72 C.R.T.C. 229. Application to abandon 20.4 miles between Hillsboro and Albert. System saving if line abandoned approximately \$39,580 per annum. Application granted.

I would grant the application; abandonment to become effective thirty days from the date of the Order accompanying this Judgment.

H. B. CHASE.

OTTAWA, May 12, 1958.

*I concur:*

C. D. SHEPARD.

## ORDER No. 94325

*In the matter of the application of The Cumberland Railway and Coal Company to abandon all services of its railway between Springhill, Nova Scotia, and Parrsboro, Nova Scotia, and to lift its materials from the right of way:*

File No. 48647.

MONDAY, the 12th day of May, A.D. 1958.

C. D. SHEPARD, Q.C., *Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing the application at the sitting of the Board held at Parrsboro, Nova Scotia, on the 26th day of March, 1958, in the presence of Counsel for The Cumberland Railway and Coal Company and the Town of Parrsboro, Nova Scotia, and other parties—*

*It is hereby ordered as follows:*

1. The abandonment of operation of the railway of The Cumberland Railway and Coal Company between Springhill, Nova Scotia, and Parrsboro, Nova Scotia, is approved.

2. The said abandonment shall not take place earlier than the expiration of thirty days after the date hereof.

C. D. SHEPARD,

*Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 94426 May 27—Application of North-West Line Elevators Assoc. for an Order disallowing Canadian Car Demurrage Tariff C.T.C. No. 5 to the extent that said tariff might be construed as including demurrage charges on bulk grain unloaded on public and semi-public terminal elevators in Western Canada.
- 94427 May 27—Authorizing Consumers' Gas Co. of Toronto to construct a gas main under the company pipe line of Trans-Northern Pipe Line Co. at Camilla Road, Township of Toronto, Ont.
- 94428 May 27—Authorizing Sask. Dept. of Highways and Transportation to construct Highway No. 4 across the C.P.R. by means of a subway at Biggar, Saskatchewan.
- 94429 May 27—Authorizing the C.N.R. to make changes in the track circuits for the protection at crossing of Bouthillier St., St. John, Que.
- 94430 May 27—Authorizing Steelman Gas Ltd. to construct a pipe line under the company pipe line of Westspur Pipe Line Co. in the Southeast  $\frac{1}{4}$  of Section 21, Twp. 4, Rge. 5, W2M, Sask.
- 94431 May 27—Authorizing Steelman Gas Ltd. to construct a pipe line under the pipe line of the Westspur Pipe Line Co. in Southeast  $\frac{1}{4}$ , Sec. 27, Twp. 4, Rge. 5, W2M, Sask.
- 94432 May 28—Authorizing Steelman Gas Ltd. to construct a pipe line under the company pipe line of Westspur Pipe Line Co. in the Northwest  $\frac{1}{4}$ , Sec. 15, Twp. 4, Rge. 5, W2M, Sask.
- 94433 May 28—Authorizing Steelman Gas Ltd. to construct a pipe line under the company pipe line of Westspur Pipe Line Co. in the Southwest  $\frac{1}{4}$ , Sec. 22, Twp. 4, Rge. 5, W2M, Sask.
- 94434 May 28—Authorizing Steelman Gas Ltd. to construct a pipe line under the pipe line of Westspur Pipe Line Co. in the Northeast  $\frac{1}{4}$ , Sec. 26, Twp. 4, Rge. 5, W2M, Sask.
- 94435 May 28—Authorizing Steelman Gas Co. to construct a pipe line under the pipe line of Westspur Pipe Line Co. at two locations in the Northeast  $\frac{1}{4}$  of Sec. 22, Twp. 4, Rge. 5, W2M, Sask.
- 94436 May 28—Authorizing Steelman Gas Ltd. to construct a pipe line under the pipe line of Westspur Pipe Line Co. in the Northeast  $\frac{1}{4}$ , Sec. 26, Twp. 4, Rge. 5, W2M, Sask.
- 94437 May 28—Authorizing Steelman Gas Ltd. to construct a pipe line under the pipe line of Westspur Pipe Line Co. in the Southwest  $\frac{1}{4}$ , Sec. 23, Twp. 4, Rge. 5, W2M, Sask.
- 94438 May 28—Authorizing Steelman Gas Ltd. to construct a pipe line under the pipe line of Westspur Pipe Line Co. in the Northeast  $\frac{1}{4}$  of Sec. 22, Twp. 4, Rge. 5, W2M, Sask.
- 94439 May 28—Authorizing Steelman Gas Ltd. to construct a pipe line under the pipe line of Westspur Pipe Line Co. in the Northeast  $\frac{1}{4}$ , Sec. 22, Twp. 4, Rge. 5, W2M, Sask.
- 94440 May 28—In the matter of application of C.N.R. on behalf of Imperial Oil Ltd. for approval of proposed location of additional facilities for storage of flammable liquids at Deer Lake, Nfld.
- 94441 May 28—Authorizing Steelman Gas Ltd. to construct a pipe line across and under the pipe line of Westspur Pipe Line Co. in the Northeast  $\frac{1}{4}$ , Sec. 22, Twp. 4, Rge. 5, W2M, Sask.
- 94442 May 29—In the matter of application of C.N.R. for approval of Plan No. SD-3009-B, revised to Apr. 15/58, showing protection as installed at crossing of their railway and Eglinton Ave., Munic. of Metropolitan Toronto, Ont. in lieu of Plan No. SD-3009-B, dated May 7/57 approved under Board Order No. 90823 dated January 28/57.
- 94443 May 29—In the matter of application of C.P.R. extending the time within which it is required under Order No. 90977, dated Feb. 18/57, to construct a temporary diversion of its Winchester Subd.

- 94444 May 29—In the matter of application of Bell Telephone of Canada for approval of Appendix to Traffic Agreement between it and Le Telephone Somerset.
- 94445 May 29—In the matter of application of the Bell Telephone Co. of Canada for approval of Supplement to Service Station Contract between it and The Highland Mutual Telephone Assoc.
- 94446 May 29—Authorizing the Ontario Dept. of Highways to construct Highway No. 43 across the company pipe line of Trans-Northern Pipe Line Co. in Lot 16, Conc. 4, Twp. of Winchester, Ont.
- 94447 May 29—Application of British American Oil Co. Ltd., for approval of proposed additional flammable liquid facilities at Atikokan, Ont., on line of C.N.R.
- 94448 May 29—Permitting removal of slow order at C.N.R. crossing at Ste. Anne Station, mileage 126.14, Sprague Subd.
- 94449 May 20—Restricting the Speed of trains at C.N.R. crossing west of Maison-neuve Station, Que.
- 94450 May 29—Authorizing C.P.R. to remove the station agent and appoint a caretaker at Thornhill, Man.
- 94451 May 29—Authorizing the C.P.R. to operate the bridge at mileage 87.1, Shaunavon Subd., Sask.
- 94452 May 29—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by C.N.R. under Section 3.
- 94453 May 29—Approving under the Maritime Freight Rates Act tolls published in Agreed Charge Tariff of the Canadian Freight Assoc. under Sections 3 and 8.
- 94454 May 29—Approving under the Maritime Freight Rates Act Supplement to Agreed Charge Tariff filed by the Canadian Freight Assoc. under Sections 3 and 8.
- 94455 May 29—Authorizing the N.B. Dept. of Public Works to construct the Trans-Canada Highway across the C.N.R. by means of an overhead bridge at mileage 128.50 Centerville Subd., N.B.
- 94456 May 29—In the matter of application of C.P.R. on behalf of The British American Oil Co. Ltd. for approval of proposed location of facilities for handling and storage of flammable liquids at Treherne, Man.
- 94457 May 29—Authorizing Trans-Canada Pipe Lines Ltd. to construct its company pipe line across Net Lake, Twp. of Strathy, Dist. of Nipissing, Ont.
- 94458 May 29—In the matter of application of C.N.R. for approval of plan showing protection as installed at the crossing of Lawrence Ave. W., Metropolitan Toronto, Ont.
- 94459 May 29—Authorizing Alberta Dept. of Highways to widen Highway No. 43 where it crosses the C.N.R. at mileage 71.6, Stettler Subd.
- 94460 May 20—Authorizing Rural Munic. of Golden West No. 95, Sask. to widen the Highway where it crosses the C.N.R. at mileage 14.1, Corning Subd., Sask.
- 94461 May 29—Authorizing Trans-Canada Pipe Lines Ltd. to construct its pipe line across Granite Lake, Twp. of Best, Dist. of Nipissing, Ont.
- 94462 May 29—Authorizing Trans-Canada Pipe Lines Ltd. to construct its company pipe line under the Montreal River, Lot 15, Conc. 2, Twp. of Coleman, Ont.
- 94463 May 29—Authorizing Trans-Canada Pipe Lines Ltd. to construct its company pipe line across the Blanche River, Lot 10, Conc. 4, Twp. of Evanturel, Ont.
- 94464 May 29—In the matter of application of C.N.R. for approval of plan showing protection at crossing of James St., Metropolitan Toronto, Ont.
- 94465 May 29—In the matter of application of Steelman Gas Ltd. for leave to construct pipe lines across the company pipe line of Westspur Pipe Line Co.

- 94466 May 30—Authorizing C.P.R. to operate under the overhead bridge at mileage 104.4 Oshawa Subd., Ont.
- 94467 May 30—Authorizing B.C. Dept. of Highways to construct the highway across the C.N.R. by means of an overhead bridge at mileage 11.39 Lulu Island Subd., B.C.
- 94468 May 30—Approving proposed deviation of location of portion of Trans-Northern Pipe Line Co. pipe line in the Twp. of East York, Ont.
- 94469 May 30—Authorizing City of Oshawa, Ont., to reconstruct the overhead bridge carrying Ritson Road across the C.N.R.
- 94470 May 30—Authorizing City of Chatham, Ont. to widen Lacroix St. where it crosses the C.N.R., Chatham, Ont.
- 94471 May 30—Authorizing Rural Munic. of St. Clements, to relocate the highway where it crosses the C.N.R. at mileage 16.97, Victoria Beach Subd., Manitoba.
- 94472 May 30—Authorizing Rural Munic. of Stony Plain No. 84, to construct the highway across the C.N.R. at mileage 45.12, Wabamun Subd., Alta.
- 94473 May 30—In the matter of application of C.N.R. for approval of plan showing protection as installed at crossing at Montee Riviere des Prairies, Quebec.
- 94474 May 30—Approving under the Maritime Freight Rates Act tolls published in tariff filed by the Dominion Atlantic Railway Co. under section 8.
- 94475 May 30—Approving under the Maritime Freight Rates Act tolls published in tariff filed by the Dominion Atlantic Railway Co. under section 8.
- 94476 May 30—Authorizing the C.P.R. to open for operation a portion of its Adirondack Subd., which was re-located as authorized by Order No. 94299.
- 94477 May 30—Authorizing the Saskatchewan Power Corporation to construct a gas pipe line under the Trans-Canada Pipe Lines Limited, in the Province of Saskatchewan.
- 94478 May 30—Authorizing The Consumers' Gas Company to construct a gas pipe line under the C.N.R. in the Twp. of Nottawasaga, Ont.
- 94479 May 30—Setting down for hearing at Ottawa, on June 25, 1958, the application of Interprovincial Pipe Line Company for leave to construct a pipe line for the transportation of oil in the Twp. of Trafalgar, Ontario.
- 94480 June 2—Permitting the removal of slow order at C.N.R. crossing east of station at Hudson, Ontario.
- 94481 June 2—Authorizing the C.P.R. to relocate a portion of its tracks in the Municipality of Metropolitan Toronto, Ontario.
- 94482 June 2—In the matter of application of The Bell Telephone Company of Canada for approval of Service Station contract between it and The Worthington Municipal Telephone System.
- 94483 June 2—Approving Service Station contract between The Bell Telephone Company of Canada and the Atwood Municipal Telephone System.
- 94484 June 2—In the matter of Order No. 88596, approving plan submitted by the C.N.R., showing location of facilities for storage of flammable liquids at Butler, Man.
- 94485 June 2—Permitting the removal of slow order at the crossing at Mileage 44.16 Owen Sound Subdivision.
- 94486 June 2—Authorizing the C.N.R. to construct an extension to private siding serving Continental Iron and Titanium Mining Limited, across Ste. Anne St. in Baie St. Paul, P.Q.
- 94487 June 2—Authorizing the C.N.R. to remove the caretaker and the station building at Goldstone, Ontario.
- 94488 June 2—In the matter of application of Steelman Gas Limited for leave to construct pipe lines across the company pipe line of Westspur Pipe Line Company at various locations.

- 94489 June 3—Authorizing the District of Surrey, B.C. to construct the highway across the company pipe line of Trans-Mountain Oil Pipe Line Company in the New Westminster District of B.C.
- 94490 June 3—Authorizing the C.N.R. to reconstruct the bridge over Archibald St., Winnipeg, Man.
- 94491 June 3—Authorizing the Rural Munic. of Battle River No. 438, Sask., to construct the highway across the C.N.R. at Mileage 9.79 Cutknife Subdivision.
- 94492 June 3—Relieving the C.P.R. from erecting cattle guards at certain mileages on its Outlook Subd., Sask.
- 94493 June 3—Authorizing the C.P.R. to remove the gates and watchmen at the crossing of First St., Town of Souris, Man.
- 94494 June 3—In the matter of application of the C.P.R. on behalf of Imperial Oil Limited, for approval of proposed locations of facilities for storage of flammable liquids at Kenabutch, Ontario.
- 94495 June 3—In the matter of application of The Toronto, Hamilton and Buffalo Railway Company on behalf of St. Netkin & Sons Ltd., for approval of proposed location of facilities for handling and storage of flammable liquids at Hamilton, Ont.
- 94496 June 3—Authorizing the Sask. Department of Highways and Transportation to construct Highway No. 30 across the company pipe line of Inter-provincial Pipe Line Company in the NW  $\frac{1}{4}$  Sec. 12-34-23 W.3M., Saskatchewan.
- 94497 June 3—Authorizing the C.P.R. to remove the Agent at West Fort William, Ontario.
- 94498 June 4—Authorizing the B.C. Dept. of Highways to construct the highway across the Esquimalt and Nanaimo Railway Company at Dashwood, B.C.
- 94499 June 4—Authorizing the C.N.R. to construct three railway bridges across its right of way at Cote de Liesse Hump Yard at Lachine, P.Q.
- 94500 June 4—Requiring the C.P.R. to install certain protection at the crossing of County road at Mileage 61.69 Belleville Subd., Ontario.
- 94501 June 4—In the matter of facilities of the Shell Oil Company of Canada Limited for storage and handling of flammable liquids at Oshawa, Ontario.
- 94502 June 4—In the matter of filing of tariffs by The Bell Telephone Company of Canada.
- 94503 June 4—In the matter of filing of tariffs by The Bell Telephone Company of Canada.
- 94504 June 4—In the matter of approval of plan submitted to the C.N.R. by Modern Tool Works Limited, showing the location of pipe lines, etc. for the handling and storage of flammable liquids at Toronto, Ontario.
- 94505 June 4—Authorizing the C.N.R. to use the subway at Cavenport Road, Toronto, Ontario.
- 94506 June 4—Permitting the removal of slow order at C.N.R. crossing of Hurontario Street, Port Credit, Ontario.
- 94507 June 4—In the matter of application of Steelman Gas Limited, for leave to construct a pipe line across the company pipe line of Westspur Pipe Line Company at certain locations in the Province of Sask.
- 94508 June 5—Requiring the C.P.R. to install certain protection at the crossings of Finch Ave. and Main St., Twp. of North York, Ontario.
- 94509 June 5—Authorizing the Manitoba Dept. of Public Works to widen Highway No. 32 where it crosses the C.P.R. at Mileage 71.68 La Riviere Subd., Manitoba.
- 94510 June 5—Authorizing the City of Ottawa, Ontario, to construct Donald Street across the C.P.R.

- 94511 June 5—Authorizing the B.C. Electric Company Limited, to construct a gas main across the company pipe line of Trans-Mountain Oil Pipe Line Company at two locations in the intersection of Ferguson Road and Johnson Road, District of Surrey, B.C.
- 94512 June 5—Approving plan showing location of Westcoast Transmission Company Limited line in the vicinity of Taylor, Peace River District B.C.
- 94513 June 5—In the matter of Regulations for the transportation of Explosives and other Dangerous Articles in Rail Freight and Rail Express Service.
- 94514 June 5—In the matter of application of the Quebec North Shore and Labrador Railway Company for approval of signal profile mileage 320 to 340 Menihok Subd., Nfld.
- 94515 June 5—In the matter of application of the C.P.R. on behalf of Canadian Propane (Saskatchewan) Limited, for approval of proposed location facilities for the handling and storage of liquefied petroleum gas at Meadow Lake, Sask.
- 94516 June 5—In the matter of application of Imperial Oil Limited for leave to construct an oil pipe line across the company pipe line of Westspur Pipe Line Company, in the Province of Sask.
- 94517 June 5—Authorizing the Rural Munic. of Fleet's Springs No. 429 to construct the Highway across the C.N.R. at Mileage 17.21 St. Brieux Subd., Saskatchewan.
- 94518 June 6—In the matter of application of the C.N.R. for approval of plan showing the bridge over the stream at Mileage 24.1 Yale Subd., B.C.
- 94519 June 6—Authorizing the N.B. Dept. of Public Works to construct the Trans-Canada Highway across the C.P.R. by means of an overhead bridge at Hartland, N.B.
- 94520 June 6—Permitting the removal of slow order at C.N.R. crossing at Fifth Avenue, Regina, Sask.
- 94521 June 6—Authorizing the C.P.R. to remove the station agent at Winnifred, Alberta.

# Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

Vol. XLVIII

OTTAWA, JULY 15, 1958

No. 8

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*In the matter of application of North-West Line Elevators Association, on behalf of its member companies pursuant to the provisions of the Railway Act of Canada, being Chapter 234 of the Revised Statutes of Canada 1952, and amendments thereto, for an Order under section 328 and other relevant sections of the said Act, disallowing Canadian Car Demurrage Tariff C.T.C. No. 5 to the extent that said tariff might be construed as including demurrage charges on bulk grain unloaded into public and semi-public terminal elevators in Western Canada.*

File No. 1700.397.

Heard at Ottawa:

1956, July 30, September 10, 11, 12, 13 and 14.

1957, June 18 and 20.

1958, January 20, 21, 22, 23, 24, 27, 28, 29, 30, 31 and February 3rd.

Before:

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

ARMAND SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

FRANK M. MACPHERSON, *Commissioner.*

Appearances:

C. D. SHEPARD, Q.C. (Appointed Chief Commissioner, Board of Transport Commissioners for Canada, January 15th, 1957), for the North-West Line Elevators Association and United Grain Growers Limited.

HAZEN HANSARD, Q.C., and G. C. DILTS, for the North-West Line Elevators Association.

G. R. HUNTER, Q.C., for the United Grain Growers Limited.

R. H. MILLIKEN, Q.C., for the Saskatchewan Wheat Pool.

R. A. MACKIMMIE, Q.C. and J. M. COYNE, for the Alberta Wheat Pool.

H. S. SCARTH, Q.C., for the Manitoba Pool Elevators.

I. D. SINCLAIR, H. A. V. GREEN, Q.C., K. D. M. SPENCE, Q.C., JOHN PEARSON, H. M. PICKARD and A. J. ALLISTON, for the Canadian Car Demurrage Bureau and Canadian Pacific Railway Company.

J. W. G. MACDOUGALL, Q.C. and W. G. BOYD, for the Canadian Car Demurrage Bureau and the Canadian National Railways.

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## J U D G M E N T

WARDROPE, *Assist. Chief Commissioner.*

## 1. ORIGIN OF THE APPLICATION

On July 10, 1956, Counsel for the Canadian Pacific and Canadian National Railways, wrote the Board as follows:—

“For a great many years it has been the practice of the railways to refrain from applying the provisions of the Canadian Car Demurrage Tariff to bulk grain consigned to terminal elevators. This custom seems to have developed without the authority of a tariff or an Order of the Board, and the Car Demurrage Tariff does not contain any exceptions in respect of grain delivered to terminal elevators.

There was, however, a Special Demurrage Tariff filed by the railways in 1937, which was intended to apply at semi-public and public terminals in Western Canada in respect of cars of grain, and which contained demurrage charges differing from those of the Regular Demurrage Tariff. This Special Tariff was considered by the Board in the case of *Canadian Freight Association v. Coastal Elevators, Saskatchewan and Manitoba Pool Elevators, et al.*, 47 C.R.C. 43, and the Board held that the application of this particular tariff under the conditions prevailing at that time would be unjust and unreasonable. The proposed tariff was, therefore, disallowed, but the Board added at the end of its Judgment, ‘If in the future the railways desire to bring the matter up again, under new conditions, when the situation has changed or improved, the Board will be glad to hear all that is urged’.

Since 1937 almost every factor then considered by the Board has changed; there has been a transformation in the control of marketing, shipping and sale of wheat, oats and barley, in the regulation of movement of grain, in the payment of storage to country elevators, and, of course, in the quantity of grain harvested and on hand.

As the Judgment of 1937 disallowed the proposed Special Tariff without prescribing another in lieu thereof, the result seems to have been to restore the previous situation under which the General Demurrage Tariff in fact applied to grain, but in practice was not enforced against grain at terminal elevators.

Whatever the reasons may have been for the adoption of this practice in the early years of the century, it is evident that there are now the strongest possible reasons for its elimination. The railways are in urgent need of every car that can be made available to meet the pressing demands of this country’s traffic.

In the year 1955, the average time a car of grain was held at the Lakehead awaiting unloading, was 7.96 days and in one month the average was 35 days. Detention beyond what would have been the normal free time under the Canadian Car Demurrage Rules, C.T.C. No. 5, was 655,878 car days. This equipment, if released within that time, would have permitted us to carry more than 32,000 additional carloads of traffic during 1955, with benefit to both shippers and railways.

As the Board is aware, the railways, faced with mounting wage bills, are exhausting every avenue available to improve their financial position. We feel that action should be taken immediately to compel earlier release of this large portion of our equipment now held overly long for unloading of grain. Such action would greatly assist our efforts to improve our freight earnings as it would materially increase the availability of this equipment now urgently required for revenue loading.

In these circumstances, it is very clear that the only practical course in the national interest is to apply the Demurrage Tariff upon grain cars at terminal elevators in Western Canada for the purpose of compelling quick release of the cars. We, therefore, intend to publish a notice to interested shippers and consignees, advising that on and after August 1, 1956, this action will be taken. The procedure as thus proposed seems to us to be in accordance with the provisions of the Railway Act and the Board's Judgment of 1937".

There follows the notice published by the Canadian Car Demurrage Bureau, Winnipeg, Manitoba, dated July 12, 1956, addressed to shippers and consignees of grain:

"With the growing tempo and volume of business handled on Canadian Railways, it has become increasingly evident that the Railways must examine all possible means of obtaining greater use of their equipment.

While the Canadian Car Demurrage Tariff is applicable in its terms to all commodities, the unwritten practice of the Railways for many years has been to refrain from applying the demurrage rules to cars of grain consigned to public or semi-public terminal elevators. In 1955, at the Lakehead alone, delays by consignees in releasing grain cars beyond what would have been the normal free time under the Demurrage Tariff amounted to 655,878 car days. If these cars had been released on time the Railways would have had the capacity to carry 32,000 more carloads of traffic during 1955.

Please be advised, therefore, that with the commencement of the new crop year on August 1, 1956, the provisions of the Canadian Car Demurrage Tariff C.T.C. No. 5, will be applied to carloads of grain consigned to terminal elevators at the Lakehead and throughout Western Canada. We ask for your co-operation in the unloading and release of all cars within the free time allowed by the tariff".

## 2. PRELIMINARY HEARINGS AND OBJECTIONS

Following receipt of this notice, The North-West Line Elevators Association and the United Grain Growers Limited requested that the Board disallow Canadian Car Demurrage Tariff C.T.C. 5 to the extent that the said tariff might be construed as including demurrage charges on bulk grain unloaded into public and semi-public terminal elevators in Western Canada. It was alleged the said tariff was unjust, unreasonable and directly contrary to the general system of transporting grain to terminal elevators. A Hearing of the matter was requested. Objections to the imposition of demurrage charges were also filed by the Manitoba Farmers' Union and the Interprovincial Farm Union Council, and requests to intervene in the application of the North-West Line Elevators Association were received from the Manitoba Pool Elevators; Saskatchewan Wheat Pool; and the Alberta Wheat Pool.

The application of The North-West Line Elevators Association insofar only as it requested an Order of the Board for suspension was heard at Ottawa, Ont., on July 30, 1956. The Board decided the matter would remain in statu quo pending full hearing of the application which was set down for hearing on September 10, 1956.

The matter was heard at Ottawa on September 10, 11, 12, 13 and 14, 1956, in respect to the situation prevailing at the Lakehead. At the request of the Alberta Wheat Pool, the Board adjourned the Hearing sine die in regard to the situation at the Pacific Coast and later this Hearing was reconvened on June 18 and 20, 1957.

## 3. SUGGESTION OF BOARD

Upon the completion of applicants' case before the Board at the above mentioned Hearings, and with the concurrence of my Colleagues, I offered the suggestion to the parties in the case that they might confer together and see if a working committee could be set up comprised of representatives of the grain trade, the Wheat Board and the Railways to see if with all their experience and ingenuity and co-operation, a system might be evolved that would, without creating friction whatsoever, result in a quicker unloading or releasing of these cars at the terminals.

Following consideration of the representations made to the Board by the parties to the above suggestion, I stated:—

"Let me say at once that the Board is gratified and commends the parties for their willingness to co-operate in finding a solution to the problems involved.

The Canadian Pacific is willing to accept the Board's suggestion of participating in a committee to be set up to study the situation concerning delays to box cars under load at the Lakehead and Vancouver, but contrary to the Board's suggestion that the Hearing be now adjourned sine die to enable the committee to explore the possibilities of a solution to the problem, the Canadian Pacific Railway wishes to put in its case, the reason being that the railways' witnesses are here and if the proposed committee should fail to find a solution they would have to bring all their witnesses back again at considerable trouble.

It has been estimated that the Railways' case, that is, the two Railways, might involve a week to two weeks of hearing time. Now, if the committee is successful, as we hope it will be, if good will and co-operation is shown by all the parties, the evidence we would have heard including rebuttal and argument would be time wasted, not only for the Board but for all parties concerned including the Railways. The Board is of the opinion that the Canadian Pacific's proposal is not acceptable. To take up the time of the Board and the other parties before it to save witnesses possibly having to come back at a future time, does not seem to be a sufficient reason. The record would be old and possibly not up to date.

All the parties have signified their acceptance of the Board's suggestion and we feel that if we followed the Canadian Pacific's suggestion the proposed committee might never be brought into being or if it were it might be in an atmosphere of reluctance to co-operate and give and take. Furthermore, the Board feels that if the proposal of the Canadian Pacific is pursued, the Board might feel bound to make its decision on the record, regardless of being asked to defer it for a period to allow the parties to confer.

The Board has no desire certainly to put any party or parties in an awkward position. On the other hand, neither does the Board wish to do likewise to itself. It has tried to be helpful in this complex and vexed matter so that a reasonable and fair solution to all parties may be achieved to their interests and in the public interest.

The Board, I can assure you, has not made this suggestion for its own convenience but purely as it sees it in the interests of all concerned. We, therefore, feel that the Board's suggestion should be given an opportunity to be put into action forthwith.

In short, what the Board is endeavouring to do without transgressing on the ultimate rights of any of the parties before us is to see in its administrative as well as judicial capacity that the public interest is served. This, we believe to be the Board's function and the Board's duty. Should we err

in this particular problem before us in our directions, there is recourse by any party or parties that may feel aggrieved to the processes of law contained in the statutes by which we function and are governed.

Consequently, in the conduct of this application it will stand adjourned sine die to enable the parties to attempt to find a mutually satisfactory solution of the problems involved.

We request the committee that is to be formed to keep us advised as to the progress or otherwise it makes as we wish to take whatever action may be appropriate in the circumstances".

The Board was later informed by letter from the parties in the case that a working committee composed of representatives of the Grain Elevator Companies, Canadian National and Canadian Pacific Railways had met on three occasions. The Canadian Wheat Board, for reasons given, did not participate in the meetings. It was stated that at those meetings, the Committee endeavoured to find "a practical solution to the problem of obtaining greater utilization of railway box cars in the movement of Canada's grain crop, and that while all members fully entered into the discussion and made their respective problems known, the committee regretted to report that no solution had been evolved". The Canadian Pacific Railway requested the Board to resume its hearing of the case.

The hearings in the matter were accordingly resumed at Ottawa on January 20, 21, 22, 23, 24, 27, 28, 29, 30, 31 and February 3rd, 1958.

Including the hearings in September 1956 and June 1957 over 2500 pages of evidence and argument were received and over 100 Exhibits were filed by the Grain Trade and Railways.

#### 4. ORIGIN AND APPLICATION OF DEMURRAGE CHARGES

The Railways are required under the Railway Act to furnish adequate and suitable accommodation for all traffic offered for carriage (Section 315). Railway equipment so furnished can only be profitable to the Railways when it is employed in the service of transporting goods from one place to another and can only be of the greatest value to shippers when it is available for the transportation of their goods. It is in the interest of both the shippers and the railways that the railway equipment furnished for the accommodation of traffic be promptly loaded and unloaded.

In order to discourage the detention of railway equipment for any purpose beyond a reasonable time for loading or unloading, the railways assess a per-car per-day charge for such detention. This charge is known as demurrage. It is a separate and distinct charge from the charge for rail transportation. It is in part a penalty for the undue detention of railway equipment and in part compensation to the railways for detention of their equipment for storage purposes. It is a charge within the meaning of "toll" or "rate" as defined under the Railway Act, subsection 32 of Section 2.

In 1906 the Board by its General Order 1 (page 113 of Board's First Annual Report) prescribed uniform demurrage rules and regulations to be applied by all railway companies subject to its jurisdiction. These rules required, inter alia, that the railways allow two days for loading or unloading of cars prior to the assessment of demurrage. This free time allowance has been made applicable to domestic, international and import traffic and no change in this allowance period has been made since that time, although the Board has authorized periodical changes in the level of the demurrage charges.

That these prescribed uniform rules and regulations are not altogether appropriate for export traffic and also traffic for furtherance by water has long been recognized by the railways. Such traffic has been voluntarily accorded by the railways greater free time allowance for unloading at the ports and appreciably lower demurrage charges. These more liberal regulations appear to have been contemplated and intended to cover unavoidable delays due to the uncertainty of ship arrivals at the ports as well as uncertainty in rail transportation in effecting vessel delivery. These aspects are clearly distinguishable from the handling and delivering of domestic traffic.

The prevailing free time allowance on export traffic from Prairie territory in Western Canada to Central America, Mexico and South America via the Pacific ports is five days, and on traffic exported to other countries ten days. From Pacific territory in Western Canada to all countries via the Pacific ports the free unloading time allowance is five days. In Eastern Canada export traffic via Eastern ports is accorded ten days free time allowance and furtherance traffic via Maritime ports five days free time.

To appreciate the difference in treatment of domestic traffic handled under the general demurrage regulations and the special and furtherance regulations, there follows a comparison of the prevailing free time allowance and car demurrage applicable within Canada for a 14-day period.

COMPARISON OF PREVAILING FREE TIME ALLOWANCE AND CAR DEMURRAGE  
APPLICABLE WITHIN CANADA FOR A 14-DAY PERIOD

	Eastern Canada		Western Canada				Export Traffic Note E
	Domestic Traffic	Furthurance Traffic Note A	Export Traffic Note B	Domestic Traffic	Export Traffic Note C	Export Traffic Note D	
1st day.....	Free	Free	Free	Free	Free	Free	Free
2nd ".....	Free	Free	Free	Free	Free	Free	Free
3rd ".....	\$3.00	Free	Free	\$3.00	Free	Free	\$3.00
4th ".....	3.00	Free	Free	3.00	Free	Free	3.00
5th ".....	5.00	Free	Free	5.00	Free	Free	5.00
6th ".....	5.00	\$5.00	Free	5.00	\$3.30	Free	5.00
7th ".....	7.00	5.00	Free	7.00	3.30	Free	7.00
8th ".....	7.00	5.00	Free	7.00	3.30	Free	7.00
9th ".....	7.00	5.00	Free	7.00	3.30	Free	7.00
10th ".....	7.00	5.00	Free	7.00	3.30	Free	7.00
11th ".....	7.00	5.00	\$5.00	7.00	3.30	\$3.30	7.00
12th ".....	7.00	5.00	5.00	7.00	3.30	3.30	7.00
13th ".....	7.00	5.00	5.00	7.00	3.30	3.30	7.00
14th ".....	7.00	5.00	5.00	7.00	3.30	3.30	7.00
Total.....	\$72.00	\$45.00	\$20.00	\$72.00	\$29.70	\$13.20	\$72.00

NOTE A: For furtherance by water via ports east of Quebec, Que., to ports in New Brunswick, Nova Scotia, Prince Edward Island, Quebec (east of Quebec, Que.) Magdalen Islands or to United States Atlantic ports or to the Island of Anticosti.

NOTE B: For export to British and Foreign Countries, Cuba, the Insular Possessions of the United States (Porto Rico, Hawaiian and Virgin Islands) and the Panama Canal Zone. For furtherance by water to Newfoundland and Labrador.

NOTE C: For export to Central America, Mexico or South America.

NOTE D: For export to other foreign including British countries (United States and Alaska excepted).

NOTE E: For export to British and foreign countries, except the United States and Alaska.

## 5. MARKETING OF GRAIN

The marketing of Western Canadian grain is a most complex matter, and it would appear appropriate to set forth briefly the pattern of the present method. The Canadian Wheat Board is the general marketing agency for all wheat, oats and barley produced in Western Canada. It operates under the provisions of the Canadian Wheat Board Act. The Wheat Board is in a very real sense the servant of the producer for whom it seeks to obtain the best possible returns for the grain entrusted to it. The Wheat Board does not own nor operate any grain handling facilities in Canada, but business is carried on by agreement entered into each year with the elevator companies which are cooperatively or privately owned. These elevator companies act as agents of the Wheat Board and undertake to finance the initial payment to producers, the storage of grain in country elevators and delivery to terminal positions in accordance with the Wheat Board's regulations.

The elevator companies upon receipt of the grain from the producer at the country elevator issue a cash ticket to the producer for the price of the grain less allowance which the elevator company may be permitted to charge. Upon receipt of the grain at the terminal elevators all freight charges accruing for the rail transportation from the country elevators are paid by the elevator companies.

When the marketing of the grain is completed, the Wheat Board reckons its financial position, deducts its costs of operation and administrative expenses, and issues to the producers certificates authorizing the producers to share in the surplus, if any, distributed by the Board from its operations.

## 6. TRANSPORTATION OF GRAIN

The initial step in the rail transportation of the grain is the issuance of shipping orders to the country elevators to forward the grain to the terminal. These orders are not issued by the elevator companies themselves, but by the Wheat Board. Upon receipt of such orders, the country elevator agents order from the railway the box cars required to fill the orders on hand.

During the crop year of 1955-56 there were unloaded at the Lakehead 92,342 cars railed in by the Canadian Pacific Railway. At Vancouver during the same crop year, 35,415 cars were railed in and unloaded, making a total movement of 127,757 cars during the 12-month period via the Canadian Pacific Railway only. Somewhat similar figures prevail in respect to the movement via the Canadian National Railways.

To accommodate the enormous quantity of grain to be transported, the railways allocate the requisite number of box cars. It was stated in evidence the Canadian Pacific Railway allocate to their western lines approximately 28,000 box cars for the accommodation of their traffic, not solely grain.

To facilitate the rail transport of grain in Western Canada the railways watch the movement of this traffic very closely, checking the situation from day to day and endeavour to regulate the movement of the traffic, assigning cars for loading at country elevators on a quota system based on the shipping orders as issued by the Wheat Board.

## 7. BULK GRAIN BILL OF LADING

The Board by its Order 14591 dated August 18, 1911, approved a bulk grain bill of lading. This special grain bill of lading is for exclusive use in respect to grain shipments to the Lakehead, and the provisions thereof were worked out at that time between representatives of the shippers, the Bankers' Association and the Railways.

Under Section 8 of this bill of lading, the railways have reserved the right, in the event the original consignee at the Lakehead cannot accept delivery, to direct and deliver, without prior notice, cars of grain to other elevators having accommodation for the particular grade of grain. This condition has apparently been considered desirable by all concerned in order to avoid unnecessarily delaying cars for unloading at the Lakehead during the grain shipping season.

### 8. CAR DETENTION AT LAKEHEAD

The average number of days that Canadian Pacific Railway cars were detained for unloading at the Lakehead during 1955, 1956 and 1957 was as follows: (Exhibits 47, 48 and 49). While the precise figures in these Exhibits were disputed by the grain interests with some success, the general trend of the delays still remains in them.

	1955	1956	1957
January .....	10.08	8.15	9.99
February .....	23.47	6.28	11.97
March .....	34.27	10.02	24.75
April .....	22.08	8.90	24.31
May .....	5.03	4.52	—
June .....	4.81	4.51	—
July .....	5.60	4.13	—
August .....	9.35	3.36	—
September .....	11.50	4.40	—
October .....	7.62	5.05	—
November .....	5.80	4.20	—
December .....	4.20	5.30	—

NOTE: The open season of navigation runs roughly from mid-April to mid-December.

The crux of the problem lies in the fact that during the closed season of navigation with no balancing rail movement eastbound from the terminal elevators to counteract the grain movement ordered into the already congested terminal elevators, grain remains for lengthy periods of time in the railways' box cars. In other words, the grain storage of the terminal elevators overflows into box cars not only at the Lakehead but also backs up westward to Ignace, Kenora and Transcona, tying up the box car equipment of the railways. In short, and it is not denied, Railway Rolling Stock is, under the present system, used as a huge ancillary bin for the storage of grain.

It is this situation of which the railways complain and allege that the imposition of demurrage will have the effect upon the grain trade and marketing agency of arranging their affairs in such a manner as will not result in the use of railway box cars for storage purposes.

Mr. Emerson, Vice-President of the Canadian Pacific Railway Company, stated that it is not their desire to increase their revenues by means of demurrage, but what they really seek is the return of this equipment and they would be pleased if they did not have to collect a dollar demurrage. A box car costs approximately \$9,000.00 and its proper use is for transportation, not storage. An improved utilization of box cars is in effect the same thing as a larger inventory of box cars, and that would reduce capital expenditures.

## 9. REVIEW OF 1937 JUDGMENT

A new special tariff imposing car demurrage charges on bulk grain unloaded into all public and semi-public elevators in Western Canada was filed with the Board on May 22, 1937, to become effective September 1, 1937. (Canadian Freight Association Tariff 184, C.T.C. 329). This tariff provided the same free time unloading period (two days) as prevailed under the Board's uniform demurrage rules and regulations. The essential difference between the two arrangements was in respect to the demurrage charges for cars held beyond the fourth day, it being proposed to accord to the said bulk grain arrangement a lower level of charges.

Strong objections were taken by the grain trade to this proposal of the railways and following protracted hearings of the matter, the Board found that the demurrage charges which the railways proposed to assess were unjust and unreasonable and issued its Order 54627 dated July 30, 1937, disallowing the said tariff. Chief Commissioner Guthrie in delivering an oral Judgment in the matter, stated as reported in 47 C.R.C., p. 51:—

"I cannot refrain from repeating that I think we should consider the question of western grain transportation as distinct from the transport of other commodities. While the principle underlying the application of a demurrage charge is sound in respect to rail transportation in general, and should be applied where cars are unreasonably or improperly detained by shippers or by consignees, in my opinion an exception should be made in regard to western grain at terminal points. Parliament seems to have recognized a distinction as between western grain and other transportable commodities not only in the Canada Grain Act, but also in regard to railway rates for the transportation of grain. While ordinary freight rates are subject to the jurisdiction of the Board under the provisions of the various sections of the Railway Act, Parliament itself enacted maximum rates for the transportation by rail of western grain to the head of the lakes. Subsequently, the Board made the same scale of rates effective for shipment of western grain via Pacific ports. I am not aware of similar action by Parliament in respect of any other commodity. I think, therefore, that one may well hold that shipments of grain to terminal elevators may be treated as an exception to the general demurrage tariff. For many years the railways have so treated it, and I can find no sound reason at the present time for altering the method adopted by the railways in the past".

and in 47 C.R.C. p 52:—

"Under all these conditions, and following the precedent established by the Board in a large number of cases, the Board thinks this tariff should be disallowed. It was argued by counsel for the railways that under the provisions of the Railway Act we could not disallow a tariff without submitting a new one. However, we have acted so in a number of cases. This tariff must be disallowed as unjust and unreasonable. If in the future the railways desire to bring the matter up again, under new conditions, when the situation has changed or improved, the Board will be glad to hear all that is urged, and the evidence now submitted will be preserved and may be very useful on a subsequent occasion".

## 10. DISCUSSION

The question before us is not new.

While some of the surrounding circumstances have changed since Chief Commissioner Guthrie's Judgment in 1937 *supra*, the changes are more in degree or intensity rather than in fact. There is little difference, if any, in the principles involved, in the plea of the railways and the objections thereto.

The grain interests again allege that they cannot physically exercise control over the movement of cars to terminal elevators because the Wheat Board owns all the grain and they are subject to its Orders.

The crux of the situation is that under the present system devised for the purchasing, storage and marketing of grain, railway equipment is being used as a vast ancillary storage bin.

The few elements of control of movement of cars of grain the railways possess such as embargoes, restricted loading and Section 8 of the Bulk Grain Bill of Lading may alleviate but cannot cure the results of the system at present in use. But there is nothing in the Canada Grain Act or the Wheat Board Act that I can find that in statutory terms compels a departure from the pertinent provisions of the Railway Act insofar as tolls or tariffs are concerned. And there is nothing in the Railway Act which authorizes the railways to provide services free of charge save and except the provisions in Section 350, 351 and 352 which deal with reduced rates and free transportation, the provisions of which have no application in this case. Neither does the Railway Act, in my opinion, give this Board power under any circumstances, to compel a Railway under its jurisdiction to provide the use of its facilities or equipment free of charge.

The Board must see upon complaint, application, or investigation that charges are just and reasonable, and it is only in this limited sphere that the Board is given a discretion. It is at this point that I respectfully differ with Chief Commissioner Guthrie's decision and I may add some of our former decisions with respect to demurrage charges where demurrage was disallowed in toto. Chief Commissioner Guthrie in his Judgment stated *inter alia*:—

“It was argued by Counsel for the railways that under the provisions of the Railway Act, we could not disallow a Tariff without submitting a new one. However, we have acted so in a number of cases. This tariff must be disallowed as unjust and unreasonable”.

Again in the present case, Mr. Spence for the Canadian Pacific Railway and Mr. Macdougall for the Canadian National Railways presented substantially the same legal argument which Mr. Green had advanced to the Board in 1937, and which was dealt with by Chief Commissioner Guthrie in his words quoted above, which can be found in 47 C.R.C., p. 52.

Without referring to these arguments in extenso although adopting the reasoning therein, my opinion is that in law the conclusion is correct that wide as the powers of the Board may be, they do not extend to the point whereby out of sympathy or through any other urging, including circumstances beyond the power of a consignee to control, the Board can disallow in toto what is a legal charge for use of railway equipment. But to reiterate, we can use our discretion to see that the charge made, under all the circumstances, is just and reasonable.

If the above finding in law is correct, then it only remains under Section 328 (1) of the Railway Act to either require the railways to substitute a tariff satisfactory to the Board, or the Board itself may prescribe one in lieu of the one disallowed or under suspension. In the light of all the evidence we have heard in this vexed case, I think the Board should prescribe a tariff which it deems under all the circumstances to be just and reasonable.

## 11. FINDINGS

The railways have proposed the institution of the demurrage regulations prescribed by the Board and contained in Canadian Car Demurrage Bureau Tariff C.T.C. 5 on cars of grain consigned to public and semi-public terminal elevators in Western Canada, and held by the railways awaiting acceptance by consignees for unloading. Such regulations, inter alia, permit a free time allowance of forty-eight hours (two days) for unloading. The railways state they seek the institution of these regulations as a deterrent to the use of their equipment for storage purposes, and not as a means of securing additional revenue.

Upon what has been submitted, it appears to me that demurrage regulations designed for traffic generally would not be just and reasonable for the grain traffic here under review. The transportation by the railways of the Canadian grain crop to terminal elevators in Western Canada is unique, differing substantially from the transportation of all other commodities. Under the circumstances, I am of the opinion that the free time allowance period of two days proposed to be made applicable by the railways would be unjust and unreasonable in respect to grain traffic transported to terminal elevators in Western Canada.

The holding of railway equipment under load beyond a reasonable time under any circumstances, either the grain now under review or any other commodity, is not in the national interest when such railway equipment is in demand by the general shipping public of Canada and the right is thus denied the railways to earn more revenue on their equipment. Railway equipment is for the transportation of the commerce of the country and in the public interest must necessarily be used for that purpose. The western grain crop of Canada is traditionally one of Canada's principal exports and consequently I think such traffic should be accorded a more liberal free time allowance for unloading than that proposed to be made applicable by the railways.

A review of the railway tariff schedules on file with the Board indicates that western Canadian grain is transported to terminal elevators located at the Pacific Coast and also at Churchill at export commodity freight rates. It is also transported to the Lakehead at rail commodity rates that have been stated by the Board to be essentially export rates (In re hold-down on Domestic Grain Rates, 70, C.R.C. at p 183). The western grain crop being essentially and traditionally export traffic should be more appropriately related to the more liberal demurrage regulations prevailing on such traffic than the regulations that have been established for traffic generally. As illustrated earlier in this Judgment, five free days and ten free days, depending upon the origin and final destination of the traffic, have been allowed voluntarily by the railways on traffic destined to Eastern and Pacific ports for export and for furtherance by water. Different demurrage charges apply on such export and furtherance traffic upon expiration of the said free time unloading periods.

Upon full review and consideration of demurrage regulations prevailing on all traffic and of the evidence in this case, I am of the opinion and hereby find, that ten days is a reasonable and just free time allowance for the unloading of grain traffic in Western Canada, other than at Port Arthur and Fort William; and that for such unloading at Port Arthur and Fort William a reasonable and just free time allowance is also ten days, except that in computing such free time no part of the period commencing on the first day of March and ending on the date of the opening of navigation at Port Arthur and Fort William, in any year, shall be counted; and that after the

expiration of the free time the demurrage charges as contained in Canadian Car Demurrage Bureau Tariff No. 5 should apply thereon. The additional free days, over and above ten, in respect of certain cars of grain at Port Arthur and Fort William are thus allowed, primarily because of the congestion there, at and prior to the opening of navigation of loaded grain cars which is inherent in the marketing and transportation of the tremendous volume of grain that moves through these two ports and the necessity of having a large "build-up" of supply of cars of grain there for the opening of navigation each year.

## 12. ORDER

In compliance with the findings herein, the Board hereby amends Rule 3 of the "Canadian Car Demurrage Rules" prescribed by General Order 201 dated August 1, 1917, by adding the following paragraphs to the Exceptions appearing in the said Rule 3:—

- (4) 10 days free time shall be allowed for unloading grain consigned to public and semi-public terminal elevators in the portion of Canada west of Port Arthur and Fort William, Ontario.
- (5) For unloading grain consigned to public and semi-public terminal elevators at Port Arthur or Fort William ten days free time shall also be allowed, except that in computing such free time no part of the period commencing on the first day of March and ending on the date of the opening of navigation at Port Arthur and Fort William, in any year, shall be counted.

and directs the railways to publish such amendment in Canadian Car Demurrage Bureau Tariff C.T.C. No. 5, on not less than 30 days' notice, effective not earlier than July 1, 1958.

An Order will go accordingly.

A number of allegations, suggestions, submissions and arguments were made, and evidence was given thereon, in addition to those referred to in this Judgment, but in view of the findings herein I do not consider that it is necessary in this Judgment to refer to any of them specifically or to dispose of them individually, although all have received the Board's consideration insofar as they were relevant in disposing of the whole matter.

Dated at Ottawa, this twenty-seventh day of May, 1958.

HUGH WARDROPE.

*I concur:*

A. SYLVESTRE

*I concur:*

FRANK M. MACPHERSON

## ORDER No. 94426

*In the matter of application of North-West Line Elevators Association, on behalf of its member companies pursuant to the provisions of the Railway Act of Canada, being Chapter 234 of the Revised Statutes of Canada 1952, and amendments thereto, for an Order under section 328 and other relevant sections of the said Act, disallowing Canadian Car Demurrage Tariff C.T.C. No. 5, to the extent that said tariff might be construed as including demurrage charges on bulk grain unloaded into public and semi-public terminal elevators in Western Canada:*

File No. 1700.397

TUESDAY, the 27th day of May, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

*Upon hearing the application at sittings of the Board at Ottawa in the presence of Counsel and parties whose appearances are set forth in the Judgment herein dated the 27th of May, 1958—*

*It is hereby ordered as follows:*

1. Rule 3 of the Canadian Car Demurrage Rules, set forth in General Order No. 201, dated August 1, 1917, is amended by adding the following paragraphs to the Exceptions in the said Rule:

- (4) 10 days free time shall be allowed for unloading grain consigned to public and semi-public terminal elevators in the portion of Canada west of Port Arthur and Fort William, Ontario.
- (5) For unloading grain consigned to public and semi-public terminal elevators at Port Arthur or Fort William ten days free time shall also be allowed, except that in computing such free time no part of the period commencing on the first day of March and ending on the date of the opening of navigation at Port Arthur and Fort William, in any year, shall be counted.

2. The said amendment shall be published in a Supplement to Canadian Car Demurrage Bureau Tariff C.T.C. No. 5 on not less than 30 days' notice, effective not earlier than July 1, 1958.

HUGH WARDROPE,  
*Assistant Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

## ORDER No. 94597

*In the matter of the application of Interprovincial Pipe Line Company, hereinafter called the "Applicant", dated May 7, 1958, under sections 11 and 12 of the Pipe Lines Act, for an Order granting it leave to construct a pipe line for the transportation of oil from a point on the south side of the LaSalle Road in the Township of Moore, Lambton County, Province of Ontario, where the LaSalle Road is intersected by the southerly extension of the eastern boundary of Polymer Road to a point on the eastern boundary of property owned by Sun Oil Company Limited in Lot C, Range 7, Registered Plan 122, City of Sarnia, Province of Ontario, all as shown on Location Plan No. D-5.6-235-0, being a plan of a proposed 24-inch crude oil pipe line to Sun Oil Refinery, both of the said points being within or in the vicinity of the City of Sarnia, the distance between them being slightly in excess of one mile:*

File No. 45371.2.55

MONDAY, the 16th day of June, A.D. 1958

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

This application having come on for hearing at Ottawa, Ontario, before the Assistant Chief Commissioner, the Deputy Chief Commissioner and Mr. Commissioner Knowles, in the presence of Counsel for the Applicant, Counsel for Canadian National Railways, Counsel for Mr. Russell Hewitt and the said Russell Hewitt in person;

And upon hearing the matter it appears to the Assistant Chief Commissioner and the Deputy Chief Commissioner, and they so find,

- (a) that the Government of the Province of Ontario and the Department of Citizenship and Immigration, Indian Affairs Branch, do not object to the granting of the application;
- (b) that the City of Sarnia and the Corporation of the Township of Moore have no objection to the crossing of LaSalle Road by the said pipe line as shown on the said plan;
- (c) that the owners of land across which the line is proposed to be constructed, except the said Russell Hewitt, have agreed with the Applicant to permit the line to be constructed across their lands and do not object to the granting of the application;
- (d) that the suggested alternative location for the line, through the Indian Reserve and lands on the west side of the railways, has been sought by the Applicant but is not available for the line;
- (e) that no suitable location for the line, other than the location applied for, is available to the Applicant;
- (f) that in respect of the objection of Russell Hewitt that the construction of the line across his land as applied for will damage the land and make it less suitable for industrial and development purposes, section 8 of the Pipe Lines Act requires the Applicant to make full compensation in the manner provided in that Act or a Special Act to all persons interested for all damage sustained by them by reason of the exercise of the powers granted to the Applicant by the said Acts, and the manner so provided by section 30 of the Pipe Lines Act is as provided in section 207 to 246 of the Railway Act under which the determination

of such compensation is not a function of this Board; and the fact that such damage may be sustained is not in the circumstances a sufficient ground to warrant refusal by the Board to grant the application;

(g) that in respect of the submission on behalf of Canadian National Railways that if the Board grants the application it should impose a condition that the Applicant bear the cost of any future construction of Canadian National Railways' tracks across the pipe line, the construction of such tracks is a matter that can more appropriately be dealt with by the Board if and when it arises than at this time; and

(h) that in the public interest the application should be granted.

*And it is hereby ordered as follows, Mr. Commissioner Knowles contra for reasons which he will give separately in writing:*

1. Leave is granted to the Applicant to construct a pipe line, as applied for, for the transportation of oil from a point on the south side of the LaSalle Road in the Township of Moore, Lambton County, Province of Ontario, where the LaSalle Road is intersected by the southerly extension of the eastern boundary of Polymer Road to a point on the eastern boundary of property owned by Sun Oil Company Limited, which boundary is also the west limit of the railway right of way of Chesapeake and Ohio Railway Company, in Lot C, Range 17, registered plan No. 122, City of Sarnia, Lambton County, Province of Ontario, all as shown on location plan No. D-5.6-235-0, on file with the Board under file No. 45371.2.55.

2. The Applicant is exempted from the provisions of subsections (1) and (2) of section 12 of the Pipe Lines Act for the purposes of the said application.

HUGH WARDROPE,  
*Assistant Chief Commissioner,  
The Board of Transport Commissioners for Canada.*

## ORDER No. 94659

*In the matter of the application of Messrs. Hu Harries and Associates, on behalf of Alberta Phoenix Tube & Pipe Limited, for elimination of unjust discrimination and undue preference alleged to exist in respect of rates on Skelp and Pipe, from eastern points to Edmonton, Alberta, and Vancouver, B.C., under the provisions of the Railway Act, Chapter 234, and the Transport Act, Chapter 271, R.S.C., 1952; and the Judgment and Order No. 94129, dated April 17, 1958, therein:*

—and—

*In the matter of the application of Canadian National Railways and Canadian Pacific Railway Company under section 52 of the Railway Act for review and rescission of the said Judgment and Order and for suspension of the effective date of the Order:*

File No. 48703

TUESDAY, the 24th day of June, A.D. 1958

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

The Board having reconsidered the evidence and argument given herein at Edmonton and considered the additional evidence and argument given at Ottawa on May 28 and 29, 1958, in the presence of Counsel for Canadian National Railways and Canadian Pacific Railway Company and Alberta Phoenix Tube & Pipe Limited, and the Board having reviewed its said Judgment and Order No. 94129, both dated April 17, 1958, gave its decision at Ottawa in an Oral Judgment on May 29, 1958 (for which more extensive reasons were and are to be given in writing at a later date) that nothing material was advanced that would move the Board to rescind, change or vary the findings and decision contained in the Judgment and Order under review and that the suspension contained in paragraph 2 of Order No. 94361, dated May 15, 1958, herein, would not therefore be continued after June 2, 1958.

*It is hereby ordered as follows:*

The said Judgment and Order No. 94129, both dated April 17, 1958, are affirmed, and the application of Canadian National Railways and Canadian Pacific Railway Company for rescission thereof is dismissed.

HUGH WARDROPE,

*Assistant Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
MAY, 1958.

Railway Accidents .....	211	Killed	20	Injured	207
Level Crossing Accidents ...	24	Killed	5	Injured	35
Total .....	235		25		242

		Killed	Injured
Passengers .....		—	27
Employees .....		6	166
Others .....		19	49
		25	242

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

NOVA SCOTIA

— 1 Automobile struck by train. Licence: N.S. 11-01-20.

QUEBEC

1 — Automobile struck by train. Licence: Que. 96380.

ONTARIO

— 1 Watchman failed to lower gates and struck by train when flagging crossing.  
 — 1 Automobile struck by train. Licence: Ont. 64308-C.  
 — 2 Automobile struck by train. Licence: Ont. 33880-C.  
 — 2 Tank truck struck by train. Licence: Ont. 57252-B.  
 — 2 Automobile struck by train. Licence: Ont. 574-802.  
 — 1 Auto truck struck by train. Licence: Ont. 59-810.  
 1 — Automobile ran into side of train. Licence: Ont. 385-108.  
 — 2 Automobile struck by train. Licence: Ont. 442-940.  
 — 1 Pedestrian walked into side of train.  
 — 1 Automobile struck by train. Licence: Ont. A-96073.  
 — 2 Automobile struck by train. Licence: Ont. A-93570.  
 — 1 Automobile struck by train. Licence: Ont. 941-013.  
 — 1 Automobile ran into side of train. Licence: Ont. F-16536.  
 — 1 Automobile struck by train. Licence: Ont. 5900-X.  
 — 5 Automobile struck by train. Licence: Ont. 979-160.  
 — 1 Tractor trailer skidded into side of train. Licence: Ont. 42360-C.

MANITOBA

— 1 Automobile struck by train. Licence: Man. 9-N-693.

SASKATCHEWAN

— 3 Automobile struck by train. Licence: Sask. 177-153.  
 — 1 Automobile struck by train. Licence: Sask. 65-345.  
 2 4 Automobile struck by train. Licence: Sask. 150-316.  
 1 — Auto truck struck by train. Licence: Sask. C-19-266.

BRITISH COLUMBIA

— 1 Automobile struck by train. Licence: B.C. 283-028.

Of the 24 accidents at highway crossings, 18 occurred at unprotected crossings, 6 at protected crossings, 18 occurred after sunrise and 6 after sunset.

OTTAWA, Ontario, June 20, 1958.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

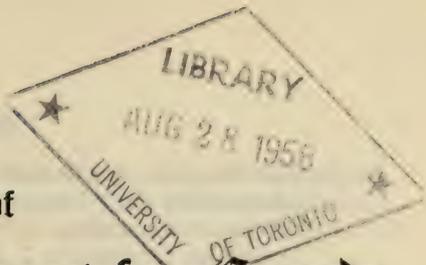
- 94522 June 6—Authorizing the Quebec & North Shore and Labrador Railway Company to operate its trains under the overhead bridge in the Municipality of Schefferville, P.Q.
- 94523 June 6—Authorizing the C.P.R. to construct a temporary track diversion in the City of Montreal, P.Q., at Mileage 8.81 Park Avenue Subd.
- 94524 June 6—Authorizing The Consumers' Gas Company to construct a gas main under the company pipe line of Trans-Canada Pipe Lines Limited in the Twp. of Elizabethtown, Ont.
- 94525 June 6—Authorizing Consumers' Gas Company to construct gas mains across the company pipe line of Trans-Canada Pipe Lines Limited at Thomas Street, Twp. of Toronto, Ont.
- 94526 June 6—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Section 3.
- 94527 June 6—In the matter of application of the Dept. of Public Works for N.B. for authority to construct the highway across the right of way of the C.N.R. by means of an overhead bridge at Oromocto, Co. of Sunbury, N.B., Mileage 59.5 Centreville Subd.
- 94528 June 9—In the matter of the application of the C.P.R. on behalf of McColl-Frontenac Oil Company Limited for approval of the proposed location of facilities for the handling and storage of flammable liquids at Sprague, Ont., Mileage 41.0 Thessalon Subd.
- 94529 June 9—In the matter of application of the C.N.R. and C.P.R. for an order approving certain plans in connection with protection installed at Denison Ave., Weston, Ont.
- 94530 June 9—In the matter of Section 24 of the Railway Act.
- 94531 June 10—Authorizing the B.C. Dept. of Highways to temporarily relocate the Trans-Canada Highway where it crosses the C.P.R. at Mileage 19.32 Cascade Subd., B.C.
- 94532 June 10—Requiring the C.N.R. to install certain protection at the crossing of their railway and Victoria Road, Guelph, Ont.
- 94533 June 10—In the matter of application of The Bell Telephone Co. of Canada for approval of Supplement to Traffic Agreement dated October 22, 1957, between it and the Rainy River Munic. Telephone System.
- 94534 June 10—Authorizing the N.B. Dept. of Public Works to construct the Trans-Canada Highway across the C.N.R. by means of an overhead bridge at Mileage 113.95 Centreville Subd., New Brunswick.
- 94535 June 10—Authorizing the Alta. Dept. of Highways to widen Highway No. 41 where it crosses the C.N.R. at Mileage 138.26 Unity Subd., Alta.
- 94536 June 10—Permitting the removal of slow order at C.N.R. crossing east of Rosetown, Sask., Mileage 68.82 Rosetown Subd.
- 94537 June 10—Relieving the C.N.R. from erecting right of way fencing between certain mileages on the north side of their Gladstone Subd., Manitoba.
- 94538 June 10—Authorizing the C.P.R. to operate under the suspension bridge over its right of way at Mileage 42.79 Cascade Subd., B.C.
- 94539 June 10—Relieving the C.N.R. from erecting cattle guards and return fences at the crossing of the highway at Mileage 51.1 Victoria Beach Subd., Manitoba.
- 94540 June 10—Authorizing the C.N.R. to use the timber bridge over the Pikwitonei River, Mileage 213.5 Thicket Subd., Manitoba.
- 94541 June 10—Authorizing the B.C. Power Commission to construct an aerial transmission line across the company pipe line of Westcoast Transmission Company Limited, in the Peace River Land District of B.C.
- 94542 June 10—Approving plan showing location of a deviation of Westspur Pipe Line Company's gathering lines in the Province of Saskatchewan.
- 94543 June 10—Authorizing the C.N.R. to use the bridge at Mileage 72.3 Flin Flon Subd., Manitoba.

- 94544 June 10—Authorizing the C.N.R. to operate the bridge over the Valley River, at Mileage 42.0 Togo Subd., Man.
- 94545 June 10—Approving plan showing the deviation in the location of Westspur Pipe Line Company's gathering lines in the Province of Saskatchewan.
- 94546 June 10—Approving the deviation of a portion of Westspur Pipe Line Company's gathering lines in the Province of Saskatchewan.
- 94547 June 10—Authorizing Trans-Northern Pipe Line Company to relocate a portion of its company pipe line in the Twp. of East York, Ontario.
- 94548 June 10—Authorizing the C.N.R. to operate the bridge over the Silcox River, Mileage 396.2 Herchmer Subd., Manitoba.
- 94549 June 11—Authorizing the Munic. of Metropolitan Toronto to construct Bayview Avenue extension across the right of way and under the trestle of the C.P.R. at Mileage 105.19 Oshawa Subd.
- 94550 June 11—Authorizing the Munic. of LaSalle, P.Q., to construct Jolicoeur Street across the C.P.R. at Mileage 3.7 LaSalle Loop Line.
- 94551 June 11—Authorizing the Alta. Department of Highways to construct the highway across the Walburg-Bonnyville Branch of the C.N.R.
- 94552 June 11—Approving plan showing deviation of a portion of Trans-Canada Pipe Lines Limited company's pipe line in the Twp. of Morrison, Ontario.
- 94553 June 11—Authorizing the City of Brantford, Ontario, to construct Ava Road across the tracks of the C.N.R. by means of an overhead bridge.
- 94554 June 11—Rescinding Order No. 88635, dated April 19, 1956, in the matter of facilities of Imperial Oil Limited for loading crude oil into tank cars from tank trucks at Steelman, Saskatchewan.
- 94555 June 11—Rescinding Order 87725, dated January 3, 1956, in the matter of facilities of Imperial Oil Limited, for loading crude oil into tank cars from tank trucks at Nottingham, Saskatchewan.
- 94556 June 12—Authorizing the C.N.R. to remove the caretaker at South River, Nova Scotia.
- 94557 June 12—Authorizing the N.Y.C. Railway Company to remove the station agent and station buildings at Chateauguay, P.Q.
- 94558 June 12—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Section 3.
- 94559 June 12—In the matter of application of the Ontario Northland Rly. Co. for Order extending the time within which it is required by Order 92322, dated August 19, 1957, to install automatic signals at crossing of the Nipissing Central Rly. and Highway 59 (Arntfield Road) at Mileage 56.3 Kirkland Lake Subd., P.Q.
- 94560 June 12—In the matter of application of Trans-Canada Pipe Lines Limited, for leave to carry its company pipe line across the right of way and track of the Ontario Northland Rly. in the Township of Maissonville and Carr, Ontario.
- 94561 June 12—Authorizing Trans-Canada Pipe Lines Limited to carry its company pipe line across the track of the Ontario Northland Railway company, Township of Widdifield, Ontario.
- 94562 June 12—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 2.81 Princeton Subd., B.C.
- 94563 June 12—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 2.42 Princeton Subd., B.C.
- 94564 June 12—Authorizing the C.N.R. to operate under the overhead bridge at Mileage 63.26 Yale Subd., B.C.
- 94565 June 12—Relieving the C.P.R. from erecting right of way fencing between certain mileages on its Carman Subd., Man.
- 94566 June 13—Authorizing Trans-Canada Pipe Lines Limited to carry its company pipe line across the track of the Ontario Northland Railway, Twp. of Armstrong, Ontario.

- 94567 June 12—Authorizing the B.C. Power Commission to construct a transmission line over the company pipe line of Westcoast Transmission Company Limited, in Cariboo Land District, B.C.
- 94568 June 12—Authorizing the B.C. Power Commission to construct an aerial transmission line over the company pipe line of Westcoast Transmission Company Limited, in the Province of B.C.
- 94569 June 12—Relieving the C.P.R. from erecting right of way fencing between certain mileages on its Webbwood Subd., Ontario.
- 94570 June 12—Relieving the C.P.R. from erecting right of way fencing between certain mileages on its Cartier Subd., Ontario.
- 94571 June 12—Relieving the C.P.R. from erecting right of way fencing between certain mileages on its North Bay Subd., Ontario.
- 94572 June 12—Authorizing Trans Mountain Oil Pipe Line Company to construct a company pipe line across and under Dunbar Street, Munic. of Surrey, B.C.
- 94573 June 12—Authorizing the Trans Canada Pipe Lines Limited to carry its company pipe line across the track of the Ontario Northland Railway in the Township of Coleman, Ontario.
- 94574 June 12—Relieving the C.P.R. from erecting fencing between certain mileages on its Lariviere Subdivision, Manitoba.
- 94575 June 12—Relieving the C.P.R. from erecting right of way fencing between certain mileages on its Thessalon Subdivision, Ontario.
- 94576 June 12—Authorizing the Nova Scotia Department of Highways to divert the highway to permit the elimination of existing level crossings at mileage 65.76 and 66.0 Yarmouth Subdivision, Village of Roseway, Nova Scotia.
- 94577 June 13—In the matter of the application of the Department of Public Works of the Province of New Brunswick for authority to construct the Trans-Canada Highway across the right of way of the C.N.R. by means of an overhead bridge in the Parish of Salisbury, Westmorland County, Province of New Brunswick, at mileage 19.57 Sussex Subdivision.
- 94578 June 13—Authorizing the C.P.R. to operate the bridge at mileage 10.2 Coquihalla Subdivision, British Columbia.
- 94579 June 13—Authorizing the C.N.R. to construct a bridge over the creek at mileage 86.9, St. Felicien-Chibougamau Line, Quebec.
- 94580 June 13—In the matter of the application of C.N.R. on behalf of Imperial Oil Limited, for approval of location of proposed additional facilities for the handling and storage of flammable liquids at Orillia, Ontario.
- 94581 June 13—In the matter of the application of C.N.R. on behalf of Pacific Petroleum Limited, for approval of location of facilities for the handling and storage of flammable liquids at Prince George, British Columbia.
- 94582 June 13—In the matter of the apportionment of the cost of installation, maintenance and operation of the protection which the C.N.R. were authorized by Order No. 91130, dated March 7, 1957, to install at the crossing of the diverted section of their Cornwall Subdivision and County Road No. 15 at mileage 73.8 Cornwall Subdivision, in the Province of Ontario.
- 94583 June 13—In the matter of the application of the Ontario Northland Railway Company for an Order extending the time within which it is required by Order No. 92321, dated August 19, 1957, to install two flashing light signals and one bell at the crossing of the highway and the Nipissing Central Railway at mileage 33.5 Kirkland Lake Subdivision, in the Province of Quebec.
- 94584 June 13—Authorizing The Toronto Harbour Commissioners to construct a siding to serve Commissioners' Marine Terminal No. 15, Toronto, Ontario.

- 94585 June 13—Authorizing the C.N.R. to reconstruct a portion of their approach to the ore dock at Port Arthur, Ontario.
- 94586 June 13—Permitting the removal of slow order at C.N.R. crossing east of the station at Tofield, Alberta.
- 94587 June 13—Permitting the removal of slow order at C.N.R. crossing at mileage 27.78 Picton Subdivision, Ontario.
- 94588 June 13—Authorizing the Trans-Canada Pipe Lines Limited to carry its company pipe lines across the track of the Ontario Northland Railway at certain locations in the Province of Ontario.
- 94589 June 13—Authorizing the C.N.R. to operate their trains over the siding serving the freehold lands of Lever Brothers Limited, Toronto, Ontario.
- 94590 June 13—Requiring the C.N.R. to install certain protection at the crossing of Chamberlain Street in Amherst, Nova Scotia.
- 94591 June 16—Authorizing the City of Ottawa to improve approach grades leading up to the main line track of the C.N.R. at St. Laurent Boulevard.
- 94592 June 16—Authorizing The Consumers' Gas Company to construct its pipe line across the tracks of the C.N.R. in the Township of Markham, Ontario.
- 94593 June 16—Approving under the Maritime Freight Rates Act tolls published in tariff filed by the C.N.R. under Sections 3 and 8.
- 94594 June 16—In the matter of Section 24 of the Railway Act.
- 94595 June 16—Permitting the removal of slow order at C.P.R. crossing near Crumlin, Ontario.
- 94596 June 17—Authorizing the C.P.R. to operate over the subway crossing its right of way at Ballantyne, Quebec.
- 94597 June 16—In the matter of the application of Interprovincial Pipe Line Company for leave to construct an oil pipe line from a point on the LaSalle Road, Township of Moore, to a point on the property owned by the Sun Oil Company Limited, Sarnia, Ontario.
- 94598 June 17—Authorizing the C.N.R. to reconstruct the bridge over Tulip Avenue, Victoria, British Columbia.
- 94599 June 17—Authorizing the British Columbia Power Commission to construct its power line across the company pipe line of the Westcoast Transmission Company Limited in the Cariboo Land District, British Columbia.
- 94600 June 17—Authorizing the C.P.R. to construct an industrial branch line to serve the City of St. James, Manitoba.
- 94601 June 17—Authorizing the British Columbia Power Commission to construct its power line across the company pipe line of the Westcoast Transmission Company, Cariboo Land District, British Columbia.
- 94602 June 17—Authorizing the Department of Highways and Transportation of the Province of Saskatchewan to widen Highway No. 9 where it crosses the C.P.R. at mileage 91.63 Neudorf Subdivision, Saskatchewan.
- 94603 June 17—Authorizing Producers Pipelines Limited to construct its pipe line across the company pipe line of the Westspur Pipe Line Company, Province of Saskatchewan.
- 94604 June 17—Approving supplement to Service Station Contract between The Bell Telephone Company of Canada and the Government of Canada, Department of Mines and Resources (now Department of Northern Affairs and National Resources).
- 94605 June 17—In the matter of filing of telephone tariffs by the Canadian National Telegraphs.
- 94606 June 17—Relieving the C.P.R. from erecting right of way fencing between mileage 19.65 and mileage 26.59 and mileage 31.23 and mileage 32.66 on its Bredenbury Subdivision, Manitoba.
- 94607 June 17—In the matter of the application of the C.N.R. on behalf of North Star Oil Limited for approval of proposed location of facilities for the handling and storage of flammable liquids at Angusville, Manitoba, mileage 92.6 Rosburn Subdivision.

- 94608 June 18—In the matter of application of C.N.R. for approval of plan showing protection installed at crossing of their railway and Darling Road, County of Elgin, Ontario.
- 94609 June 18—Authorizing the C.N.R. to make improvements in the protection at the crossing of their railway and Lazard Avenue, Town of Mount Royal, Quebec.
- 94610 June 18—Authorizing the C.N.R. to construct a siding to serve Hiram Walker and Sons Limited across Walker Road, Windsor, Ontario.
- 94611 June 18—Approving supplement to traffic agreement between The Bell Telephone Company of Canada and the Corporation of the Township of Chinguacousy.
- 94612 June 18—Relieving C.P.R. from erecting right of way fencing between certain mileages on its Hoadley Subdivision, Alberta.
- 94613 June 18—Authorizing the Chesapeake and Ohio Railway Company to install an automatic interlocker at Wallaceburg drawbridge, Wallaceburg, Ontario.
- 94614 June 18—Approving plan showing deviation of C.N.R. railway line from a point of their Rouses Point Subdivision, south of Brosseau Road to a point on their Granby Subdivision, north of Ina Road, County of Chambly, Quebec.
- 94615 June 18—In the matter of the application of the C.P.R. on behalf of Imperial Oil Limited for approval of the proposed location of additional facilities for the handling and storage of flammable liquids at Picture Butte, Alberta.
- 94616 June 18—Approving under the Maritime Freight Rates Act tolls published in certain tariffs filed by the C.N.R. under Section 3.
- 94617 June 18—In the matter of the application of the Department of Roads of the Province of Quebec for improvement to the protection installed at the crossing of the railway of C.P.R. and Highway No. 48 north of Joliette, in the Province of Quebec, mileage 7.7 St. Gabriel Subdivision.
- 94618 June 19—Authorizing the Trans-Canada Pipe Lines Limited to construct its company pipe line across the Blanche River, Township of Maisonville, Ontario.
- 94619 June 19—Authorizing the Trans-Canada Pipe Lines Limited to construct its company pipe line across the Buskegau River, Township of Clute, Ontario.



The Board of

# Transport Commissioners for Canada

## Judgments, Orders, Regulations, and Rulings

Vol. XLVIII

OTTAWA, AUGUST 1, 1958

No. 9

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### GENERAL ORDER No. 832

*In the matter of the Canadian Freight Classification and the Express Classification for Canada, and Sections 325 and 365 of the Railway Act: And in the matter of General Order No. 695, dated November 14, 1946.*

File No. 25639

FRIDAY, the 13th day of June, A.D. 1956.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

General Order No. 695, dated November 14, 1946, is amended by striking out the words "Assistant Director, Marketing Service (Fruit and Vegetables), Department of Agriculture" in paragraph numbered 5 of the said Order and substituting therefor the following: Chief, Economics Division, Canada Department of Agriculture, Ottawa.

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

## ORDER No. 94684

*In the matter of the application of Interprovincial Pipe Line Company, herein-after called the "Applicant", for leave to construct a pipe line, consisting of one or more lines of pipe, for the transportation of oil from a point in Lot 35, Concession 2, S.D.S. to a point in Lot 34, Concession 3, S.D.S., both of the said points being in the Township of Trafalgar, County of Halton, Province of Ontario, as shown on Location Plan No. E-5·6-241, the said line being approximately two miles in length:*

File No. 45371·2·56

WEDNESDAY, the 25th day of June, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*F. M. MACPHERSON, *Commissioner.*L. J. KNOWLES, *Commissioner.*

*Upon hearing the said application at a sitting of the Board at Ottawa on June 25, 1958, in the presence of Counsel for the Applicant, a preliminary motion by Counsel for a landowner for adjournment of the hearing having been refused, and pursuant to Oral Judgment given by the Board at the said hearing—*

*It is hereby ordered as follows:*

Leave is granted to the Applicant to construct a pipe line, as applied for, consisting of one or more lines of pipe, for the transportation of oil from a point in Lot 35, Concession 2, S.D.S. to a point in Lot 34, Concession 3, S.D.S., both of the said points being in the Township of Trafalgar, County of Halton, Province of Ontario, as shown on Location Plan No. E-5·6·241, the said line being approximately two miles in length.

HUGH WARDROPE,

*Assistant Chief Commissioner.*

## ORDER No. 94696

*In the matter of the application of the Canadian Pacific Railway Company, under section 18 of the Transport Act, for approval of its Standard Mileage Freight Tariff C.T.C. No. E. 5269, Great Lakes Steamship Service, on file with the Board under file No. 42082·7:*

THURSDAY, the 26th day of June, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*H. B. CHASE, C.B.E., *Commissioner.*

*It is hereby ordered as follows:*

The said Standard Mileage Freight Tariff C.T.C. No. E. 5269, Great Lakes Steamship Service, on file with the Board under file No. 42082·7, is approved, subject to complaint and investigation and determination as to rates or charges, as provided by the Transport Act.

HUGH WARDROPE,

*Assistant Chief Commissioner.*

## ORDER No. 94697

*In the matter of the application of Northwest Steamships Limited, under section 18 of the Transport Act, for approval of its Standard Mileage Freight Tariff C.T.C. No. 60 on file with the Board under file No. 42082·3*

THURSDAY, the 26th day of June, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*It is hereby ordered as follows:*

The said Standard Mileage Freight Tariff C.T.C. No. 60 of Northwest Steamships Limited, on file with the Board under file No. 42082·3, is approved subject to complaint and investigation and determination as to rates or charges, as provided by the Transport Act.

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

## ORDER No. 94700

*In the matter of the general freight rates investigation directed by Order in Council P.C. 1487, dated April 7, 1948, (equalization case) re commodity freight rates and of section 336 of the Railway Act:*

*And in the matter of the Judgment and Order No. 92504 therein, dated September 18, 1957:*

File No. 47828

FRIDAY, the 27th day of June, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

*Upon application of Canadian Pacific Railway Company and Canadian National Railways—*

*It is hereby ordered as follows:*

The period within which the railway companies were required by the said Judgment and Order to make their submissions respecting equalization of rates in the 38 commodity mileage scales applicable only in Eastern Canada, and the 38 commodity mileage scales applicable only within Western Canada, a total of 76 scales, is extended to August 30, 1958.

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

## ORDER No. 94705

*In the matter of the application of the Canada Steamship Lines, Limited, under section 18 of the Transport Act, for approval of their Standard Mileage Freight Tariff C.T.C. No. 288, on file with the Board under file No. 42082-1:*

FRIDAY, the 27th day of June, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*It is hereby ordered as follows:*

The said Standard Mileage Freight Tariff C.T.C. No. 288, on file with the Board under file No. 42082-1, is approved, subject to complaint and investigation and determination as to rates or charges, as provided by the Transport Act.

HUGH WARDROPE,

*Assistant Chief Commissioner.*

## ORDER No. 94749

*In the matter of Order No. 93952, dated March 24, 1958, granting Licence No. C.T.C. (W.T.) 345 to Canada Steamship Lines Limited (including its wholly owned subsidiary Northern Navigation Company Limited operated by the Licensee as its Northern Navigation Division):*

File No. 42076-4-2

WEDNESDAY, the 2nd day of July, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

Order No. 93952 is amended by adding in paragraph numbered one of the said Order the following:

Metis

149480

2332

HUGH WARDROPE,

*Assistant Chief Commissioner.*

## ORDER No. 94750

*In the matter of the application of Canada Steamship Lines Limited for a licence under section 10 of the Transport Act:*

File No. 42076-4-5

WEDNESDAY, the 2nd day of July, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*F. M. MACPHERSON, *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

Licence No. C.T.C. (W.T.) 346 is issued to Canada Steamship Lines Limited, for a period of one year commencing January 15, 1958, licensing the following ships to transport the goods specified herein in the areas designated herein with respect to each ship:

1. To transport motor vehicles, including passenger cars, trucks and other self-propelled vehicles, in deck loads, on Lakes Ontario, Erie, Huron (including Georgian Bay), and Lake Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as Prescott, Ontario.

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Ashcroft	152641	7726
Donnaconna	134015	8611
Georgian Bay	176116	11392
Hagarty	134250	7462
Lemoyne	152647	10480
Hochelaga	190470	11997

2. To transport pipe; also to transport motor vehicles, including passenger cars, trucks and other self-propelled vehicles, in deck loads, on Lakes Ontario, Erie, Huron (including Georgian Bay), and Lake Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as Prescott, Ontario.

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Coverdale	190493	11996

3. To transport pipe on Lakes Ontario, Erie, Huron (including Georgian Bay), and Lake Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans.

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Collier	147662	1858

*It is further ordered that Order No. 93953, dated March 24, 1958, is rescinded.*

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

## ORDER No. 94888

*In the matter of application of North-West Line Elevators Association, on behalf of its member companies pursuant to the provisions of the Railway Act of Canada, being Chapter 234 of the Revised Statutes of Canada 1952, and amendments thereto, for an Order under section 328 and other relevant sections of the said Act, disallowing Canadian Car Demurrage Tariff C.T.C. No. 5 to the extent that said tariff might be construed as including demurrage charges on bulk grain unloaded into public and semi-public terminal elevators in Western Canada:*

—and—

*In the matter of the Judgment and Order of the Board No. 94426, both dated May 27, 1958, therein:*

—and—

*In the matter of the application of the North-West Line Elevators Association and the United Grain Growers Limited for suspension and a stay of the said Judgment and Order and suspension of Supplement No. 5 to Canadian Car Demurrage Tariff C.T.C. No. 5 pending the outcome of an appeal from the said Judgment and Order to the Supreme Court of Canada:*

File No. 1700·397

MONDAY, the 14th day of July, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

*Upon it appearing to the Board that leave to appeal to the Supreme Court of Canada from the said Judgment and Order has been granted and that Canadian Pacific Railway Company, Canadian National Railways and the Canadian Car Demurrage Bureau have consented to the issuance of an order by the Board suspending and staying the said Judgment and Order and suspending the said Supplement No. 5 pending the outcome of the said appeal, and upon consideration of the submissions on file—*

*It is hereby Ordered as follows, upon the said consent of the parties—*

*The amendment of Rule 3 of the Canadian Car Demurrage rules and the direction to the railways to publish the amendment, set forth in the said Judgment and Order, and Supplement No. 5 to the Canadian Car Demurrage Tariff C.T.C. No. 5 are suspended until otherwise ordered by the Board.*

HUGH WARDROPE,

*Assistant Chief Commissioner.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 94620 June 19—Requiring the C.P.R. to install certain protection at the crossing of its railway and the railway of the Midland Rly. Company of Manitoba, at St. Matthews Ave., Winnipeg, Man.
- 94621 June 19—Authorizing Trans-Canada Pipe Lines Limited to construct its company pipe line across Marten Lake, Twp. of McLaren, Ont.
- 94622 June 19—Authorizing Trans-Canada Pipe Lines Limited to construct its company pipe line across the Frederickhouse River, Twp. of Clute, Ontario.
- 94623 June 19—In the matter of application of the C.N.R. for approval of certain plans showing the construction of Highway 11 across their right of way at Mileage 32.93 Huntsville Subd., Ontario.
- 94624 June 19—Authorizing Trans Canada Pipe Lines Limited to construct its company pipe line across the White Clay River, Twp. of Maisonville, Ontario.
- 94625 June 19—Requiring the C.N.R. to install certain protection at the crossing of the County Road east of the station at Kerrwood, Ontario.
- 94626 June 19—Requiring the C.N.R. to install certain protection at the crossing of Craig St., Richmond, P.Q.
- 94627 June 19—Authorizing the Ontario Dept. of Highways to construct Highway No. 36 across the C.N.R. by means of an overhead bridge in the Twp. of Ops, Ontario.
- 94628 June 20—Requiring the C.N.R. to install certain protection at the crossing of Highway No. 6 at Mileage 6.19 Cascapedia Subd., Quebec.
- 94629 June 20—In the matter of application of the C.N.R. for an Order extending the time within which it is required by Order No. 93266 to install automatic protection at the crossing of the highway west of Grand Falls Station, Newfoundland.
- 94630 June 20—Authorizing the C.N.R. to operate over the bridge crossing the creek at Mileage 70.4 Skeena Subd., B.C.
- 94631 June 20—Authorizing the C.N.R. to operate over the bridge crossing the Bulkley River, Mileage 70.1 Telkwa Subd., B.C.
- 94632 June 20—Authorizing the Sask. Dept. of Highways and Transportation to construct Highway 27 across the C.N.R. at Mileage 34.54 Aberdeen Subdivision.
- 94633 June 20—Authorizing the C.N.R. to operate the bridge over Nicholson Creek, B.C., Mileage 9.3 Skeena Subd.
- 94634 June 20—Requiring the C.N.R. to install certain protection at the crossing of the highway north of Rosseau Road Stn., Ontario.
- 94635 June 20—Requiring the C.P.R. to install certain protection at the crossing of the highway at Mileage 12.51 Parry Sound, Ontario.
- 94636 June 20—In the matter of installation of automatic protection at the crossing of the C.P.R. and Dyke Street at Warren, Ontario, Mileage 43.09 Cartier Subd.
- 94637 June 20—Approving plan etc. showing location of Interprovincial Pipe Line Company's pipeline from a point on LaSalle Road, Twp. of Moore, to a point on the property owned by Sun Oil Company Limited, Sarnia, Ontario.
- 94638 June 20—Permitting removal of slow order at C.N.R. crossing west of Kingston, Ontario.
- 94639 June 20—In the matter of application of the C.N.R. on behalf of Imperial Oil Limited, for approval of location of additional facilities for handling and storage of flammable liquids at Watson, Sask.
- 94640 June 23—Requiring the C.N.R. to install certain protection at the crossing of Smythe Street, Fredericton, N.B.
- 94641 June 23—Authorizing the C.N.R. to use the bridge over the Bulkley River, B.C., Mileage 64.7 Telkwa Subd.
- 94642 June 23—Permitting the removal of slow order at the C.P.R. crossing west of Templeton, P.Q.
- 94643 June 23—Authorizing the C.N.R. to relocate the siding serving Imperial Oil Limited where it crosses Vidal Street, Sarnia, Ontario.

- 94644 June 23—Authorizing the City of Port Arthur, Ontario, to widen Memorial Avenue where it crosses the C.N.R.
- 94645 June 23—Authorizing the C.N.R. to open for the carriage of freight traffic a portion of its line in the Twp. of Gloucester, Ontario.
- 94646 June 23—Authorizing the Sask. Dept. of Highways and Transportation to construct Highway 4 across the C.N.R. at Mileage 67.53 Blaine Lake Subd., Sask.
- 94647 June 23—In the matter of temporary permission granted to Gibson Petroleum Co. Ltd. to load crude oil into tank cars from tank trucks at Eckville, Alberta.
- 94648 June 23—Authorizing the C.N.R. to construct a siding to serve Shell Oil Company of Canada Ltd., in the Town of Chibougamau, P.Q.
- 94649 June 23—Authorizing the N.B. Dept. of Public Works to construct the Trans-Canada Highway across the C.P.R. by means of an overhead bridge at Mileage 47.84 Shogomoc Subd., N.B.
- 94650 June 23—Authorizing the C.N.R. to relocate their tracks between Mileages 3.0 and 4.0 Bala Subd., Ontario.
- 94651 June 23—Authorizing the Sask. Department of Highways and Transportation to widen Highway No. 8 where it crosses the C.N.R. at Mileage 82.49 Cromer Subd.
- 94652 June 23—Authorizing the C.N.R. to operate over the bridge crossing the Bulkley River, B.C., Mileage 65.3 Telkwa Subd.
- 94653 June 23—Authorizing the Munic. District of Taber No. 14 to construct the highway across the C.P.R. at Mileage 34.81 Suffield Subd., Alta.
- 94654 June 23—In the matter of application of the City of Sarnia, Ont., for authority to construct St. Andrew Street at grade across the Froomfield Spur of the C.N.R. at Mileage 0.20, and across the Farm Track Spur of the C.N.R. at Mileage 0.22, Sarnia, Ontario.
- 94655 June 23—In the matter of apportionment of cost of future maintenance of the subway carrying tracks of the Toronto Transit Commission under the tracks of the C.N.R. in Munic. of Metropolitan Toronto, Mileage 5.3 Oakville Subd., Ontario.
- 94656 June 23—Permitting the removal of slow order at C.N.R. crossing at Mileage 73.48 Wabamun Subd., Alta.
- 94657 June 23—Permitting the removal of slow order at C.N.R. crossing of McCowan's Road, Mileage 323.63 Oshawa Subd., Ontario.
- 94658 June 23—In the matter of Section 24 of the Railway Act.
- 94659 June 24—In the matter of application of Messrs. Hu Harries and Associates on behalf of Alta. Phoenix Tube and Pipe Ltd., for elimination of unjust discrimination and undue preference alleged to exist in respect of rates on Skelp and Pipe from eastern points to Edmonton, Alta. and Vancouver, B.C., under provisions of the Railway Act, Chapter 234 and the Transport Act, Chapter 271, R.S.C. 1952, and the Judgment and Order No. 94129, of April 17, 1958.
- 94660 June 24—Authorizing the C.N.R. to remove the caretaker and close the station at Camlachie, Ontario.
- 94661 June 24—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at Willows, Sask.
- 94662 June 24—Authorizing the C.P.R. to operate under the overhead bridge on Highway No. 7 near Lindsay, Ontario.
- 94663 June 24—Relieving the C.P.R. from erecting cattle guards at certain highway crossings on its Estevan Subd., Manitoba.
- 94664 June 24—Approving traffic agreement between the Bell Telephone Company of Canada and the Mono Mills Telephone Company Limited.
- 94665 June 24—In the matter of apportionment of costs of construction of pedestrian overpass over C.N.R. tracks west of Sunnyside Station, Toronto, Ontario.
- 94666 June 24—Authorizing C.N.R. to operate under the overhead bridge at Douglas St., Victoria, British Columbia.
- 94667 June 24—Exempting Trans Mountain Oil Pipe Line Company from submitting plan with respect to deviations in its company pipe line in the Kamloops Division Yale District, British Columbia.

- 94668 June 24—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 17.6 Lake Cowichan Subdivision, British Columbia.
- 94669 June 24—Authorizing the C.N.R. to use the bridge over the Esquimalt and Nanaimo Railway and Wellington Road, Village of Lake Cowichan, British Columbia.
- 94670 June 24—In the matter of the apportionment of the cost of maintenance of the subway connecting the Lakeshore Expressway and Riverside Drive across the right of way of the Canadian National Railway at mileage 4.89 Oakville Subdivision, in the Province of Ontario, which was authorized to be constructed by Order No. 90903, dated February 7, 1957.
- 94671 June 24—Approving under the Maritime Freight Rates Act toll published in Agreed Charge tariff filed by the Can. Freight Association under sections 3 and 8.
- 94672 June 24—Requiring the C.N.R. to install certain protection at the crossing of Steeles Avenue at mileage 15.17 Bala Subdivision.
- 94673 June 24—Approving under the Maritime Freight Rates Act tolls published in Tariff filed by the C.P.R. under section 8.
- 94674 June 25—Approving clearances on C.P.R. siding serving the Plywood Supply Company Ltd., of Waterloo, Ontario.
- 94675 June 25—Authorizing the C.P.R. to construct a siding across Highway No. 41 Township of Richmond, Ontario.
- 94676 June 25—Authorizing the C.N.R. to remove the station agent and appoint a caretaker at St. Jude, Quebec.
- 94677 June 25—In the matter of consideration of protection at the crossing of the C.N.R. and 5th St. (Highway No. 9), being the first crossing west (Time Table) of the station at Drumheller, Alberta, mileage 52.8 Drumheller, Subdivision.
- 94678 June 25—Relieving the C.P.R. from erecting cattle guards at certain highway crossings McMorran Subdivision, Saskatchewan.
- 94679 June 25—In the matter of the application of Canadian Oil Companies Ltd., for an Order rescinding Order No. 89029, dated June 15, 1956, approving location of facilities for the handling and storage of flammable liquids at Wimborne, Alberta.
- 94680 June 25—In the matter of the application of the C.P.R. on behalf of North Star Oil Ltd. for approval of the proposed relocation of facilities for the handling and storage of flammable liquids at Gadsby, Alberta.
- 94681 June 25—In the matter of the application of C.N.R. on behalf of North Star Oil Ltd., for an Order rescinding Order No. 88376, dated March 13, 1956 approving location of facilities for the handling and storage of flammable liquids at Vermilion, Alberta.
- 94682 June 25—In the matter of the application of the C.P.R. for authority to remove the caretaker at Lavaltrie, Quebec.
- 94683 June 25—Permitting the removal of slow order at Coldstream Avenue crossing of the Esquimalt and Nanaimo Railway in Langford, British Columbia.
- 94684 June 25—Authorizing Interprovincial Pipe Line Company, company pipe line on Lot 25, Con. 2, S.D.S. to a point in Lot 34, Con. 3, S.D.S., both in the Township of Trafalgar, Ontario.
- 94685 June 25—Approving Plan showing location of Interprovincial Pipe Line Company, company pipe line on Dundas St., Township of Trafalgar, Ontario.
- 94686 June 25—In the matter of the application of C.N.R. on behalf of Dominion Rubber Company Limited for approval of the proposed location of additional facilities for the handling and storage of flammable liquids at Kitchener, Ontario.
- 94687 June 25—In the matter of the location of facilities of the British American Oil Company Limited for the handling and storage of flammable liquids at Picton, Ont.
- 94688 June 25—Approving under the Maritime Freight Rates Act tolls published in supplement to agreed Charge Tariff of the Canadian Freight Association under sections 3 and 8.

- 94689 June 25—Approving traffic agreement between the Bell Telephone Company of Canada, and Le Telephone de St-Ours Enrg.
- 94690 June 25—Approving traffic agreement between the Bell Telephone Company of Canada and the Corporation of the Township of Hay.
- 94691 June 25—Approving traffic agreement between the Bell Telephone Company of Canada and the Department of Lands and Forests, Ontario.
- 94692 June 26—Relieving the C.N.R. from erecting right of way fencing east side of Camrose Subdivision, Alberta.
- 94693 June 26—Authorizing Consumers' Gas Company to construct a gas main across the company pipe line of Trans Northern Pipe Line Company at Lorne Park Road, Township of Toronto, Ontario.
- 94694 June 26—Authorizing C.P.R. to remove the caretaker at Voligny, Quebec.
- 94695 June 26—Relieving the C.P.R. from erecting right of way fencing on the north side between certain mileages on Thessalon Subdivision, Ont.
- 94696 June 26—In the matter of the application of the C.P.R. under section 18 of the Transport Act, for approval of its Standard Mileage Freight Tariff C.T.C. No. E. 5269, Great Lakes Steamship Service, on file.
- 94697 June 26—In the matter of the application of Northwest Steamships Limited, under section 18 of the Transport Act, for approval of its Standard Mileage Freight Tariff C.T.C. No. 60.
- 94698 June 26—In the matter of the application of the City of Brockville, in the Province of Ontario, for installation of automatic protection at the crossing of Front Avenue and the railway of the C.P.R. in the Town of Brockville, Province of Ontario, mileage 27.25 Brockville Subdivision.
- 94699 June 26—Authorizing the C.N.R. to make changes in the operating circuits of the protection at the crossing of Davis Drive, Aurora, Ontario.
- 94700 June 27—In the matter of the general freight rates investigation directed by Order in Council P.C. 1487, dated April 7, 1948, (equalization case) re commodity freight rates and of section 336 of the Railway Act.
- 94701 June 27—Authorizing Consumers' Gas Company to construct a gas main across the C.N.R. at mileage 19.95 Vanleek Subdivision, Ontario.
- 94702 June 27—Approving under the Maritime Freight Rates Act tolls published in tariff filed by the Dominion Atlantic Railway Company under section 8.
- 94703 June 27—In the matter of the Tariff C.T.C. 25 of The Detroit Company and Detroit & Canada Tunnel Corporation, issued on February 15, 1958, to have been effective on March 16, 1958, in respect of the tunnel between the City of Windsor, Ontario, and the City of Detroit, Michigan, and which said tariff was suspended by Board's Order No. 93843, dated the 11th of March, 1958, in order to determine the reasonableness of the said tariff and to permit the applicant to justify it.
- 94704 June 27—Authorizing the Alberta Department of Highways to widen Highway No. 2 where it crosses the Northern Alberta Railways Company at mileage 108.96, Grand Prairie Subdivision, Alberta.
- 94705 June 27—In the matter of the application of the Canada Steamship Lines, Limited, under section 18 of the Transport Act, for approval of their Standard Mileage Freight Tariff C.T.C. No. 288.
- 94706 June 27—Permitting of slow order at the crossing of Highway No. 12 at mileage 111.7 Vegreville Subdivision, Alberta.
- 94707 June 27—Permitting the removal of slow order at C.N.R. crossing of Tecumseh Street, Orillia, Ontario.
- 94708 June 27—Permitting removal of slow order at C.N.R. crossing at Highway No. 2, Woodstock, Ontario.
- 94709 June 27—In the matter of Order No. 67549, dated June 26, 1946, approving plan submitted to C.N.R. by Silver-Skagit Logging Company Limited, showing the proposed location of facilities for the handling and storage of flammable liquids at Hope, British Columbia.
- 94710 June 27—Authorizing the C.P.R. to construct a siding to serve McKenzie Storage Limited across King Edward Street, St. James, Manitoba.
- 94711 June 27—Authorizing the C.N.R. to remove the caretaker and station building at Kippen, Ontario.

- 94712 June 27—Authorizing the C.N.R. to remove the station agent at Carberry, Manitoba.
- 94713 June 27—In the matter of the application of C.N.R. on behalf of North Star Oil Ltd., for approval of relocation of facilities for the handling and storage of flammable liquids at Togo, Sask. mileage 79.5 Togo Subdivision.
- 94714 June 27—In the matter of Orders Nos. 63584, dated May 19, 1943, 66489, dated September 18, 1945, 66570, dated October 15, 1945 and 69528, dated September 24, 1947, approving plan submitted to C.N.R. by Shell Oil Company of British Columbia, showing the proposed location of facilities for the handling and storage of flammable liquids at Hope, British Columbia.
- 94715 June 27—In the matter of application of the C.P.R. on behalf of The British American Oil Co. Ltd., for approval of location and facilities for handling and storage of flammable liquids at Cranbrooke, B.C., Mileage 98.4 Cranbrooke Subd.
- 94716 June 27—In the matter of application of the C.N.R. on behalf of Imperial Oil Limited, for approval of relocation of facilities for handling and storage of flammable liquids at Prince Rupert, B.C.
- 94717 June 27—In the matter of filing of tariffs by The Bell Telephone Company of Canada.
- 94718 June 27—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Section 3.
- 94719 June 27—Authorizing the N.Y.C. Railroad Company to install certain protection at the crossing of Primeau Road, Primeau, Que.
- 94720 June 27—Authorizing the Manitoba Dept. of Public Works to widen Highway No. 21 where it crosses the C.P.R. at Mileage 24.35 Broadview Subd., Man.
- 94721 June 27—Authorizing the Amerada Petroleum Corp. to construct an oil pipe line across the company pipe line of the Westspur Pipe Line Company at two locations in the Prov. of Sask.
- 94722 June 27—Requiring the C.P.R. to install certain protection at the crossing of Nairn Ave., Winnipeg, Man.
- 94723 June 27—Authorizing the N.Y.C. Railroad Company to install certain protection at the crossing of Highway No. 20 at St. Stanislas, P.Q.
- 94724 June 27—Requiring the C.N.R. to install certain protection at the second crossing south of the station at Falding, Ont.
- 94725 June 27—Authorizing the C.N.R. to make changes in the protection at the crossing of Wellington St., Aurora, Ont.
- 94726 June 27—Approving operation of C.P.R. trains over private siding serving Griffin Steel Foundries Limited, Transcona, Man.
- 94727 June 30—In the matter of temporary permit granted to Gibson Petroleum Company Limited to load crude oil into tank cars from tank trucks at Scottfield, Alta.
- 94728 June 30—Authorizing the C.N.R. to remove the station agent and appoint a caretaker at Lac aux Sables, P.Q.
- 94729 June 30—Authorizing the Ontario Dept. of Highways to relocate Highway No. 60 where it crosses the C.N.R. in the Twp. of North Algoma, Ont.
- 94730 June 30—Approving plan showing the deviation of a portion of Trans Canada Pipe Lines' pipe line in the Twp. of Kerns, District of Temiskaming, Ont.
- 94731 June 30—In the matter of application of the C.P.R. on behalf of Imperial Oil Limited, for approval of location of facilities for handling and storage of flammable liquids at Ashcroft, B.C., Mileage 47.68 Thompson Subd.
- 94732 June 30—Authorizing the Manitoba Dept. of Public Works to widen Highway No. 21 where it crosses the C.N.R. between Section 12-9-23WPM. and Section 7-9-22-WPM., Manitoba.
- 94733 June 30—Requiring the C.N.R. to install certain protection at the crossing of Rosseau Road, Twp. of Foley, Ontario.
- 94734 June 30—Permitting the removal of slow order at C.P.R. crossing of Centre St., Canoe, B.C.

- 94735 June 30—Approving under the Maritime Freight Rates Act tolls published in supplementary tariffs filed by the Dominion Atlantic Railway Company under Section 8.
- 94736 June 30—Authorizing the Sask. Power Corporation to construct a gas pipe line across the company pipeline of Westspur Pipe Line Company, Province of Sask.
- 94737 June 30—Approving connecting agreement between The Bell Telephone Company Limited and the Minister of National Defence.
- 94738 June 30—In the matter of application of the C.N.R. for approval of plan showing changes in protection at the crossing of Highway No. 7 at Mileage 32.22 Fergus Subd., Ontario.
- 94739 July 2—In the matter of application of the C.N.R. for approval of plan showing protection as installed at Kalum St., Terrace, B.C., Mileage 24.93 Skeena Subd.
- 94740 July 2—Approving plan submitted by C.N.R. on behalf of North Star Oil Limited, showing location of facilities for handling and storage of flammable liquids at Mileage 257 of the Hudson Bay Railway, Manitoba.
- 94741 July 2—Approving plan submitted by the C.N.R. on behalf of Claydon Company Limited, showing proposed location of facilities for handling and storage of flammable liquids at Mileage 348 Herchmer Subd., near Bird, Manitoba.
- 94742 July 2—Authorizing the N.Y.C. Railroad Company to remove the part-time agent at Staples, Ontario.
- 94743 July 2—Relieving the C.P.R. from erecting cattle guards at certain crossings on its Miniota Subd., Man.
- 94744 July 2—Authorizing the C.N.R. to operate under the overhead bridge at Mileage 15.54 Milton Subd., Ontario.
- 94745 July 2—Authorizing Trans-Northern Pipe Line Company to deviate a portion of its company pipe line in the Twp. of East York, now in the City of Toronto, Ontario.
- 94746 July 2—Permitting the removal of slow order at C.P.R. crossing at Mileage 0.78 Gretna Subd., Man.
- 94747 July 2—Requiring the C.P.R. to install certain protection at the crossing of its railway at Champlain, Quebec.
- 94748 July 2—Requiring the C.N.R. to install certain protection at the crossing of County Road No. 27 near Paris, Ontario.
- 94749 July 2—Approving amendment to Order 93952 granting licence to Canada Steamship Lines Limited.
- 94750 July 2—In the matter of application of Canada Steamship Lines Limited for a licence under Section 10 of the Transport Act.
- 94751 July 2—Authorizing the Consumers' Gas Company to construct a gas main under the company pipe line of Trans-Northern Pipe Line Company at Wilson Road, Twp. of Whitby, Ontario.
- 94752 July 2—Authorizing the C.N.R. to construct its Chigoubiche Lake-Cache Lake Branch Line across the highway at Mileage 130.47.
- 94753 July 3—Permitting removal of slow order at C.P.R. crossing at Mileage 86.17 Tyvan Subd., Sask.
- 94754 July 3—Requiring the C.N.R. to install certain protection at the crossing of Highway No. 3 at Mileage 29.41 Yamaska Subd., P.Q.
- 94755 July 3—Authorizing the C.P.R. to remove the station agent at Glen Tay, Ontario, provided a caretaker is appointed.
- 94756 July 3—Authorizing the C.P.R. to use the bridge at Mileage 0.8 Mission Subd., B.C.
- 94757 July 3—Authorizing the C.P.R. to make changes in the track circuits at the crossing of Regent St., Sudbury, Ontario.
- 94758 July 3—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Section 3.
- 94759 July 3—Authorizing Trans-Canada Pipe Lines Limited to construct its company pipe line across the Mattagami River, Twp. of Cochrane, Ont.

- 94760 July 3—Authorizing Trans-Canada Pipe Lines Limited to relocate a portion of its company pipe line in the Twp. of Macauley, Ontario.
- 94761 July 3—Authorizing Trans-Canada Pipe Lines Limited to relocate a portion of its company pipe line in the Town of Grenville, Ontario.
- 94762 July 3—Authorizing Trans-Canada Pipe Lines Limited to relocate a portion of its company pipe line in the Twp. of Orillia, Ontario.
- 94763 July 3—Requiring the C.P.R. to install certain protection at the crossing of Highway No. 29, at Terrebonne, Quebec.
- 94764 July 3—Authorizing the Quebec Dept. of Highways to construct the tunnel at the intersection of Highway No. 38 and the C.N.R. in the Parish of Ste. Dorothee, Cty. Laval, P.Q.
- 94765 July 3—Approving plan submitted by the C.N.R. showing details of railway bridge between the City of Montreal and City of St. Lambert, P.Q.
- 94766 July 3—Authorizing the C.N.R. to remove the caretaker at Brucefield, Ontario.
- 94767 July 3—Authorizing the Twp. of Lobo, Ontario, to improve the approach grades where the highway crosses the C.P.R. at Mileage 7.30 Windsor Subd.
- 94768 July 3—Authorizing Trans-Canada Pipe Lines Limited to relocate a portion of its company pipe line in the District of Nipissing, Ontario.
- 94769 July 3—Authorizing Trans-Canada Pipe Lines Limited to relocate a portion of its company pipe line in the Twp. of Strong, Ont.
- 94770 July 3—Authorizing the C.N.R. to close the crossing of its railway and the highway between Sections 35 and 36, Twp. 52, Rge. 25, W3M., Sask.
- 94771 July 3—Authorizing Trans-Canada Pipe Lines Limited to relocate a portion of its company pipe line in the District of Nipissing, Ontario.
- 94772 July 3—Authorizing Northern Alta. Railways Company to use the bridge at Mileage 141.6 Slave Lake Subd., Alta.
- 94773 July 3—Permitting the removal of slow order at C.N.R. crossing at Gore St., St. Thomas, Ontario.
- 94774 July 3—Permitting the removal of slow order at C.N.R. crossing east of the station at Devlin, Ontario.
- 94775 July 3—Permitting the removal of slow order at C.N.R. crossing south of station at Mount Albert, Ontario.
- 94776 July 3—Authorizing the Twp. of North York, Ontario, to construct a sub-trunk sanitary sewer under the company pipe line of Trans-Northern Pipe Line Company at two locations in the Twp. of North York, Ontario.
- 94777 July 3—Authorizing the Dept. of Highways for Ontario to construct an overhead bridge at the crossing of Lower Middle Road and the C.N.R. at Mileage 18.78 Oakville Subd., Ontario.
- 94778 July 3—Authorizing the C.N.R. to construct a level crossing at the crossing of their Opemisca spur and Springer St., Town of Chapais, P.Q.
- 94779 July 3—Authorizing the C.P.R. to operate under the temporary diversion of its Peterborough Subd., Mileage 61.03, Ontario.
- 94780 July 4—Authorizing the City of Guelph, Ontario, to construct Dawson Road across the track of the Guelph Junct. Rly. Company and the C.P.R. serving Armco Drainage Company.
- 94781 July 4—Requiring the C.P.R. to install certain protection at the crossing of Highway 36 at Taber, Alta.
- 94782 July 4—Requiring the C.P.R. to install certain protection at the crossing of Highway No. 33 at Mileage 23.65 Trois Rivieres Subd., P.Q.
- 94783 July 4—Authorizing the Town of Richmond Hill to improve the approach grades at the crossing of the C.N.R. and Centre St., Richmond Hill, Ontario.
- 94784 July 4—Approving facilities of Trinidad Leaseholds (Canada) Limited for handling and storage of flammable liquids at St. Catharines, Ontario.
- 94785 July 4—Approving facilities of Shell Oil Company of Canada Limited for handling and storage of flammable liquids at Peterborough, Ontario.
- 94786 July 4—Approving facilities of Canadian Oil Companies, Limited for handling and storage of flammable liquids at Brantford, Ont.

- 94787 July 4—Approving facilities of the Cataract Ice Company for the handling and storage of flammable liquids at Niagara Falls, Ontario.
- 94788 July 4—Authorizing the N.B. Department of Public Works to construct the highway at grade across the C.P.R. at Mileage 53.86 Gibson Subd.
- 94789 July 4—Approving application of the C.N.R. on behalf of McColl-Frontenac Oil Company for approval of proposed location of facilities for the handling and storage of flammable liquids at Campbellton, N.B., Mileage 107.01 Bathurst Subd.
- 94790 July 4—In the matter of the application of the Nipissing Central Railway Company on behalf of Shell Oil Company of Canada, Limited, for approval of proposed location of facilities for handling and storage of flammable liquids at Kirkland Lake, Ontario.
- 94791 July 4—Authorizing the Trans-Canada Pipe Lines Limited to make deviations in the location of its company pipe line in the District of Nipissing, Ontario.
- 94792 July 4—Authorizing Trans-Canada Pipe Lines Limited to construct its company pipe line across the private railway owned by W. Milne & Son Limited in the Township of Strathy, Ontario.
- 94793 July 4—Authorizing Cyanamid of Canada Limited to erect a conveyor system across the C.N.R. in the Township of North Oxford, Ontario.
- 94794 July 4—In the matter of the application of C.N.R. on behalf of Royalite Oil Co. Ltd., for approval of location of facilities for the handling and storage of flammable liquids at Hinton, Alberta, mileage 55.30 Brule Subdivision.
- 94795 July 4—In the matter of the application of C.N.R. on behalf of the British American Oil Co., Ltd., for approval of location of facilities for the handling and storage of flammable liquids at Wekusko, Manitoba, mileage 81.21 Wekusko Subdivision.
- 94796 July 4—Authorizing the Municipality of Strathclair, Manitoba, to construct the highway across the C.P.R. at mileage 31.22 Bredenbury Subdv.
- 94797 July 4—Authorizing Saskatchewan Power Corporation to construct an electric transmission line across the company line of Interprovincial Pipe Line Co., N.W.¼—Sec. 12—Twp. 16—R.15—W2M. Saskatchewan.
- 94798 July 4—Approving under the Maritime Freight Rates Act tolls published in tariff filed by the C.N.R.
- 94799 July 4—Authorizing the Saskatchewan Department of Highways and Transportation to widen Highway No. 8 across the C.P.R. between Sections 31 and 32 Twp. 10 R.31, West Principal Meridian, Saskatchewan.
- 94800 July 4—Authorizing the Newfoundland Department of Highways to improve the vision at the C.N.R. crossings at mileage 280.28 Bishop's Falls Subdv. Newfoundland.
- 94801 July 7—Approving Supplement to tariff agreement between the Bell Telephone Company of Canada and La Compagnie de Telephone de St-Denis sur Richelieu.
- 94802 July 7—Permitting the removal of slow order at C.N.R. crossing at Port Colborne Ont. at Mileage 16.79 Dunnville Subdivision.
- 94803 July 7—Authorizing the R.M. of Kindersley No. 290 Saskatchewan to relocate the highway where it crosses the C.N.R. at mileage 6.19 Oyen Subdivision, Sask.
- 94804 July 7—Permitting the removal of slow order at C.N.R. crossing of Helena Street, Fort Erie, Ontario.
- 94805 July 7—Requiring the C.N.R. to install certain protection at the crossing of highway No. 30 at Kapasiwin, Alberta.
- 94806 July 7—Granting Ontario Department of Highways to construct Highway No. 71 across the C.N.R. Wye track opposite Mileages 0.65 and 0.57 Sprague Subdivision Town of Rainy River, Ontario.
- 94807 July 7—In the matter of the application of the C.N.R. on behalf of Shell Oil Co. of Canada Ltd. for approval of the proposed location of additional facilities for the handling and storage of flammable liquids at Victoriaville, Quebec, mileage 0.42 Aston Subdivision.

- 94808 July 8—In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act; and the Order of the Board numbered 94673, dated June 24, 1958, approving tolls published in tariff C.T.C. No. E.5256 filed by the C.P.R.
- 94809 July 8—Approving under the Maritime Freight Rates Act tolls published in certain tariffs filed by the C.N.R. under Sec. 3.
- 94810 July 8—Authorizing the C.P.R. to construct a siding across Provincial Highway No. 4 at mileage 17.68 Walkerton Subdivision to serve Maple Leaf Veneer Company Limited, Ontario.
- 94811 July 8—Approving Connecting Agreement Between Bell Tel. Co. of Can. & Min. of Nat. Def.
- 94812 July 8—Authorizing the New Brunswick Department of Public Works to construct a Trans-Canada Highway across the C.N.R. by means of an overhead bridge in Westmorland County, New Brunswick.
- 94813 July 8—Approving operation of C.P.R. trains over the siding serving Coca-Cola Limited, Montreal, Quebec.
- 94814 July 8—In the matter of the application of the C.N.R. on behalf of the British American Oil Company Ltd. for approval of the proposed location of additional facilities for the handling and storage of flammable liquids at Nipigon, Ontario.
- 94815 July 8—In the matter of filing of tariffs by the Bell Telephone Co. of Canada.
- 94816 July 8—In the matter of the application of C.N.R. on behalf of North Star Oil Ltd., for approval of location of facilities for the handling and storage of flammable liquids at Carmel, Sask., mileage 10.3 Aberdeen Subdivision.
- 94817 July 8—Approving under the Maritime Freight Rates Act tolls published in tariff filed by the Cumberland Railway and Coal Company.
- 94818 July 8—Approving under the Maritime Freight Rates Act tolls published in tariff filed by the Cumberland Railway and Coal Company under section 8.
- 94819 July 8—Authorizing Interprovincial Pipe Line Company to carry its company pipe line across certain public highways including the crossing of LaSalle Road between the County of Sarnia and the Township of Moore, Ontario.
- 94820 July 8—Authorizing the Interprovincial Pipe Line Company to carry its company pipe line across certain public highways including the crossing of the Queen Elizabeth Way South of Dundas Street Township of Trafalgar, Ont.
- 94821 July 9—Requiring the Quebec Department of Roads to install certain protection at the crossing of Highway No. 53 at Ste. Germaine, Quebec.
- 94822 July 9—Requiring the C.N.R. to install certain protection at the crossing of Highway No. 6 at Escuminac, Quebec.
- 94823 July 9—Approving under the Maritime Freight Rates Act tolls published in tariff filed by the Cumberland Railway and Coal Company under Section 8.
- 94824 July 9—Authorizing the Saskatchewan Power Corporation to construct transmission lines across the company pipe line of Interprovincial Pipe Line Company, Saskatchewan.
- 94825 July 9—Relieving the Algoma Central and Hudson Bay Railway Company from erecting cattleguards at certain highway crossings in various townships in the District of Algoma and Cochrane, Ontario.
- 94826 July 9—Approving plan showing location of a deviation of Trans-Canada Pipe Lines Limited company pipe line in the Township of Armstrong, Ontario.
- 94827 July 9—Authorizing the C.P.R. to remove the station agent at Rosedale, Alberta.
- 94828 July 9—Permitting the removal of slow order at C.P.R. crossing at the Town of Cowansville, Quebec at mileage 7.10 Newport Subdivision.
- 94829 July 9—Permitting the removal of slow order at C.N.R. crossing at Mawcook Road County of Granby, Quebec, at mileage 42.41, Granby Subdivision.

- 94830 July 10—Requiring the C.P.R. to install certain protection at the crossing of Highway No. 13 at Mileage 25.9 Newport Subdivision, Quebec.
- 94831 July 10—Authorizing the C.P.R. to operate its passenger and freight trains over the crossing of the C.N.R. at De Beaujeu, Quebec.
- 94832 July 10—Approving under the Maritime Freight Rates Act tolls published in supplements to agreed charge tariffs of the Canadian Freight Association, under Sections 3 and 8.
- 94833 July 10—In the matter of the application of the Bell Telephone Company of Canada for approval of Appendix to traffic agreement between it and Kaladar Northern Telephone System.
- 94834 July 10—Authorizing the C.P.R. to operate its trains over the subway at Cremazie Boulevard Montreal, Quebec.
- 94835 July 10—In the matter of the application of the C.N.R. on behalf of the Shell Oil Company of Canada Limited for approval of the proposed location of additional facilities for the handling and storage of flammable liquids at Prince Rupert, British Columbia.
- 94836 July 10—Permitting the removal of slow order of C.N.R. crossing and Norwich Avenue, Woodstock, Ontario.
- 94837 July 10—Permitting the removal of slow order at C.N.R. crossing at Heron Road, Ottawa, Ontario.
- 94838 July 10—Permitting the removal of slow order at C.P.R. crossing at Messines, Quebec at Mileage 70.23 Maniwaki Subdivision.
- 94839 July 10—Authorizing British Columbia Power Commission to construct an overhead power line across the company pipe line of Westcoast Transmission Company Limited at Mileage 371.0 Westcoast Transmission Company pipe line.
- 94840 July 10—In the matter of the location of facilities of Shell Petroleum Company of Canada, Limited, for the handling and storage of flammable liquids at Pearce, Alberta.
- 94841 July 10—In the matter of the location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Winnifred Alberta.
- 94842 July 10—In the matter of the location of facilities of the Department of National Defence (Royal Canadian Air Force), for the handling and storage of flammable liquids at Macleod, Alberta.
- 94843 July 10—In the matter of facilities of Shell Oil Company of Canada Limited for the handling and storage of flammable liquids at Ashcroft, British Columbia, mileage 48.85 Ashcroft Subdivision.
- 94844 July 10—In the matter of facilities of North Star Oil Limited for the handling and storage of flammable liquids at High River, Alberta.
- 94845 July 10—In the matter of the facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Retlaw, Alberta.
- 94846 July 10—In the matter of facilities of North Star Oil, Limited for the handling and storage of flammable liquids at Granum, Alberta.
- 94847 July 10—In the matter of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Nobleford, Alberta.
- 94848 July 10—Authorizing the C.P.R. to remove the caretaker at Musquash, New Brunswick.
- 94849 July 10—Authorizing the C.N.R. to reconstruct the overhead bridge carrying Merrit Street across their right of way in the Town of Merritton, Ont.
- 94850 July 10—Relieving the C.P.R. from directing a right of way fencing at certain mileages on its LaRiviere Subdivision, Manitoba.
- 94851 July 10—Authorizing Provincial Parks Branch of the Department of Recreation and Conservation of British Columbia to construct the highway across the C.P.R. from the Yale Indian Reserve No. 5.
- 94852 July 10—Relieving the C.P.R. from erecting fencing certain mileages on its Alida Subdivision, Manitoba.
- 94853 July 10—Relieving the C.P.R. from erecting fencing at certain mileages on its Napinka Subdivision, Manitoba.

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# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

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*In the matter of the application of Canada Malting Company Limited and Dominion Malting Company Limited to the Board pursuant to the provisions of the Railway Act of Canada, being Chapter 234 of the Revised Statutes of Canada 1954, and amendments thereto, for an Order under Sections 317, 319, 328 and 336 and other relevant sections of the said Act, directing Canadian Pacific Railway Company, Canadian National Railways and other member companies of the Railway Association of Canada to charge only the through rate plus transit on all inbound shipments of barley received at the Applicants' Winnipeg plants malted and forwarded to Fort William or Port Arthur.*

File No. 8641.93

Before:

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

Heard at:

Ottawa, Ont., on May 6 and 7, 1958.

Appearances:

HAZEN HANSARD, Q.C., W. G. C. HOWLAND, Q.C. and A. S. DEWAR,  
for Canada Malting Company Limited and Dominion Malting  
Company Limited.

K. D. M. SPENCE, Q.C., for the Canadian Pacific Railway Company  
and the Railway Association of Canada.

J. W. G. MACDOUGALL, Q.C., for the Canadian National Railways  
and the Railway Association of Canada.

V. M. STECHISHIN, for the Manitoba Transportation Commission.

## J U D G M E N T

KNOWLES, *Commissioner*:

This application, as submitted, is for an Order of the Board directing the railways involved:

"...to charge only the through rate plus transit on all inbound shipments of barley received at the Applicants' Winnipeg plants malted and forwarded to Fort William or Port Arthur".

The applicants are two companies who perform the process of changing barley grain into "malt" at Winnipeg. They bring in carloads of barley, generally from points west of Winnipeg, screen it for broken and inferior grains, then steep the clean barley in water for several days until it sprouts, when it is subjected to heat and dried to stop the sprouting process, and they then reship the resulting malted barley, or "malt" as it is termed for short, to Port Arthur, Fort William and points East thereof. The two malting companies are business competitors, but have joined in the complaint because they have the same interest in the interpretation of the railway tariffs.

The present tariffs are Canadian National Railways W-183E, CTC No. W-2305 and Canadian Pacific Railway W-819A, CTC No. W-4035. These tariffs contain the rates on grain and grain products from points in Western Canada to Port Arthur and Fort William, known as "terminal rates". They also contain a local mileage scale which is much higher than the terminal rates. In addition, the tariffs contain rules providing for various kinds of transit arrangements, viz. stopover in transit of grain for bagging, cleaning, clipping, crushing, drying, malting, milling reconditioning and/or storage, and reshipment to points beyond the transit point.

For many years prior to July 17, 1954 the terminal rates applied as a maxima to intermediate points in the direct line of transit, such as Winnipeg. The terminal rates to Fort William, Port Arthur and West Fort William are lower generally than the local rate scale, (except on shipments originating within a few miles of the milling or malting point) so that no controversy arose prior to July 17, 1954 as to the rate, for example, from Calgary to Winnipeg or Fort William when a shipment of grain was processed under the transit rules at Winnipeg, because the rates to the two points were the same, the rate to Winnipeg being then "held down" by the terminal rate to Fort William or Port Arthur.

Upon an application of the railway companies, the Board found in a Judgment dated October 19, 1953, Volume XLIII J.O.R. & R. 253, that the long-and-short-haul clause in the then Section 314 (5), now Section 317 (5), of the Railway Act should not apply to the terminal rates required by Section 325 (5), now Section 328 (6) of the Railway Act, and that the latter rates should be applied only to Port Arthur and Fort William, Ont. That Judgment was implemented by Order No. 83896 of June 4th, 1954, Volume XLIV J.O.R. & R. 93. In compliance with that Order, the railways on July 17, 1954 amended their grain tariffs applicable in Western Canada by a clause as follows:

"Rates named in Section 1 of tariff are terminal rates and apply to Fort William, Port Arthur and West Fort William, Ont., only, and will not apply as maximum to intermediate stations."

For example, the local rate from Calgary, Alta. to Winnipeg is now 69 cents per 100 pounds, but the "terminal" rate from Calgary to Fort William is now 26 cents per 100 pounds.

However, the transit privileges for stop-off at intermediate points for processing of grain continued to apply in connection with these terminal rates;

so that a quantity of grain stopped off in transit at Winnipeg for processing and reforwarded to Fort William, would still be entitled to the through rate of 26 cents, despite the local rate of 69 cents to the intermediate point, subject to certain conditions which are here in dispute and are discussed herein.

There is a transit charge of  $2\frac{1}{2}$  cents per 100 pounds for the extra stop-off service, but this charge is not in issue and will not be further considered.

While the applicants complain of unjust discrimination or undue and unreasonable prejudice under Sections 317, 319, 328, 336, and other relevant sections of the Railway Act, in reality the application is for an interpretation of the tariffs and of the legal tariff rates applicable on their shipments since July 17, 1954.

The portions of the transit rules that are especially pertinent in this matter, using for example Canadian Pacific Railway Tariff No. W-819A, CTC No. W-4035, as shown by Exhibit No. 11, are portions of paragraphs (1), (2), (6), (7), (10), (11), (12) and (13) of Rule 11 quoted below ; (the Canadian National Railways Tariff No. W-183E, CTC No. W-2305 publishes similar rules).

#### "TRANSIT PRIVILEGES—RULE 11

(1) (a) Applicable only in connection with terminal and com- Application  
modity rates shown in Sections 1 and 2 of Tariff and as amended.

Grain, Grain Products, Flaxseed and Flaxseed Products as described in Rule 13, page 17 of tariff, may be shipped to stations in the direct line of transit, also as authorized in Section 2 of Tariff and as amended, at local rate, for bagging, cleaning, clipping, crushing, drying, malting, milling, reconditioning and/or storage, and reshipment made as follows:

To Fort William, Port Arthur or West Fort William, Ont., at the balance of the through rate in effect on date of original shipment from point of origin to Fort William, Port Arthur or West Fort William, Ont., plus  $2\frac{1}{2}$  cents per 100 lbs., for extra terminal service, plus charge for additional haul if any. (Subject to Notes 1 and 2).

To Stations East of Fort William, Port Arthur or West Fort William, Ont., at the balance of the through rate in effect on date of original shipment from point of origin to Fort William, Port Arthur or West Fort William, Ont., plus  $2\frac{1}{2}$  cents per 100 lbs., for extra terminal service, plus charge for additional haul if any, plus the rate from Fort William, Port Arthur or West Fort William, Ont., to final destination, in effect on date of reshipment from transit point. (Subject to Notes 1 and 2).

Note 1—When the rate from stop-off point exceeds the rate from point of origin to final destination, the rate from stop-off point will apply from point of origin (See Exception).

Exception—Not applicable in connection with Item No. 177 of tariff and as amended.

Note 2—The charge of  $2\frac{1}{2}$  cents per 100 lbs. for extra terminal service in this rule is not applicable when a charge for extra terminal service is published in Section 2 of Tariff.

(2) The transit privilege will be granted only on the actual weight of the inward shipments to transit point. If the actual weight of the outward shipments exceed the actual weight shown in the inward expense bill or bills, surrendered, the difference will be charged the local carload rate from transit point to final destination.

Weight on  
Which  
Transit  
Privilege  
Applicable

Expense  
Bills and  
Waybills

(6) The transit privilege will apply only when the shipper presents inward receipted expense bill or bills for cancellation at the time the bill of lading covering reshipment from transit point is tendered to the Agent. The Agent must endorse particulars of outward shipment on the receipted expense bill or bills surrendered for cancellation.

Waste and  
Shrinkage

(7) The following deductions for waste and shrinkage must be subtracted from weight shown on inward expense bills surrendered for cancellation:

Barley, Rye or Wheat, malted or sprouted ..	16 per cent.
Flaxseed, crushed or milled into Linseed Oil	
Cake or Linseed Oil Cake Meal.....	33½ per cent.
Rapeseed, crushed into Rapeseed Oil Cake or	
Rapeseed Oil Cake Meal.....	38 per cent.

Shipper's  
Returns to  
Railway  
Agent

(10) Shippers desiring transit privileges must submit signed returns, in duplicate, to the Railway Agent, due August 15, compiled to August 1, and due February 15, compiled to February 1, showing the following information:

- (a) Balance in pounds each variety of grain in elevator entitled to transit privilege carried forward from previous period.
- (b) Statement of unused cancellations on hand.
- (c) Receipt by rail each variety since previous report, in pounds, gross weight.
- (d) Local receipts at mill or elevator, in pounds, gross weight.
- (e) Outward shipments by rail on transit, in pounds, gross weight.
- (f) Local deliveries grain or grain products from elevator or mill, in pounds, gross weight.
- (g) Balance entitled to transit privileges, in pounds.

Cancellation  
Expense  
Bills

(11) All inward expense bills in excess of balance entitled to transit privileges shown in shipper's statement, also expense bills which have expired by limitation, must be presented to the Railway Agent for cancellation at the end of each period. Railway Agent will endorse same in ink, "Not good for transit privileges," after which they may be returned to shipper.

Duplicate  
Statement to  
be forwarded  
to Can. Frt.  
Assn.

(12) Railway Agent will send to Chairman, Canadian Freight Association, Winnipeg, Man., duplicate copy of statement submitted by shipper under provisions of paragraph 10, after affixing his signature certifying that he has checked the statement with his records, and has cancelled surplus inward expense bills as provided for in paragraph 11.

Access to  
Shippers'  
Records

(13) The Railway Agent or Canadian Freight Association Inspectors must be allowed access to shippers' inward and outward weight records, invoices, etc., substantiating periodical statements".

It will be noted from the above quotations:

That grain (barley) may be shipped to Winnipeg for cleaning and malting and reshipment to Fort William, Port Arthur, or West Fort William, Ont., or points East thereof, at the local rate on the first movement to Winnipeg, and on the second movement (reshipment) at the balance of the through rate in effect on date of original shipment from point of origin to Fort William, etc., plus a stop-off charge for the extra service and a charge for any out of line haul;

That the transit privilege applies only on the actual weight of the *inbound* shipment;

That the transit privilege comes into effect *only* when the shipper tenders the bill of lading for the *outbound* shipment;

That on barley there is a deduction of 16% off the inbound weight for "waste or shrinkage";

That in order to obtain the transit privilege the shipper must, in effect, register his inbound and outbound shipments with the railways and the Canadian Freight Association every six months, and by this arrangement the railways are continuously put on notice that the shipper may exercise the transit privilege at any time within six months from date of receipt of the inbound movement.

These rules result in a legal arrangement that the two movements into and out of the transit point are considered as one continuous through movement at the through rate from point of origin to final destination, despite the fact that the movement is broken at Winnipeg.

The transit arrangement can be illustrated by a simple example, i.e., 115,000 pounds of barley shipped from Calgary to Winnipeg for malting, and reshipment of the product to Fort William. The through carload rate from Calgary to Fort William is 26 cents per 100 pounds, with a minimum carload weight of 100,000 pounds on the inbound movement of barley to Winnipeg, and a minimum carload weight of 50,000 pounds on the outbound movement of malt from Winnipeg to Fort William.

When the barley arrives at Winnipeg, it is unloaded into the plant of the malting company.

The barley then is subjected to two processes, (1) cleaning, by which 14% to 15% of screenings is taken out, and (2) malting, by which an additional 16% of the weight of the cleaned barley evaporates. These two processes are permitted by the transit rules when the expression "and/or" in paragraph 1 (a) of Rule 11 is read in connection with any of the nine processes which may be applied to the inward shipments of grain.

Assuming the screenings amount to 15,000 pounds, the malting company then has 100,000 pounds of clean barley remaining. (It may be said that the 15,000 pounds of barley screenings are combined into carloads with similar screenings from other inward shipments and reshipped under the "cleaning" privilege to Fort William for sale as feed). The remaining 100,000 pounds of clean barley is then put through the malting process. In that process, the barley absorbs additional water to the extent of 40% of its original weight; thus the 100,000 pounds of cleaned barley becomes 140,000 pounds by weight. The additional moisture, however, of 40,000 pounds, plus another 16,000 pounds of moisture and gases, are driven off into the atmosphere in the drying process, leaving only a weight of 84,000 pounds of barley malt for reshipment.

On barley or malt used locally the rate assessed is the high local rate, which is applicable when the shipper withdraws any grain or malt for sale in Winnipeg. There has, however, been none of the 16,000 pounds of barley material withdrawn from the malt house for local consumption at Winnipeg under the example quoted. All that the malting company has left is 84,000 pounds of barley malt, which is then offered to the railway on a new bill of lading for movement to Fort William in accordance with Section (6) of the Rules. It is at this point that the controversy arises; the railway contends that the tariff requires that the original shipment of barley be moved from Calgary to Winnipeg at inward weight and the local rate (69 cents per 100 pounds) and as the shipment, in accordance with provisions of the tariff, must be subjected to a reduction of 16,000 pounds in the weight between the inbound barley and the outbound malt, that the railway is therefore entitled on this

16,000 pounds of barley to the difference of 43 cents per 100 pounds between the local rate from Calgary to Winnipeg, and the through rate of 26 cents per 100 pounds from Calgary to Fort William.

The malting company claims that it is entitled on the whole movement to the rate of 26 cents per 100 pounds from Calgary to Fort William plus the stop-off charge of  $2\frac{1}{2}$  cents per 100 pounds, because the transit privilege attaches to the inbound weight of 100,000 pounds, in accordance with paragraph (2) of the Rule, and because it has given 84,000 pounds to the railway on the outbound movement for the equivalent of the inbound weight as reduced by paragraph (7).

The situation is complicated by the fact that the railways in practice do not carry out what the tariff requires. The tariff requires that the shipment of the barley from Calgary to Winnipeg shall be made at the local rate, and that on reshipment of the product from Winnipeg to Fort William it shall be charged "at the balance of the through rate".

In practice, however, the railway collects at Winnipeg only a rate of 26 cents per 100 pounds on 100,000 pounds in this example. This rate is actually the through rate from Calgary to Fort William, and as this rate is so much lower than the local rate from Calgary to Winnipeg, a practice has been put into effect of collecting only the through rate in the first instance, i.e., on the movement from Calgary to Winnipeg, because to apply the higher local rate at Winnipeg would mean the collection of large sums of money, a large proportion of which would have to be refunded when the outbound movement of malt takes place from Winnipeg to Fort William. The practice of collecting only the through rate in the first instance also avoids a great deal of bookkeeping and accounting. The result is, however, that there is usually no "balance of through rate" from Winnipeg to Fort William. What the tariff should say is "the balance, if any, of the through rate". Moreover, if the railways should change their practice and require the collection of the local rate from Calgary to Winnipeg (as the tariff now says the railway does) then the tariff should read that on the outbound movement "the difference between the local rate to Winnipeg and the through rate to Fort William will be refunded, less the stop-off charge".

On this matter of collection of charges, it was argued by Railway Counsel that the collection of 26 cents per 100 pounds on the barley moved from Calgary to Winnipeg is not an infraction of the tariff, but is merely in effect an instalment of the eventual charges which will have to be paid on the shipment, and that it is for the railway company to determine when and where the charges shall be paid on any shipment. While it is true that the railway can determine when and where tariff charges shall be collected, the collection should be made on the basis of what the tariff says is to be collected, and the present tariffs should be promptly amended to bring them into line with the practice of the railways.

It is, however, immaterial for a decision in this case, based on the Board's interpretation of the relevant tariff rules, as to whether the barley is billed from Calgary to Winnipeg at the local rate, or at the terminal rate, i.e., the application of the Fort William rate to Winnipeg, or any other rate.

The application of the transit rules is for one purpose only. This was aptly expressed by the late Honourable F. P. Carvell, Chief Commissioner of the Board, in a case referred to by the Counsel for the applicant, Volume XI, J.O.R. & R. 389 at page 390 as follows:

"This naturally brings up to the question of what is a reasonable rate for the services to be performed by the railway company, always considering that the railway company receives the legal rate for transporting the grain from the starting point to destination, and that *the stop-over*

*privilege simply means that, if the same amount in weight is returned to the company for transportation to destination within six months, the completion of the contract of carriage will be made by the railway company at the legal through rate, whatever it may happen to be". (emphasis supplied)*

Generally speaking, the milling, etc. of grain in transit results in no difference between the outbound weight and the inbound weight, and the rules are designed generally for that purpose.

There are, however, exceptions to the general rule as to the outbound weight, and provision for three exceptions is made in paragraph (7) of Rule 11, and in the similar Rule of the Canadian National Railways' tariff. This paragraph provides that deductions for waste and shrinkage must be subtracted from the weight shown on the inward expense bills for the initial movement into the stop-off point; the first exception is on barley, rye or wheat, malted or sprouted, upon which 16% must be deducted from the inbound weight when the outbound product is offered for transportation; the second exception is on flaxseed, when crushed or milled, on which the deduction is  $33\frac{1}{3}\%$  off the inbound weight; the third exception is on rapeseed, which is crushed to abstract the oil, and the deduction is 38% off the inbound weight.

Paragraph (7) does not define the purpose of these deductions except to refer to them as "for waste and shrinkage". The evidence at the hearing, however, shows that there are two separate reasons inherent in these deductions; on barley, rye or wheat, the deduction is made for the reason that in the malting process the grain loses some of its initial weight by evaporation into the atmosphere; on flaxseed and rapeseed the deductions are for the reason that oil is physically extracted in the crushing process and, therefore, there is only  $66\frac{2}{3}\%$  of the flaxseed left for reshipment as linseed oil cake, etc., and in the case of the rapeseed only 62% of the product is left for reshipment. The extracted oil is either consumed at the crushing point, or shipped at local rates on oil, without transit privilege, to other points.

The railways contend that barley is in the same category as the other two articles on which waste and shrinkage deductions from the inbound weight are applied in paragraph (7), but the fundamental difference between the malting process and the crushing of seed for its oil must be taken into account in interpreting the transit rule with respect to barley, rye and wheat when malted in transit.

With respect to the three grains referred to, the process of malting is the only case throughout the whole tariff where the physical quantity of grain remains the same, yet 16% of its weight disappears in the process, so that the "same amount in weight" cannot be returned to the railway company to complete the contract of carriage from origin to destination.

### *Comment Upon the Issues*

The transit rules are by no means clear in relation to the transit privilege respecting barley. For example, paragraph "(2)" says that the transit privilege will be granted only "on the actual weight of the inward shipments to transit point". The actual weight in the example used herein is 115,000 pounds. One question is: does the 16% deduction for "shrinkage" provided for in paragraph (7) apply literally to the 115,000 pounds of inbound weight including the screenings? The tariff apparently could be so interpreted, but no party has suggested that the screenings shrink in transit. Or, does the 16% shrinkage apply only to the cleaned barley, thus making paragraph (2) first subject to paragraph (1) (a), that is, the cleaning process by which screenings are first removed, and then paragraph (2) becomes subject to paragraph (7)? This would mean

that paragraph (2) is not to be read literally, but is modified by paragraph (7) and should be read as: "The transit privilege will be granted only on the actual weight of the inward shipments to transit point, as modified on the outward shipments by the deductions, if any, required by paragraph (7)". The Board considers that the latter is the proper interpretation of these paragraphs. This example is, however, by way of illustration of the ambiguities in the tariff. It shows how unclear freight tariffs can become by inexact language. The main issue in this case is with regard to a more serious ambiguity however, i.e., the charges for the weight of the barley which evaporates into the atmosphere in the malting process, and which is hereinafter dealt with.

Paragraphs (1), (2) and (7) of the transit rule read together are susceptible of two different interpretations with respect to barley, rye or wheat, malted or sprouted.

The first interpretation would be that grain, e.g. barley, may be shipped to an intermediate point at the local rate for malting and reshipment, and that the transit privilege will be granted only when the shipper has submitted to a deduction of 16% off the inward weight (on which the local rate is to be charged to the malting point) and he will then be entitled to the through rate from origin to destination on only 84% of the original weight. This is the railway interpretation of these paragraphs. It may be pointed out, however, on the example quoted, that nowhere in the tariff is there a specific provision for the assessment of the carload rate of 69 cents per 100 pounds from Calgary to Winnipeg on the evaporated weight of 16,000 pounds.

The second interpretation, considering the unique character of the malting process, is that the shipper is entitled to the transit privilege and the application of the through rate from origin to destination on the original 100,000 pounds of barley when tendering only 84,000 pounds outbound from the transit point. Stated another way, the tender of the 84,000 pounds of malted barley, or "malt" from Winnipeg to Fort William, etc., as required by the deduction specified in paragraph (7), is deemed to be the equivalent to the inbound weight of 100,000 pounds, on which the transit arrangement applies. The latter is the interpretation placed upon the tariff rules by the shipper.

The anomalous and inequitable situation that would be caused by the railways' interpretation of the tariff can be illustrated by several examples, using the same illustration as previously referred to, i.e., a carload of barley weighing 115,000 pounds from Calgary, subjected at Winnipeg to some of the nine processes permitted by paragraph (1) (a) of the Rule, and the product reshipped to Fort William.

In the examples given below, the extra transit charge of 2½ cents per 100 pounds will not be taken into consideration, other than to say that the tariff, even as to this charge, is ambiguous; it does not clearly state whether this 2½ cents per 100 pounds is applied on the inward weight or on the outward weight when one weight is different from the other.

The illustrations as to rates are in cents per 100 pounds, and are based upon the present practice of the railways in collecting the through rate at Winnipeg.

*Example No. 1*—A carload of barley, weighing 115,000 pounds, shipped from Calgary to Winnipeg, for bagging, cleaning, clipping, crushing, drying, milling, reconditioning and/or storage, then reshipped to Fort William:

<i>Inward:</i>	<i>Charges</i>
115,000 pounds barley inward, Calgary to Winnipeg at 26 cents per 100 pounds .....	\$299.00

<i>Outward:</i>	<i>Charges</i>
*115,000 pounds product outward, Winnipeg to Fort William.....	Nil
TOTAL .....	<u>\$299.00</u>

\*Except as to drying in transit, when the outward weight would obviously be less than 115,000 pounds.

*Example No. 2*—A carload of barley, originally weighing 115,000 pounds, shipped from Calgary to Winnipeg, screened and malted there, and the product reshipped to Fort William:

<i>Inward:</i>	<i>Charges</i>
115,000 pounds barley, Calgary to Winnipeg, at 26 cents per 100 pounds .....	\$299.00
<i>Outward:</i>	
15,000 pounds screenings, Winnipeg to Fort William.....	Nil
84,000 pounds malt, Winnipeg to Fort William.....	Nil
16,000 pounds based on loss in weight by evaporation at Winnipeg, applied to the local rate of 69 cents from Calgary to Winnipeg, less 26 cents previously paid inward, a difference of 43 cents per 100 pounds.....	68.80
TOTAL .....	<u>\$367.80</u>

*Example No. 3*—A carload of barley, originally weighting 115,000 pounds, shipped from Calgary to Winnipeg, screened and malted there, and a carload of 100,000 pounds of malt shipped outward to Fort William:

<i>Inward:</i>	<i>Charges</i>
115,000 pounds barley, Calgary to Winnipeg, at 26 cents per 100 pounds .....	\$299.00
<i>Outward:</i>	
15,000 pounds screenings, Winnipeg to Fort William.....	Nil
84,000 pounds malt, Winnipeg to Fort William.....	Nil
16,000 pounds based on loss in weight by evaporation at Winnipeg, applied to the local rate of 69 cents from Calgary to Winnipeg, less 26 cents previously paid inward, a difference of 43 cents per 100 pounds.....	68.80
16,000 pounds malt (added in place of the 16,000 pounds of weight evaporated), Winnipeg to Fort William at 14 cents per 100 pounds (paragraph 2 of Rule 11).....	22.40
TOTAL .....	<u>\$390.20</u>

In Example No. 1, it will be noted that when the shipper uses at Winnipeg any one of the eight transit privileges referred to in the example, it costs him nothing (except the 2½-cent transit charge) when his product is reshipped. If, therefore, a maltster decides (after cleaning 15,000 pounds of barley out of an inward shipment of 115,000 pounds) that he will reship the remaining

100,000 pounds of clean barley to Fort William, it costs him nothing more, and the railway hauls 115,000 pounds of barley and screenings inward and outward; but if, however, he malts the 100,000 pounds of barley, he is assessed another \$68.80 through the railways' interpretation (see Example No. 2).

There is another striking anomaly in Example No. 1 in the case of 115,000 pounds of barley shipped to Winnipeg for drying; obviously barley dried in transit at Winnipeg loses some of its weight by evaporation, yet the tariff provides no penalty on the inward weight at the local rate when the lower weight of the outward shipment is tendered to the railways. (As also stated herein, no tariff provision can be found for assessing an additional charge on barley for malting when some of its weight is evaporated in the process of drying after it has been malted.)

The Example No. 3 is given because of the penalty required by paragraph 2 of the Rule, i.e., the provision that:

"If the actual weight of the outward shipments exceed the actual weight shown in the inward expense bill or bills, surrendered, the difference will be charged the local carload rate from transit point to final destination."

The example is based on the assumption that instead of tendering 84,000 pounds of malt as the product of 100,000 pounds of clean barley, the shipper desires to ship 100,000 pounds of malt from Winnipeg to Fort William, this being also equal to the inward weight. In this case, the shipper is penalized (and rightly so) for putting into the freight car an additional 16,000 pounds of malt which he has obviously acquired elsewhere than from the 100,000 pounds of clean barley brought into Winnipeg, the latter having shrunk by evaporation to 84,000 pounds. But the illustration shows that the shipper not only pays that penalty of \$22.40, but would also, on the railways' interpretation of the tariff, pay another \$68.80 on the 16,000 pounds that have evaporated in transit—and yet in total the railways have only hauled the same weight of 115,000 pounds into Winnipeg and out of Winnipeg. In this illustration, on the railways' interpretation of the tariff, they would receive \$91.20 more than the \$299.00 that they would receive for hauling 115,000 pounds by weight of barley into and out of Winnipeg for bagging, etc. at that point. While the transit rule says clearly that the penalty charge of \$22.40 will be assessed on the outward shipment, it is completely silent as to the alleged penalty charge of \$68.80 on the inward shipment.

### *Ruling*

In ruling upon similar controversies, the Board has said:

"If a tariff is ambiguous and can be reasonably and properly read in ease of the shipper, it should be so construed: *Robin Hood Mills v. C.P.R.*, 28 C.R.C. 50. Tariff provisions are to be construed in favour of the shipper and against the party responsible for having in effect a tariff so constructed as to leave much doubt of its meaning: *Dominion Traffic Association v. C.N.R.*, 41 C.R.C. 206".

The shippers' interpretation is more logical, equitable and reasonable than the railways' interpretation. I would rule that paragraph (7) of the Transit Rule modifies the outward weight by eliminating 16% of the inward weight as a requirement for reshipment, and that therefore no penalty by way of increased charges attaches to the shipments of barley malted in transit.

Under the practice of the railways in collecting the terminal rates at Winnipeg, on the shipment of barley from Calgary used as an example, the railway would have already received 26 cents per 100 pounds on the whole weight of the inward movement including the 16,000 pounds of weight which disappears into the atmosphere in the malting process.

Upon the tender of 84,000 pounds of malt for reshipment, therefore, the shipper has fully complied with the transit rule, and the railway is not entitled to any further collection of revenue.

As previously stated, the application raised also questions of unjust discrimination, undue preference and unreasonableness in the charges attempted to be assessed by the railways on the difference between the local rates to Winnipeg and the through rates to destination. These questions would only arise if the Board were wrong in the interpretation of the tariffs in question, and any answers to these questions could only apply to the future.

Considering all the evidence and argument, I find under the present tariffs that on the shipments of barley referred to in the application, malted at Winnipeg, and reshipped to Port Arthur, Fort William, West Fort William, Armstrong, Ont., or points East thereof, the rates to apply are the through rates from origin to destination without any additional charge (other than the transit charge) for the difference of 16% between the weight of the inward and outward shipments at the transit point.

L. J. KNOWLES.

*I concur:* HUGH WARDROPE.

OTTAWA, Ontario, June 16, 1958.

## ORDER No. 94921

*In the matter of the application of the City of Prince George, in the Province of British Columbia, hereinafter called the "Applicant", for an Order under section 51 of the Pipe Lines Act directing Westcoast Transmission Company Limited to provide facilities for the junction of its company pipe line with any pipe line of, and sell gas to, the Applicant, and to extend, improve and construct such facilities as to the Board of Transport Commissioners for Canada may seem reasonable and necessary for the purpose of permitting the sale and delivery of such gas:*

File No. 45371.41

WEDNESDAY, the 16th day of July, A.D. 1958

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*HUGH WARDROPE, Q.C., *Assistant Chief Commissioner.*F. M. MACPHERSON, *Commissioner.*

Upon hearing Counsel for the Applicant—

*It is hereby ordered as follows:*

1. The application will be heard on the 23rd day of September, 1958, at ten o'clock in the forenoon in the Court Room, Union Station Building, Ottawa, Ontario.

2. The Applicant shall send by registered mail, not later than July 31, 1958, a copy of the said application and a copy of this Order to Westcoast Transmission Company Limited, Inland Natural Gas Company Limited, the Attorney General for the Province of British Columbia, the Public Utilities Commission of British Columbia, Prince George Gas Company Limited and Commission Counsel for Canadian National Railways.

3. The Applicant shall cause a copy of the notice attached hereto to be inserted in four issues of the Prince George Citizen before August 23, 1958.

CLARENCE D. SHEPARD,  
*Chief Commissioner.*

## CORPORATION OF THE CITY OF PRINCE GEORGE

Notice is hereby given that an application has been made by the City of Prince George to the Board of Transport Commissioners for Canada under section 51 of the Pipe Lines Act for an Order directing Westcoast Transmission Company Limited to provide facilities for the junction of its company pipe line with any pipe line of, and sell gas to, the Applicant, and to extend, improve and construct such facilities as to the Board of Transport Commissioners for Canada may seem reasonable and necessary for the purpose of permitting the sale and delivery of such gas.

And further notice is hereby given that the said application will be heard at a sitting of the Board of Transport Commissioners for Canada in the Court Room, Union Station Building, Ottawa, Ontario, on the 23rd day of September 1958, at ten o'clock in the forenoon.

DATED the 16th day of July, 1958.

CORPORATION OF THE CITY OF PRINCE GEORGE  
By:

## ORDER No. 94922

*In the matter of the application of Eagle Lake Sawmills Limited, hereinafter called the "Applicant", for an Order under section 51 of the Pipe Lines Act directing Westcoast Transmission Company Limited to provide facilities for the junction of its company pipe line at or near Shelley, British Columbia, with any pipe line of, and sell gas to, the Applicant, and to extend, improve and construct such facilities as to the Board of Transport Commissioners for Canada may seem reasonable and necessary for the purpose of permitting the sale and delivery of such gas:*

File No. 45371.42

WEDNESDAY, the 16th day of July, A.D. 1958

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*HUGH WARDROPE, Q.C., *Assistant Chief Commissioner,*F. M. MACPHERSON, *Commissioner.*

Upon hearing Counsel for the Applicant—

*It is hereby ordered as follows:*

1. The Application will be heard on the 23rd day of September, 1958, at ten o'clock in the forenoon in the Court Room, Union Station Building, Ottawa, Ontario.

2. The Applicant shall send by registered mail, not later than July 31, 1958, a copy of the said application and a copy of this Order to Westcoast Transmission Company Limited, Inland Natural Gas Company Limited, the Attorney General for the Province of British Columbia, the Public Utilities Commission of British Columbia, Prince George Gas Company Limited and Commission Counsel for Canadian National Railways.

3. The Applicant shall cause a copy of the notice attached hereto to be inserted in four issues of the Prince George Citizen before August 23, 1958.

CLARENCE D. SHEPARD,  
*Chief Commissioner.*

## EAGLE LAKE SAWMILLS LIMITED

Notice is hereby given that an application has been made by Eagle Lake Sawmills Limited to the Board of Transport Commissioners for Canada under section 51 of the Pipe Lines Act for an Order directing Westcoast Transmission Company Limited to provide facilities for the junction of its company pipe line at or near Shelley, British Columbia, with any pipe line of, and sell gas to, the Applicant, and to extend, improve and construct such facilities as to the Board of Transport Commissioners for Canada may seem reasonable and necessary for the purpose of permitting the sale and delivery of such gas.

And further notice is hereby given that the said application will be heard at a sitting of the Board of Transport Commissioners for Canada in the Court Room, Union Station Building, Ottawa, Ontario, on the 23rd day of September 1958, at ten o'clock in the forenoon.

DATED the 16th day of July, 1958.

EAGLE LAKE SAWMILLS LIMITED  
By:

## ORDER No. 95034

*In The Matter of the application of the Canadian Freight Association for approval of Supplement No. 16 to Canadian Freight Classification No. 20:*

File No. 47833.16

MONDAY, the 28th day of July, A.D. 1958

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner,*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

*Whereas* notice has been given by the Canadian Freight Association in The Canada Gazette, as required by section 325 of the Railway Act, and copies of the said Supplement have been furnished to the parties named in the General Order of the Board No. 695, with the request that their objections, if any, be filed with the Board within thirty days; no one offering any objection:

*And upon* reading the submissions filed—

*It is hereby ordered as follows:*

The said Supplement No. 16 to Canadian Freight Classification No. 20, on file with the Board under file No. 47833.16, is approved.

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 94854 July 11—Requiring the C.N.R. to install certain protection at the crossing east of station at Lac aux Sables, P.Q.
- 94855 July 11—In the matter of location of facilities of Imperial Oil Limited, for storage of flammable liquids at Cayley, Alberta.
- 94856 July 11—In the matter of application of the C.N.R. on behalf of Imperial Oil Limited, for approval of proposed location of facilities for the storage of flammable liquids at St. Lambert, P.Q.
- 94857 July 11—In the matter of application of the C.N.R. for approval of plan showing changes proposed to be made in the protection at crossing of Highway No. 16 in the Munic. District of Pembina, Alberta.
- 94858 July 11—In the matter of location of facilities of Imperial Oil Limited for handling and storage of flammable liquids at Etzikom, Alberta.
- 94859 July 11—In the matter of location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Mossleigh, Alberta.
- 94860 July 11—In the matter of location of facilities of Imperial Oil Limited for handling and storage of flammable liquids at Stavely, Alberta.
- 94861 July 11—In the matter of location of facilities of Imperial Oil Limited for handling and storage of flammable liquids at Burdett, Alberta.
- 94862 July 11—In the matter of the location of facilities of Imperial Oil Limited for handling and storage of flammable liquids at Ensign, Alberta.
- 94863 July 11—In the matter of application of the C.P.R. on behalf of The British American Oil Company Limited, for approval of proposed location of facilities for storage of flammable liquids at Carman, Manitoba.
- 94864 July 11—In the matter of the location of facilities of the British American Oil Company Limited for the handling and storage of flammable liquids at Nanton, Alberta.
- 94865 July 11—In the matter of application of the C.N.R. on behalf of the British American Oil Company Limited, for approval of proposed location of facilities for the handling and storage of flammable liquids at Prince George, B.C.
- 94866 July 11—Authorizing the N.B. Dept. of Public Works to construct the Trans-Canada Highway across the C.N.R. by means of a subway at Mileage 8.69 Harcourt Subd., N.B.
- 94867 July 11—Permitting the removal of slow order at C.P.R. crossing near Melville, Ontario.
- 94868 July 11—Authorizing the Department of Transport to widen Overhead bridge No. 7 in the Town of Thorold, Ontario, Mileage 5.9 Thorold Subd., C.N.R.
- 94869 July 11—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Sections 3 and 8.
- 94870 July 11—Authorizing the C.P.R. to operate its trains over the temporary track diversion in the City of Montreal at Mileage 8.81 Park Avenue Subd.
- 94871 July 11—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Perkins Telephone Company Limited.
- 94872 July 11—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada Limited, and Yarker Rural Telephone Company Limited.
- 94873 July 11—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada Limited, and The South Crosby Rural Telephone Company Limited.
- 94874 July 11—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada Limited, and The Redden Telephone Company Limited.
- 94875 July 11—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada Limited, and The Verona and Frontenac Telephone Company Limited.

- 94876 July 11—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and the Haley's Station Telephone Company Limited.
- 94877 July 11—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Newburgh Rural Telephone System.
- 94878 July 11—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Monk Rural Telephone Company Limited.
- 94879 July 11—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Addington Telephone Company Limited.
- 94880 July 11—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Beckwith and Montague Rural Telephone Company Limited.
- 94881 July 11—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Telephone System of the Munic. of the Township of Roxborough.
- 94882 July 11—Requiring the C.N.R. to install certain protection at the crossing of Main Street, Maxville, Ontario.
- 94883 July 14—Approving under the Maritime Freight Rates Act tolls published in certain tariffs filed by the C.N.R. under Section 3.
- 94884 July 14—Authorizing the British Columbia Power Commission to construct a transmission line over the company pipe line of Westcoast Transmission Company Limited, in the Peace River District of B.C.
- 94885 July 14—Authorizing the Sask. Department of Highways and Transportation to widen Highway No. 14 where it crosses the C.N.R. at Mileage 14.0 Cudworth Subd., Sask.
- 94886 July 14—Permitting the removal of slow order at C.N.R. crossing of Marmora Road, Mileage 18.05 Campbellford Subd., Ont.
- 94887 July 14—Authorizing the B.C. Electric Company Limited to close the existing farm crossing at foot of 29th Avenue, Vancouver, B.C.
- 94888 July 14—In the matter of application of North-West Line Elevators Association for an order disallowing Canadian Car Demurrage Tariff C.T.C. No. 5 to the extent that said tariff might be construed as including demurrage charges on bulk grain unloaded into public and semi-public elevators in Western Canada.
- 94889 July 14—Requiring the C.N.R. to install certain protection at the crossing of Highway No. 3 in St. Francois du Lac, P.Q.
- 94890 July 14—Requiring the C.N.R. to install certain protection at the crossing of Route de la Station, in the Village of Ste. Justine, P.Q.
- 94891 July 14—Permitting the removal of slow order at C.N.R. crossing at Mileage 58 Tisdale Subd., Sask.
- 94892 July 14—In the matter of facilities of Union Oil Company of Canada Limited for the handling and storage of flammable liquids at Lethbridge, Alberta.
- 94893 July 15—Authorizing Westspur Pipe Line Company to open for the transportation of oil a portion of its Frobisher Gathering Lines, Sask.
- 94894 July 16—Authorizing Trans-Canada Pipe Lines Limited to carry its company pipe line across certain public highways in the Township of Perry, Ontario.
- 94895 July 16—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at Tyvan, Sask.
- 94896 July 16—Authorizing Westspur Pipe Line Company to open for the transportation of oil a portion of its Steelman Gathering Lines, Sask.
- 94897 July 16—Authorizing the District of Coquitlam, B.C., to construct a public lane across the company pipe line of Trans-Mountain Oil Pipe Line Company, New Westminster District, B.C.
- 94898 July 16—Authorizing Westspur Pipe Line Company to open for the transportation of oil a portion of its Nottingham Gathering lines in the Province of Sask.

- 94899 July 16—In the matter of the C.N.R. application on behalf of Canadian Propane (Saskatchewan) Limited, for approval of proposed location of facilities for handling and storage of liquefied petroleum gas at Kindersley, Sask.
- 94900 July 16—Authorizing the British Columbia Power Commission to construct an aerial transmission line across the company pipe line of West-coast Transmission Company Limited, in the Province of B.C.
- 94901 July 16—In the matter of facilities of the Dept. of National Defence (R.C.A.F.) for the handling and storage of flammable liquids at MacLeod, Alberta.
- 94902 July 16—Authorizing the British Columbia Power Commission to construct an aerial electric transmission line over the company pipe line of Westcoast Transmission Company Limited, B.C.
- 94903 July 16—In the matter of the Application of the Sask. Department of Highways for authority to construct Highway No. 4 over the C.P.R. at Biggar, Sask.
- 94904 July 16—Authorizing Augusta Natural Gas Limited to construct a natural gas pipe line over the Trans-Northern Pipe Line Company pipe line in the Twp. of Augusta, Ontario.
- 94905 July 16—Authorizing the City of Brantford, Ontario, to relocate Park Road where it crosses the C.N.R., City of Brantford.
- 94906 July 16—In the matter of the application of the C.N.R. for an extension of time within which it is required to install signal protection at Commonwealth Ave., Town of Mount Pearl Park-Glendale, Nfld.
- 94907 July 16—In the matter of the application of the C.N.R. for approval of clearances on the siding serving Bathurst Containers Limited in Toronto, Ontario.
- 94908 July 16—In the matter of application of The Bell Telephone Company of Canada, for approval of Alternate Appendix "B" to Traffic Agreement between it and The Campbell's Bay Rural Telephone Company Limited.
- 94909 July 16—Authorizing the C.P.R. to close the crossing of its railway and Highway No. 1, in Sec. 12-17-10-W2M., Sask.
- 94910 July 16—In the matter of the application of The Bell Telephone Company of Canada for approval of Alternate Appendix "B" to Traffic Agreement between it and The Enterprise Telephone System Limited.
- 94911 July 16—In the matter of the application of The Bell Telephone Company of Canada for approval of Alternate Appendix "B" to Traffic Agreement between it and South Plantagenet Rural Telephone Company Limited.
- 94912 July 16—In the matter of facilities of the Department of National Defence, R.C.A.F. for the handling and storage of flammable liquids at North Battleford, Sask.
- 94913 July 16—In the matter of facilities of Imperial Oil Limited for handling and storage of flammable liquids at Neidpath, Sask.
- 94914 July 16—In the matter of the application of the C.P.R. for an Order extending the time within which it is required to install automatic protection at the crossing of its railway and Highway 43 between Concessions 2 and 3, Lots 9 and 10, Twp. of Roxborough, Ont.
- 94915 July 16—Authorizing an extension of time within which the C.N.R. is required to install automatic protection at the crossing of its railway and the highway in the Town of Mount Pearl Park-Glendale, Nfld.
- 94916 July 16—Authorizing the N.Y.C. Railway Company to operate its trains under the overhead bridge at Mileage 113.63 from Niagara Falls, Ontario.
- 94917 July 16—In the matter of the application of The Bell Telephone Company of Canada for approval of Supplement to Traffic Agreement between it and Dunnville Consolidated Telephone Company Limited.
- 94918 July 16—In the matter of the application of The Bell Telephone Company of Canada for approval of Alternate Appendix "B" to Traffic Agreement between it and La Cie de Telephone Rural Ste-Angele de Laval.

- 94919 July 16—In the matter of application of The Bell Telephone Company of Canada for approval of Alternate Appendix "B" to Traffic Agreement between it and The Fort Coulonge Rural Telephone Company Limited.
- 94920 July 17—In the matter of application of the C.P.R. on behalf of The British American Oil Company Limited, for approval of proposed location of additional facilities for handling and storage of flammable liquids at Port Moody, B.C.
- 94921 July 16—In the matter of application of the City of Prince George, B.C. for on Order directing Westcoast Transmission Company Limited to provide facilities for the junction of its company pipe line with any pipe line of the applicant.
- 94922 July 16—In the matter of application of the Eagle Lake Sawmills Limited for an Order directing Westcoast Transmission Company to provide facilities for the junction of its company pipe line at or near Shelley, B.C.
- 94923 July 17—Authorizing the C.N.R. to remove the station agent and appoint a caretaker at Ste. Madeleine, P.Q.
- 94924 July 17—Permitting the removal of slow order at C.N.R. crossing at Mileage 80.35 Grand Falls Subd., New Brunswick.
- 94925 July 18—Authorizing the C.P.R. to remove the station building at Brantford, Ontario.
- 94926 July 18—Authorizing the C.N.R. to remove the caretaker and the station building at Dunkeld, Ont.
- 94927 July 18—Authorizing the C.P.R. to remove the caretaker at McAlpin, Ont.
- 94928 July 18—In the matter of application of the C.N.R. for approval of proposed location of facilities for the handling and storage of flammable liquids at Trenton, Ont.
- 94929 July 18—Authorizing Trans-Northern Pipe Line Company to open for the transportation of oil a portion of its company pipe line in the Twp. of East York, Ontario.
- 94930 July 18—In the matter of the application of The Bell Telephone Company for approval of Alternate Appendix "B" to Traffic Agreement between it and La Compagnie de Telephone de Nicolet Limitee.
- 94931 July 18—Authorizing the C.N.R. to operate over the subway at Mileage 110.95 Sydney Subd., N.S.
- 94932 July 18—Authorizing the Steelman Gas Limited to construct a gas main across the company pipe line of Westspur Pipe Line Company in the NW $\frac{1}{4}$  Sec. 10-4-6-W2M., Prov. of Sask.
- 94933 July 18—Authorizing Steelman Gas Limited to construct a gas line across the Westspur Pipe Line Company in the NE $\frac{1}{4}$  Sec. 9-4-6-W2M., Prov. of Sask.
- 94934 July 18—In the matter of the application of the C.P.R. on behalf of Tide-water Oil Company for approval of facilities for loading of crude oil from tank truck to tank car at Kennedy, Sask.
- 94935 July 18—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Section 3.
- 94936 July 18—Requiring the C.N.R. to install certain protection at the crossing of the Highway in the parish of St. Constant, P.Q.
- 94937 July 18—Relieving the C.N.R. from erecting right of way fences between certain mileages on its Vegreville Subd., Alta.
- 94938 July 18—In the matter of Tariffs filed by The Bell Telephone Company of Canada.
- 94939 July 18—Authorizing the Ontario Dept. of Highways to reconstruct the overhead bridge carrying Highway No. 27 across the C.N.R. in the Township of Etobicoke, Ontario.
- 94940 July 18—In the matter of installation of automatic protection at the crossing of the C.P.R. and Cremazie Boulevard, Montreal, P.Q.
- 94941 July 18—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at Tuffnell, Sask.

- 94942 July 21—Authorizing the Ontario Department of Highways to construct Highway No. 20 across the C.N.R. by means of an overhead bridge in the Twp. of Thorold, Ontario.
- 94943 July 21—Permitting the removal of slow order at C.N.R. crossing of Fifth Avenue, Hornepayne, Ontario.
- 94944 July 21—Requiring the C.P.R. to install certain protection at the crossing of Main Street, Gatineau, P.Q.
- 94945 July 21—In the matter of application of the Dept. of Highways and Transportation for the Prov. of Saskatchewan, for authority to construct Highway No. 27 across the C.N.R. at Mileage 34.54 Aberdeen Subdivision.
- 94946 July 21—In the matter of application of the C.N.R. on behalf of Orecan Oil Limited for approval of crude oil loading facilities at Kingsford, Saskatchewan.
- 94947 July 21—In the matter of application of the C.N.R. on behalf of The British American Oil Company Ltd. for approval of the proposed location of facilities for the handling and storage of flammable liquids at Richards, N.B.
- 94948 July 21—In the matter of the application of the C.N.R. on behalf of Imperial Oil Limited for approval of the proposed location of additional facilities for the handling and storage of flammable liquids at Chauvin, Alta.
- 94949 July 21—In the matter of the application of the C.N.R. on behalf of Charter Oil Company Limited, for permission to load crude oil into tank cars from tank trucks at Youngstown, Alta.
- 94950 July 21—Authorizing Westcoast Transmission Company Limited to construct its company pipe line in the Peace River District of B.C.
- 94951 July 21—Approving plan showing location of a portion of Westcoast Transmission Company's pipe line in the Peace River District of B.C.
- 94952 July 21—In the matter of application of the C.P.R. on behalf of Imperial Oil Limited for approval of proposed location of facilities for handling and storage of flammable liquids at Duval, Sask.
- 94953 July 21—In the matter of application of the C.P.R. on behalf of Imperial Oil Limited for approval of proposed location of facilities for handling and storage of flammable liquids at Nelson, B.C.
- 94954 July 22—In the matter of rearrangement of existing crossing signals at crossing of T.H. & B. Rly. Company and Main Street, Hamilton, Ontario.
- 94955 July 22—Authorizing the C.N.R. to remove the caretaker at Underhill, Manitoba.
- 94956 July 22—Authorizing the N.Y.C. Railroad Company to discontinue as an agency their station at Mull, Ontario.
- 94957 July 22—Permitting the removal of slow order at C.N.R. crossing north of Gormley, Ontario.
- 94958 July 22—In the matter of application of The Bell Telephone Company of Canada Limited for approval of supplement to Traffic Agreement between it and Le Telephone de St. Ours, Enrg.
- 94959 July 22—Authorizing Cities Service Oil Company Limited to construct a pipe line under the company pipe line of Trans-Northern Pipe Line Company south of Dundas St., Twp. of Trafalgar, Ontario.
- 94960 July 22—Authorizing the Twp. of North York, Ontario, to construct a water main under the company pipe line of Trans-Northern Pipe Line Company in the Twp. of North York.
- 94961 July 22—Permitting the removal of slow order at the C.N.R. crossing north of Gormley, Ontario.
- 94962 July 22—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 29.64 Mountain Subd., B.C.
- 94963 July 22—In the matter of application of the Department of Highways of B.C. for an Order authorizing the C.P.R. to divert a portion of its Merritt Subd., B.C.

- 94964 July 22—Authorizing the Manitoba Dept. of Public Works to relocate and widen Highway No. 2 where it crosses the C.N.R. at Mileage 12.88 Wawanesa Subd.
- 94965 July 22—In the matter of filing of tariffs by The Bell Telephone Company of Canada Limited.
- 94966 July 22—In the matter of filing of tariffs by Canadian National Telegraphs.
- 94967 July 22—Authorizing the Municipality of Metropolitan Toronto to reconstruct the overhead bridge at the intersection of Victoria Park Avenue and the C.P.R., Township of North York, Ont.
- 94968 July 22—Requiring the C.N.R. to install certain protection at the crossing of St. Marc-St. Casimir Road and the C.N.R. in the Municipality of St. Casimir, Que.
- 94969 July 22—Authorizing the City of Corner Brook, Nfld., to construct the highway across the C.N.R. at Mileage 406.95 Port aux Basques Subd., Newfoundland.
- 94970 July 22—In the matter of filing of tariffs by the C.P.R. Company Communications Department.
- 94971 July 23—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R.
- 94972 July 23—In the matter of application of the C.P.R. on behalf of The British American Oil Company Limited, for approval of proposed location of facilities for the handling and storage of flammable liquids at Victoria, B.C.
- 94973 July 23—In the matter of the application of the C.N.R. on behalf of Imperial Oil Limited for approval of the proposed location of facilities for the handling and storage of flammable liquids at Edenwold, Sask.
- 94974 July 23—In the matter of the application of the C.P.R. on behalf of Standard Oil Company of British Columbia Limited, for approval of proposed location of additional facilities for the handling and storage of flammable liquids at Rock Creek, B.C.
- 94975 July 23—Authorizing Interprovincial Pipe Line Company to construct its company pipe line across and under the two underground telephone lines and cables of The Bell Telephone Company of Canada, south of Dundas St., Twp. of Trafalgar, Ont.
- 94976 July 23—Authorizing the Dept. of Highways and Transportation for the Prov. of Saskatchewan to widen Highway No. 35 where it crosses the C.P.R. at Mileage 131.7 Tisdale Subd.
- 94977 July 23—Permitting the removal of slow order at C.N.R. crossing west of Semans Station, Sask.
- 94978 July 24—In the matter of application of the City of Drummondville for authority to construct a subway at the crossing of the C.N.R. and St. Joseph Boulevard, Drummondville, P.Q.
- 94979 July 24—Authorizing the C.N.R. to remove the caretaker at LaVallee, Ontario.
- 94980 July 24—Relieving the C.P.R. from erecting right of way fencing between certain mileages on its Emerson Subd., Man.
- 94981 July 24—Relieving the C.P.R. from erecting right of way fencing between certain mileages on the west side of its Melfort Subd., Sask.
- 94982 July 24—Authorizing the C.N.R. to construct an industrial track across 9th Street East, Calgary, Alberta.
- 94983 July 24—Authorizing the C.N.R. to operate over the subway near Rochfort Bridge, Alta.
- 94984 July 24—In the matter of the application of the C.N.R. for an Order extending the time within which they are required to install automatic signal protection at St. Francois St., Town of Victoriaville, P.Q.

# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

Vol. XLVIII

OTTAWA, SEPTEMBER 1, 1958

No. 11

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*In the matter of the Tariff C.T.C. 25 of The Detroit and Windsor Subway Company and Detroit & Canada Tunnel Corporation, issued on February 15, 1958, to have been effective on March 16, 1958, in respect of the tunnel between the City of Windsor, Ontario, and the City of Detroit, Michigan, and which said tariff was suspended by Board's Order No. 93843, dated the 11th of March 1958, in order to determine the reasonableness of the said tariff and to permit the applicant to justify it.*

File No. 35943.5

Before:

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

Appearances:

HUGH E. O'DONNELL, Q.C., and GEORGE C. RICHARDES, Q.C., for  
The Detroit and Windsor Subway Company and Detroit &  
Canada Tunnel Corporation.

JAMES E. WATSON, Q.C., for the City of Windsor.

ROBERT REESE, for the City of Detroit.

*Heard at Windsor, Ontario, May 13, 1958.*

### J U D G M E N T

BY THE BOARD:

Our Judgment of January 28, 1941, referred to the background, and briefly summarized the situation with respect to tolls after the Tunnel was opened for traffic November 3, 1930; there is no need to again outline those matters in this Judgment. However, since further evidence has been presented in this case in respect to reproduction cost new, we will point out what we said on the subject of rate base in our 1941 Judgment. After stating in that Judgment:

"We cannot accept the rate base of \$3,776,349.28 submitted by the City of Windsor, as the amount of capital investment upon which the Shareholders of the Corporation are entitled to a fair return",

we referred to items to be taken into consideration in establishing a rate base but we did not fix a specific figure. In this connection we said:

"It seems probable from a study of the record that the figure would be around \$10,000,000. If we were to accept the contention of the City of Windsor that a rate of return of 5 per cent is sufficient for the Shareholders, it becomes evident that in no year since 1936 has the Corporation been able to show a rate of return anywhere near 5 per cent."

We have considered all the evidence submitted in this case and we do not believe that it is either necessary or desirable that specific rate base and rate of return figures be set down in reaching a decision as to a reasonable level of rates. Our finding in the 1941 case was:

"That it has not been proven that the proposed tolls are unreasonable or will produce more than reasonable revenue requirements of the companies, and may fall far short of doing so. The tariffs under suspension will be approved and may be made effective immediately."

Again in our Judgment of September 28, 1951, we found:

"That the company is entitled under prevailing conditions to earn more revenue than the tariff presently in force permits it to earn."

Some proposed increases in tolls were considered unreasonable and were not allowed, but modified tolls were authorized.

We have considered all the submissions and arguments which have been presented in this case, both on their own merits and in relation to our two previous decisions, hereinbefore referred to, where the low level of earnings was found to justify increases in rates. In reaching a decision as to whether the level of earnings forecast for the fiscal year 1958 at present rates may be considered so low as to be unreasonable, we have examined the net income for past years as shown in Annual Reports to Shareholders.

The highest net income reported for the fiscal years 1930 to 1940 inclusive was in 1939 when net income reached \$105,865. This was followed by a net loss of \$9,432 for the fiscal year ending October 31, 1940, and on August 30 of that year the company filed with the Board a new tariff containing increased rates. This is the tariff which was suspended and later permitted to be made effective by our Judgment of January 28, 1941.

Net income for the years 1941, 1942 and 1943 was \$60,460, \$78,787 and \$97,011 respectively. During these years there were restrictions on travel and vehicular traffic declined; tunnel bus traffic began to show an upward trend in 1942 and 1943.

In 1944 both vehicular and tunnel bus traffic increased and continued to increase in 1945 and 1946. Net income rose to \$271,958 in 1944, \$523,233 in 1945 and \$657,722 in 1946.

Tunnel bus traffic turned downward in 1947 but vehicular traffic continued to increase and net income remained above \$500,000 until 1951; it reached its highest level of \$677,140 in 1948, dropped to \$534,163 in 1949 and rose to \$571,037 in 1950.

In 1951 net income dropped to \$440,530 and in March of that year the company filed a new tariff containing increased rates. This tariff was approved, with modifications, in our Judgment of September 28, 1951.

Net income for 1952 at \$479,761 was only about \$39,000 higher than in 1951, but in 1953 it increased to \$610,274. In each of the succeeding years

from 1954 to 1957 inclusive, net income continued to exceed \$600,000, although in 1954 it would only have been \$594,138 except for the inclusion of a non-recurring profit of \$56,805. Net income for the year ending October 31, 1957, was \$630,888.

The company forecast for the fiscal year ending October 31, 1958, Exhibit No. 17, shows estimated net income of \$571,411 under present rates; and Exhibit No. 24 indicates that the estimated net income for the fiscal year 1958 would be increased to \$650,725 if the proposed rates were effective from June 1, 1958.

We have examined the changes in the tolls and volume of traffic since the Tunnel was opened for operation in 1930, and this examination, as might be expected, indicates that the net income position of the company is closely related to major changes in traffic volume. This fact was pointed out by the President of the company in the 1931 Annual Report to Shareholders where he stated:

“As a considerable portion of the expenses, such as taxes, insurance, etc., are fixed it is impossible to reduce operating costs in direct proportion to reduction in revenues. It is also a fact that operating costs will be affected very little with a return to a more normal volume of traffic so that any increase in gross revenue will result in a substantial increase in net.”

Exhibit No. 3 which was filed by the company showed traffic volume by fiscal years from 1951 to 1958, the latter being based on six months actual and six months estimated. This Exhibit indicated that vehicular traffic in total had fluctuated from year to year but had shown a general upward trend from 1951 to 1956 followed by some decline in 1957 and a further forecast decline in 1958; the Exhibit also indicated that there had been a shift from cash cars to so-called commuter cars. Tunnel bus passenger traffic, on the other hand, had shown a general downward trend since 1951 and in this connection Witness Reese stated:

“Well, the tunnel bus passengers, I would say, is following a national pattern both in Canada and the United States by reason of mass transportation moving away to automobile driver no doubt.”

While general changes in the pattern of traffic result in changes in traffic revenue, the latter is also influenced by changes in the average revenues from the different types of traffic, i.e. cash passenger cars, ticket passenger cars, commercial vehicles, foreign buses, extra passengers in passenger vehicles and commercial vehicles and tunnel bus passengers. The net result of estimated changes in revenue, together with expense changes from the fiscal year 1957 to the fiscal year 1958, may be determined from an examination of Exhibits Nos. 1 and 17.

A comparison of Exhibits Nos. 1 and 17 shows that the forecast decline in net income in fiscal year 1958 is \$59,477. This forecast decline in net income reflects an estimated decrease in revenues of \$48,646. It has not been suggested that the reductions in traffic revenues are of a permanent nature, and we consider it reasonable to expect that traffic will recover and experience further growth with a revival of activity on both sides of the river. The experience since 1951 indicates that although fluctuations have occurred from year to year, revenues have been able to keep ahead of increasing costs and net income can continue to increase under the present level of rates.

It is our opinion that the forecast of net income for the year ending October 31, 1958, and the evidence submitted in this case do not justify a conclusion at this time and under the present circumstances that the present level of rates is unreasonable or that an increase in tolls should be approved.

The application is therefore dismissed.

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

Ottawa, June 25, 1958.

*I concur:*

H. B. CHASE

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ORDER No. 94703

*In the matter of the Tariff C.T.C. 25 of The Detroit and Windsor Subway Company and Detroit & Canada Tunnel Corporation, issued on February 15, 1958, to have been effective on March 16, 1958, in respect of the tunnel between the City of Windsor, Ontario, and the City of Detroit, Michigan, and which said tariff was suspended by Board's Order No. 93843, dated the 11th of March, 1958, in order to determine the reasonableness of the said tariff and to permit the applicant to justify it:*

File No. 35943.5

FRIDAY, the 27th day of June, A.D. 1958

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing the matter pursuant to the said Order No. 93843 at a sitting of the Board held in Windsor, Ontario, on May 13, 1958, in the presence of Counsel for The Detroit and Windsor Subway Company and Detroit & Canada Tunnel Corporation, the City of Windsor and the City of Detroit—  
It is hereby ordered as follows:*

The said tariff is disallowed.

*The Board of Transport Commissioners for Canada.*

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

*In the matter of the application made on behalf of the Department of Highways of the Province of Quebec for an Order authorizing the reconstruction of the tunnel at the intersection of Highway No. 38 and the Canadian National Railways' tracks, in the Municipality of the Parish of Ste. Dorothee, County of Laval, Province of Quebec:*

File No. 2342.109

Before:

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
H. B. CHASE, C.B.E., *Commissioner.*

Heard at:

Montreal, Que., on April 9th, 1958.

Appearances:

Senator LEON METHOT, Q.C., for the Department of Highways  
of the Province of Quebec.

H. J. G. PYE

and

S. TUCCI

for the Canadian National  
Railways.

### J U D G M E N T

CHASE, *Commissioner:*

#### HISTORY

The existing subway at the intersection of Highway No. 38 and the Canadian National Railways (hereinafter sometimes referred to as the "Railways") was constructed pursuant to Order No. 20032 dated August 14, 1913, which reads in part as follows:

"ORDER NO. 20032

Thursday, the 14th day of August, A.D. 1913

*IT IS ORDERED* that the application for a level crossing be not granted; and that the Applicant Company be, and it is hereby, authorized to construct a subway, twelve feet in height, over the said public road as diverted, on lots 81 and 82, in the said Parish of Ste. Dorothee, as amended in blue on the plan on file with the Board under the said file No. 2342.109; the Applicant Company in no way to be held responsible for water conditions in or upon the approaches to the said subway; and detail plans of the proposed structure to be submitted for the approval of an Engineer of the Board."

A translated copy of the application in this case reads as follows:

"Application of the Honourable Antonio Talbot, Q.C., Minister of Roads of the Province of Quebec, requesting the Board of Transport Commissioners for Canada to issue an order authorizing the reconstruction of the tunnel at the intersection of Highway 38 and the Canadian National Railway tracks, in the Municipality of the Parish of Ste. Dorothee, County of Laval.

The applicant respectfully submits that:

1. For the protection, safety and convenience of the public, it is advisable to rebuild the tunnel at the intersection of Highway 38 and the Canadian National Railway tracks, in the Municipality of the Parish of Ste. Dorothee, County of Laval, as shown on the plans and profiles dated May 28, 1956, and of the cross-section, dated July 5, 1956, prepared by the Department of Roads of the Province of Quebec;

2. This tunnel, built in 1913, is obsolete and constitutes a menace to public safety. For economy purposes in favour of the railway company, the tunnel was not built on the site of the existing road, therefore necessitating sharp curves at the approaches, which it is essential to improve;

3. To reduce or eliminate pumping costs, the deck of the bridge should be built as thin as possible even if the cost thereof is higher;

4. The reconstruction and maintenance costs of this tunnel should be apportioned as follows:

CONSTRUCTION:

Board of Transport Commissioners for Canada .....	30%
Canadian National Railways .....	35%
Department of Roads of the Province of Quebec .....	35%

MAINTENANCE:

Canadian National Railways .....	50%
Department of Roads of the Province of Quebec .....	50%

WHEREFORE the applicant requests the Board of Transport Commissioners for Canada to issue an order directing the reconstruction of the said tunnel in the manner and in accordance with the above-mentioned conditions.

Quebec, July 13, 1956.

(SGD) A. BERGERON,  
*Deputy Minister.*"

Subsequent to the application being made, the Railways, through the medium of a number of letters, took the position that, while they had no objection to the reconstruction of the subway, their contribution towards the cost thereof should be limited to \$5,000, provided they were not required to bear any of the maintenance costs. Here it should be stated that the Railways paid the full cost of the construction and maintenance of the existing subway.

The Department of Roads of the Province of Quebec (hereinafter sometimes referred to as the "Department") took the position that a contribution of \$5,000 from the Railways was not sufficient and requested that the matter be put down for hearing.

Following an inspection and report made by one of the Board's Engineers, the matter was heard in the City of Montreal on April 9th, 1958, and it being agreed between the parties and the Board that an Order should issue authorizing the construction of the subway and reserving the matter of the apportionment of costs, Order No. 94305, dated May 7th, 1958, was issued, which reads in part as follows:

"1. The Applicant is authorized to construct Highway No. 38 across the right of way of Canadian National Railways, by means of a subway, in the Parish of Ste. Dorothee, County of Laval, Province of Quebec, at mileage 7.77 Montfort Subdivision, as shown on Plan No. C-18245, dated May 9, 1957, on file with the Board under file No. 2342.109.

2. The said subway shall be constructed in accordance with the provisions of General Order No. 589; detailed plans showing the construction thereof shall be submitted for the approval of an Engineer of the Board.

3. Upon the subway hereby authorized being open to the public the Applicant shall close and dismantle the existing subway at mileage 7.79 Montfort Subdivision.

4. The question of the apportionment of the cost of construction and maintenance of the subway hereby authorized, as well as the cost of dismantling the existing subway, is reserved for further consideration and order of the Board."

### THE HEARING

During the hearing evidence was introduced which indicated that prior to the construction of the existing subway the highway was straight at its intersection with the railway. The width of the road at the location varied between 32 and 37 feet and in some places was 40 feet; the travelled portion was of less width. The highway was diverted, which resulted in sharp curves being introduced on both sides of the subway. The subway itself was 20 feet wide and 12 feet high.

The subway, as reconstructed, will straighten the road and approaches to almost its original position. The Railways estimate that the construction costs of the subway itself will amount to \$105,900. The estimated cost of the necessary changes in the highway, etc., was said to be \$45,400, making a grand total of \$151,300. The reconstructed subway is to be wider, with a centre pier and sidewalks, and is to be 14 feet in height.

There being no disagreement between the parties as to the necessity for reconstruction, there remained only the question of apportionment of costs. Counsel for the Department maintained the position taken in its application as above set forth, namely:

#### CONSTRUCTION COSTS

- 30% Railway Grade Crossing Fund
- 35% Canadian National Railways
- 35% Department of Roads of the Province of Quebec

#### MAINTENANCE COSTS

- 50% Canadian National Railways
- 50% Department of Roads of the Province of Quebec

On the other hand, Counsel for the Railways argued that the benefit to the Railways was estimated by them at \$5,000, (being \$250.00 per annum, capitalized) and that they should not be required to contribute any larger amount but should be ordered to contribute only \$5,000—provided that they were relieved of all future maintenance of the subway.

### CONCLUSIONS

After a full and careful consideration of all that was placed before us, I am unable to agree with the arguments advanced by either the Railways or the Department.

It is undoubtedly true that, at the time when the railway was built and the subway constructed, there was very little highway traffic and, on the other hand, there were very few trains being operated. The report made by one of the Board's Engineers indicates that the intersection of the highway and railway is in about the middle of a community of some 100 residences, plus business establishments, church, school, etc.

There is a moderately heavy through vehicular traffic and a fair volume of local traffic. The children from 40 westerly residences must use the subway as an access to the school, church, etc., on the east side, while all other pedestrians, including commuters to and from the C.N.R. station, have only the subway as access from one half of the town to the other.

The railway traffic consists of an average of 23 passenger trains and one freight train daily, except on Sunday, when 17 passenger trains and no regular freight trains are operated.

Due to the 5 per cent grades on the existing subway approaches on sharp reverse curves and the moderately heavy traffic, there is a vehicular congestion and considerable danger of collision at and near the subway. Further, as there are a large number of pedestrians—including school children—who have no access from one side of the town to the other (except by walking on the narrow road through the subway or trespassing on the busy C.N.R. track) the need for reconstruction of the subway, with pedestrian sidewalks, is apparent.

The proposed structure, with two 15-foot wide laneways and two 5-foot sidewalks on the highway diversion, as shown on C.N.R. Plan C-18245, will adequately provide safe access for highway and pedestrian traffic, and the inspection made by the Board's Engineer reveals that the site is ideally located.

Having regard to the above, it occurs to me that the offer of a contribution of \$5,000 from the Railways is most unrealistic, and I feel that they have some responsibility beyond the capitalized cost of maintenance and out-of-pocket expenses, upon which the proposed contribution of \$5,000 was based.

On the other hand, the Department must accept a greater amount of responsibility by reason of the fact that a considerable amount of the improvement is made necessary by the increase in vehicular and pedestrian traffic through the subway.

I would therefore apportion the costs as follows:

CONSTRUCTION:

30%, not exceeding the sum of \$45,390, from the Railway Grade Crossing Fund.

\$20,000 to be paid by the Canadian National Railways.

The balance to be paid by the Department of Roads of the Province of Quebec.

MAINTENANCE:

The Canadian National Railways to pay the cost of maintenance of the track structure, and 50% of the cost of maintenance of the subway proper.

The Department of Roads of the Province of Quebec to pay all maintenance costs with respect to the roadway and the sidewalks, and 50% of the maintenance of the subway proper.

I would also re-confirm that part of Board's Order No. 20032 quoted above, namely:

"The Canadian National Railways is in no way to be held responsible for water conditions in or upon the approaches to the said subway."

(SGD) H. B. CHASE

*I concur:* (SGD) A. SYLVESTRE

July 2, 1958.

## ORDER NO. 94764

*In the matter of the application made on behalf of the Department of Highways of the Province of Quebec for an Order authorizing the reconstruction of the tunnel at the intersection of Highway No. 38 and the Canadian National Railways' tracks, in the Municipality of the Parish of Ste. Dorothee, County of Laval, Province of Quebec:*

*And in the matter of the apportionment of the cost of construction and maintenance of the subway authorized to be constructed by Order No. 94305, dated May 7, 1958:*

File No. 2342.109

THURSDAY, the 3rd day of July, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

Upon reading the submissions filed; and upon the consent of the Department of Roads of the Province of Quebec— it is hereby ordered as follows:

1. Thirty per cent of the cost of reconstruction of the said subway, not exceeding, however, the sum of \$45,390.00, shall be paid out of The Railway Grade Crossing Fund, \$20,000 shall be paid by the Canadian National Railways, and the balance of the said cost shall be borne and paid by the Department of Roads of the Province of Quebec.

2. The Canadian National Railways shall pay the cost of maintenance of the track structure and fifty per cent of the cost of maintenance of the subway proper.

3. The Department of Roads of the Province of Quebec shall pay all maintenance costs of the roadway and the sidewalks, and fifty per cent of the cost of maintenance of the subway proper.

4. The Canadian National Railways shall in no way be held responsible for water conditions in or upon the approaches to the said subway.

(SGD) HUGH WARDROPE,  
*Assistant Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

*Regrouping of telephone exchanges of The Bell Telephone Company of Canada, pursuant to the provisions of Circular No. 267.*

File No. 46638.1

## J U D G M E N T

### BY THE BOARD:

In accordance with the requirements of our Circular No. 267, The Bell Telephone Company of Canada, hereinafter referred to as the Company, filed with us Reports numbered 422 to 449A on April 30, 1958 and Reports numbered 450 to 478 on May 15, 1958, setting out particulars of the number of telephones in service during the six months' period ended February 28, 1958. Copies of these reports were sent to the municipal or other governing body of each exchange area, in order that they might be enabled to make any relevant representations to us. Eleven submissions were received, nine of which expressed objections to the Reports.

Before dealing with these submissions, the following extract from our Judgment of February 13, 1952 (41 J.O.R. & R. 393; 71 C.R.T.C. 280), with respect to the regrouping of certain telephone exchanges of the Company, will afford an understanding of the principles and the considerations involved:

'In the 1950 Judgment authorizing increased rates and charges for exchange services of The Bell Telephone Company of Canada (hereinafter called the company) we approved the division of such rates into ten groups according to the total number of telephones in service. The groups thus authorized are as follows:

Total telephones in local service area	Rate Group number
1 to 500 .....	1
501 to 1,000 .....	2
1,001 to 2,000 .....	3
2,001 to 5,000 .....	4
5,001 to 10,000 .....	5
10,001 to 20,000 .....	6
20,001 to 50,000 .....	7
50,001 to 100,000 .....	8
100,001 to 250,000 .....	9
Over 250,000 .....	10

and rates for the various exchange services have been fixed at varying levels accordingly.

'It may be noted that the principle of varying exchange rates according to the grouping by total telephones is of long standing, and is used generally throughout this continent. The chief purpose of such grouping is to give recognition to the greater potential value of service afforded by a larger

number of telephones interconnected through the medium of the larger exchanges. We dealt with this feature in our 1927 Judgment (34 C.R.C. 1) and said:

"Under existing rates, residential telephones in different districts presented some material features of discrimination. The charge for residence exchange service in the City of Ottawa has been running at \$2.57 for a one-party line. Ottawa is classed as a city whose telephone stations are over 20,000 and less than 50,000, and from the

schedule it appears that cities having as small a number as 2,000 such as Woodstock, Brockville, and Lachine, carry the same rate of \$2.57. If we recognize the principle that the telephone user should pay somewhat in proportion to the facilities provided, that is to say, that a person whose telephone is connected with from 20,000 to 50,000 stations has a service more valuable than is provided by a telephone connected with half that number of stations, it is obvious that great discrimination exists as against Woodstock and other places of that size in favour of the city of Ottawa."

'At the time of the hearing of the 1950 case, certain of the respondents in the larger exchange areas sought to have the company's application rejected on the grounds that the company had failed to re-group a large number of exchanges in accordance with the group limits prescribed in 1927. In our Order No. 74810 of July 7, 1950, we made it a first consideration that the deferred regrouping be proceeded with in applying the interim rates authorized.

'In our final Judgment in the 1950 case we stated:

"No precise formula has been developed to automatically shift an exchange from one group to another. There must be a period in which the growth or decline of telephone service, over or under group limits, will require study. Acceptance of the grouping plan implies that any departures therefrom tend to indicate unjust discrimination—a condition which the statute charges us to remove. I am of the opinion that telephone companies subject to our jurisdiction, who provide exchange rates on the group plan, should be required to report promptly to us when an exchange has either out-grown its group, or has a total telephone factor less than the group in which it is presently placed, and that such report should indicate clearly what factors thereof warrant a change of such grouping immediately or at some future date. If a change of grouping is then found necessary, appropriate action could be taken to authorize such change."

'After having considered the matter of re-grouping, and to avoid further complaints re the failure to re-group as such became necessary, we issued our Circular No. 267 setting out the procedure to be followed. To avoid possible frequent changes which might occur if rates were adjusted whenever an exchange went over or under the group limit, we adopted a tolerance of five per cent over or under such limit before any report was made to the Board.

'The Circular provides for the submission of information twice yearly for each exchange having exceeded by five per cent or more the group limit; information respecting the monthly level of telephones in the preceding six months; the nature of the changes by class of service; the trend of growth or decline in business activities, residential accommodation, employment and earnings; and the number of orders for telephone service awaiting completion.

'It was directed that a copy of such report be sent concurrently to each municipal or other governing body of the city, town, or other similar area served by the exchange, with the right being reserved to such bodies to make relevant submissions to us concerning the matter within a period of thirty days.'

In the present case, copies of the Company's reports pursuant to Circular No. 267 were sent to the municipal or other governing bodies of the exchange areas affected thereby.

The submissions of the Town of Oakville and of the Parish of St. Bruno state that they have no objection to any regrouping of exchanges that might be ordered by the Board. The nine submissions containing objections to regrouping are summarized below:

*Re. Reports No. 445 and No. 445A, L'Annonciation, Que., Exchange:*

The Municipal Corporation of L'Ascension, Labelle County, Que., objects to regrouping on the grounds that the multi-party telephone service provided in its community is overloaded and that a particular telephone line was defective for a period of ten days.

*Re. Report No. 464, Madoc, Ontario, Exchange:*

The Council of the Township of Madoc requests that regrouping be deferred by the Board until such time as the overloading of multi-party telephone lines in the area is corrected.

*Re. Reports No. 424, No. 425 and No. 426, Niagara Falls, Ontario, Exchange (including the Chippawa Exchange):*

The Council of the City of Niagara Falls objects to regrouping because it would bring about an increase in rates. It opposes such increase for the following reasons: (a) It was satisfactorily shown by opposing briefs in the recent general increase application that the Company was not in need of an increase in rates; (b) Increased demand and revenues normally enable a utility to maintain, or even reduce, existing rates; (c) It would assist in an early recovery from the present recession; and (d) Groupings could be maintained or revised without tying them into the rate structure.

Mr. W. A. Snyder of Niagara Falls, Ontario, protests against any increase in rates. He expresses the opinion that the Company has installed just sufficient extra facilities to bring the exchange into a higher rate bracket and points to the recent addition of the "EL6" exchange in the Niagara Falls Exchange area. He endorses the submission of the City of Niagara Falls and asks the Board "to reject this latest application of the Bell Telephone Company or to at least defer any action and grant a hearing in this area for the benefit of those most concerned."

Local 505 of the United Electrical, Radio and Machine Workers' Union protests against any special rate increase in the Niagara Falls area, and the Township of Willoughby states that the quality of service in the area is diminishing with the increase in the number of telephones.

*Re. Report No. 434, Oshawa, Ontario, Exchange:*

The Corporation of the City of Oshawa takes the position that this Report fails to establish any case for an increase in rates in the Oshawa Exchange. It submits that Section 335 of the Railway Act imposes a statutory onus on the Company to justify an increase in rates and that this onus has not been met. It accepts the view that rates should be related to the value of service available to a subscriber to an exchange but argues that the total number of telephones in service is an inaccurate and unsatisfactory index of that value.

In the opinion of the City, it is increased communication or potential increased communication, between persons which is of value to a subscriber, rather than any mere increase in the number of telephone instruments connected to an exchange. It considers that residential extension telephones result in no increase in the number of persons placed in communication

through an exchange, but are almost entirely a matter of internal convenience to the household using them. Commercial extension telephones, it is submitted, are to a very large extent private intercommunication systems and the increase in value resulting from them is much smaller than the mere numbers of such extensions would indicate. Pay telephones are not listed in the telephone directory and are only useful for outgoing calls.

The City submits that, if the number of telephones in service is to be used as a guide in determining the grouping of an exchange for rate-making purposes, then residential extensions and pay telephones could properly be disregarded and the number of commercial extensions could be discounted by one third. In that event, the City of Oshawa would remain in Group 6.

*Re. Reports No. 436, No. 436A, No. 437 and No. 437A, Roberval, Que., Exchange:*

The Municipal Council of the City of Roberval admits the necessity of forming new groups, on account of the increase in the number of subscribers in some groups, but it urges the Board to allow no increase in rates within the municipality.

The Corporation of Roberval Parish objects to regrouping because the existing service could be improved and the Parish is served only by multi-party lines with as many as twelve subscribers per line in some instances. It also objects to regrouping on the grounds that it would represent a further increase in the cost of living.

*Re. Reports No. 472 and No. 472A, St. Eustache, Que., Exchange:*

The Town Council of St. Eustache states that it will not accept Report No. 472, but that it will not oppose a change in rate grouping if the area of the exchange is connected to Montreal. It appears to assert that the St. Eustache exchange suffers prejudice by the inclusion in the total telephone count of the telephone stations located in the Laval West area, an area for which the Company proposes to establish a separate exchange later in the year in connection with its Montreal extended area service plan. It states that it does not understand that one locality can serve to determine the rate grouping of two different areas.

*Re. Reports No. 448 and No. 448A, Temiscaming, Que., Exchange:*

The Municipal Council of the Town of Temiscaming objects to regrouping because it feels an increase at this time is not warranted. It states that the Board extended a rate increase in 1950 to the then existing Canadian International Paper Company's municipal telephone service. When the Bell Company acquired the system in 1957 a substantial increase in rates was again extended. It expresses the opinion that an increase in subscribers would cause a decrease, rather than an increase in rates.

The objections summarized above may be reduced to the following considerations:

- (a) Overloaded multi-party lines justify deferment of regrouping;
- (b) Growth of telephone service should result in lower rates;
- (c) Regrouping would result in an increase in rates and the Company has not justified the need therefor;

- (d) The total number of telephones in Service is an inaccurate and unsatisfactory index of the value of service in an exchange;
- (e) The non-inclusion of an exchange in a proposed extended area service plan does not justify regrouping such exchange.

The adequacy of existing telephone facilities has no relevancy to the basis upon which local exchange rates are established and the Board is not charged with the responsibility of dealing with complaints with respect thereto. The Company, however, has been advised of the nature of the complaints received and will no doubt apply whatever remedies may be possible.

The principles on which the grouping system is founded are recognized generally in telephone rate structures both in Canada and the United States; they have also been reviewed and dealt with by the Board in several previous cases. Reference may be made to the following: Bell Telephone Co. v. Montreal, Toronto, et al, 34 C.R.C. 1; Bell Telephone Co., Increased Rates, 67 C.R.T.C. 1; Bell Telephone Co. v. Riverside et al, 71 C.R.T.C. 286; Bell Telephone Co. v. London and Trois Rivieres, 74 C.R.T.C. 53; and British Columbia Telephone Co., Increased Rates, 67 C.R.T.C. 7.

The grouping of local exchange services for ratemaking purposes is designed to recognize the varying value of service as between exchanges of different size and the factor of increased expense associated with increases in the size of exchange areas. Growth of telephone service within a particular exchange not only increases the range of calling available to customers but also increases the cost of furnishing service as a result of the necessity of interconnecting all customers within the exchange area.

Changes in rate groups are not predicated solely upon the revenue needs of the Company, although such revenue needs do increase with growth in telephone development. The fundamental purpose of the Board's directions set out in its Circular No. 267 is the avoidance of unjust discrimination in rates and charges as between exchanges of comparable size and the regrouping of exchanges is not a matter for the initiative of the Company but is made in accordance with Orders or directions of the Board following a full and careful review of all the pertinent factors involved.

The Town of Temiscaming refers to previous increases in rates in 1950 and it should be noted that the Temiscaming Exchange first became subject to this Board's jurisdiction when it was purchased from the Canadian International Paper Company on April 22, 1957. At that time, the Company correctly applied Group 1 exchange rates as the number of telephones then in service was 414. An extremely rapid growth in the exchange, however, has raised the total number of telephones to 911 as of February 28, 1958.

The City of Oshawa seeks to exclude residential extensions and pay telephones from the total telephone count and to discount the number of commercial extensions by one-third. So far as the inclusion of extensions in the total telephone count is concerned, we pointed out our 1950 Judgment, (67 C.R.T.C. 1; 40 J.O.R. & R., Issue No. 17-A):

"We cannot lose sight of the main purpose of grouping, i.e., the distribution of the rate burden according to relative value of service. If it was considered necessary to count only the main or line service, it would be necessary to reconstruct the grouping factors to achieve the same overall revenue result. Such a principle could then be subject to attack on the grounds that the greater value of service provided by extension services was ignored, and unduly discriminated against those having a lesser value of service. Obviously any grouping plan of this nature must, to a large

extent, involve arbitrary lines of demarcation between groups, and consequently raise questions as to the propriety of the application of certain group rates where the telephone factor is close to the line of demarcation. For example, it was stated that Quebec City had only 700 telephones over the 50,000 group."

The basis of telephone count for the Oshawa exchange is no different from that by which all exchanges are classified into their appropriate rate groups. We are urged to employ a different basis of count for the Oshawa exchange but this would create a condition of unjust discrimination with respect to other exchanges of comparable size and this is the very condition the Railway Act enjoins the Board to prevent.

The objections of the Town of St. Eustache appear to relate to the non-inclusion of the St. Eustache exchange within the Company's extended area service plan for the Montreal area. Under this plan, the territory on Ile Jesus, now served by the St. Eustache exchange, will be transferred to the Laval exchange, which the Company plans to establish in the fall or winter of 1958.

The new Laval exchange will be included in the Montreal extended area service plan but the St. Eustache exchange will not. However, the transfer of a portion of the present St. Eustache exchange to the new Laval exchange will not affect the total telephone count of St. Eustache for grouping purposes, since the Laval exchange will be included within the calling area of St. Eustache. It is therefore quite proper to include in the total telephone count those telephones located in Laval West; they are now within the local calling area of the St. Eustache exchange, and they will continue so to be after the new Laval exchange is established.

As to the matter of the Montreal extended area service plan, this was disposed of in our Judgment of July 11, 1958 and has no relevance to the matter of regrouping now before us.

With respect to the submission of Mr. W. A. Snyder, the Company points out that the Reports for the Niagara Falls Exchange were issued on April 30, 1958 with data effective February 28, 1958. At that time, the Reports indicate that the total number of telephones in the local calling area of the Niagara Falls-Chippawa exchanges had already exceeded the limit of the rate group plus 5 percent and that there were 232 applicants waiting for service. These applicants were provided with service in May 1958 when the additional Elgin 6 Central Office was placed in operation.

The following statement tabulates the present and proposed rate group numbers for the eight exchanges in respect of which submissions have been made by various parties. It also sets out the percentages by which the total number of telephones exceeded present group limits, as of February 28, 1958, and the percentages which would prevail upon completion of held orders for service.

<i>Exchange</i>	<i>Rate Group Number</i>		<i>Percentage Over Group Limit</i>	
	<i>Present</i>	<i>Proposed</i>	<i>As of February 28, 1958</i>	<i>With Held Orders</i>
Chippawa, Ont. (including Niagara Falls) .....	6	7	5.3%	6.5%
L'Annonciation, Que. ....	1	2	7.8%	13.2%
Madoc, Ont. ....	2	3	7.5%	7.5%
Niagara Falls, Ont. (including Chippawa) .....	6	7	5.3%	6.5%
Oshawa, Ont. ....	6	7	7.4%	7.5%
Roberval, Que. (including St. Prime) .....	3	4	10.3%	10.5%
St. Eustache, Que. ....	4	5	18.7%	19.1%
Temiscaming, Que. ....	1	2	82.2%	82.8%

The movement of the exchanges to the next higher rate group will of course result in the application of the monthly exchange rates appropriate to the higher group. As stated earlier in this Judgment, our 1950 Judgment authorizing increased rates and charges for the Company approved the division of such rates into ten groups according to the total number of telephones in service. Such rates must be applied in keeping with the principles and factors of the rate structure which was authorized, in order to avoid conditions of unjust discrimination which the governing statute charges us to prevent or remove.

We have given careful study to all of the objections received but we are unable to reconcile them with the basis upon which the exchange rate structure is predicated. The sole purpose of the directions set out in our Circular No. 267 is the avoidance of unjust discrimination and upon that premise we are obliged to reject these representations as not being relevant to the matter at issue.

The Order accompanying this Judgment sets out each exchange with its present group number and the group number to which it must be assigned, and directs the Company to establish the required transfers between groups by the filing of appropriate tariff amendments to take effect on not less than thirty-days' notice from the date of such filing.

C. D. SHEPARD.  
HUGH WARDROPE.  
A. SYLVESTRE.

Ottawa, Ontario, July 21, 1958.

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ORDER No. 94988

*In the matter of changes in rate grouping of certain telephone exchanges of The Bell Telephone Company of Canada:*

File No. 46638.1

MONDAY, the 21st day of July, A.D. 1958

C. D. SHEPARD, Q.C., *Chief Commissioner.*

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

*Upon consideration of the reports filed herein, copies thereof having been delivered in accordance with the provisions of Circular No. 267, dated October 18, 1951 and upon consideration of the submissions made with respect thereto by the Municipal Corporation of L'Ascension; the Township of Madoc; the City of Niagara Falls; the Town of Oakville; the City of Oshawa; the City of Roberval; the Municipal Corporation of Roberval Parish; the Parish of St. Bruno; Mr. W. A. Snyder, Niagara Falls, Ontario; Local 505 of the United Electrical Radio and Machine Workers' Union; the Town of Temiskaming; and the Township of Willoughby; and of the replies made thereto by The Bell Telephone Company of Canada—*

*It is hereby ordered as follows:*

Effective on not less than thirty days' notice, by filing appropriate tariff amendments, The Bell Telephone Company of Canada is directed to transfer each of the exchanges listed hereunder from the exchange rate group to which it is currently assigned to the exchange rate group to which it should not be assigned, as hereinafter stated:

<i>Exchange</i>	<i>Present Exchange Rate Group No.</i>	<i>Transfer to Exchange Rate Group No.</i>
Alexandria .....	2	3
Bronte .....	5	6
Chalk River .....	3	4
Chelmsford .....	2	3
Chippawa .....	6	7
Deep River .....	3	4
Deseronto .....	1	2
Elliott Lake .....	1	3
Elmira .....	3	4
Galt .....	5	6
Havelock .....	1	2
Hemmingford .....	1	2
Ingleside .....	1	2
Kingsville .....	3	4
Kintore .....	3	4
Lancaster .....	2	3
L'Annonciation .....	1	2
Madoc .....	2	3
Marieville .....	2	3
Morin Heights .....	1	2
Niagara Falls .....	6	7
Nipigon .....	2	3
Oakville .....	5	6
Oka .....	1	2
Orangeville .....	3	4
Oshawa .....	6	7
Petrolia .....	3	4
Prescott .....	3	4
Red Rock .....	2	3
Roberval .....	3	4
St. Bruno .....	2	3
St. Eustache .....	4	5
St. Gabriel de Brandon .....	2	3
Ste. Genevieve de Pierrefonds ...	3	4
St. Jacobs .....	3	4
Sarnia .....	6	7
Temiscaming .....	1	2
Wyoming .....	3	4

CLARENCE D. SHEPARD,  
*Chief Commissioner,*  
*The Board of Transport Commissioners*  
*for Canada.*

## GENERAL ORDER No. 833

*Regulations respecting the reduction of certain freight rates between eastern and western Canada pursuant to Section 468 of the Railway Act:*

File No. 45464.1

THURSDAY, the 3rd day of July, A.D. 1958.

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*

Pursuant to the powers possessed by the Board by Section 468 of the Railway Act:

It is ordered that the Canadian National Railway Company and the Canadian Pacific Railway Company be, and they are hereby, required to make and maintain a reduction in freight rates in accordance with the numbered paragraphs of this Order which follow:

1. Subject to the provisions of sub-section 5, section 317 of the Railway Act and to the exceptions stated in paragraphs numbered 2 and 3 of this Order a reduction, as stated in paragraph numbered 4 of this Order, shall be made in respect of basic rates applying on freight traffic from eastern Canada to western Canada, and from western Canada to eastern Canada, passing over lines of railway through Franz, Oba and Hearst, Ontario.

2. EXCEPTIONS (TERRITORY):

The provisions of paragraph numbered 1 hereof shall not apply to traffic having both its origin and destination, or originating at, or terminating at points on lines of railway stated in sub-paragraphs (a), (b) and (c) of this paragraph.

- (a) CANADIAN PACIFIC RAILWAY COMPANY—between, but not including, Sudbury and Port Arthur, Ontario.
- (b) CANADIAN NATIONAL RAILWAYS—between, but not including:
  - (i) Capreol and Armstrong, Ontario.
  - (ii) Capreol and Port Arthur-Fort William, Ontario.
  - (iii) Cochrane and Armstrong, Ontario.
  - (iv) Cochrane and Port Arthur-Fort William, Ontario.
- (c) ALGOMA CENTRAL AND HUDSON BAY RAILWAY COMPANY—all stations other than Sault Ste. Marie, Ontario.

3. EXCEPTIONS (TRAFFIC):

The provisions of paragraph numbered 1 hereof shall not apply with respect to the following traffic:

- (i) Commodities described in specifically designated Grain and Grain Products tariffs, including the said commodities when listed in other tariffs;
- (ii) Coal from Alberta and eastern British Columbia to Ontario that is subject to subsidized freight rates;
- (iii) Competitive traffic designated as such in the railways' tariffs (other than traffic that is subject only to the short line competition of railways in Canada);
- (iv) International traffic between Canada and the United States of America, or to or from other countries via such United States;

- (v) Traffic moving between points in the United States of America passing through Canada;
- (vi) Export and Import traffic to or from Canadian ports not charged domestic rates;
- (vii) Traffic governed by Agreed Charges.

#### 4. REDUCTION IN RATES:

Subject to paragraphs 1, 2, 3, and 8 hereof, carload and less than carload basic rates shall be reduced by

- (a) 3.5 per cent, and
- (b) 7.5 cents per one hundred pounds.

#### 5. DISPOSITION OF FRACTIONS:

Except as otherwise provided in paragraph 8(2), in determining the reduced rates herein provided, fractions of rates in the final result shall be disposed of as follows:

Less than $\frac{1}{2}$ cent .....	Drop
$\frac{1}{2}$ cent or over .....	Increase to next higher whole cent.

#### 6. BASIC RATES:

For the purpose of this Order freight rates which, but for the provisions of this Order and Orders rescinded hereby, would be in effect, are designated "Basic Rates". Nothing in this Order shall be construed as preventing the adjustment of basic rates as the necessity therefor may arise from time to time. The provisions of this Order or as it may be subsequently amended, shall also apply to a revised basic rate.

#### 7. FORM OF TARIFF:

Unless otherwise authorized or directed by the Board, the reductions in basic rates as herein provided may be established by a Master Tariff of Reduced Rates in which shall be set out the basic rates and the rates which will apply in lieu thereof. Subject to the provisions of paragraph 8 hereof tariffs naming basic rates shall be joined to the Master Tariff by connecting link supplements or by a specific provision within the basic rate tariff, and such joining provisions shall show the extent to which the Master Tariff is thus made applicable. Contrary provisions as to form of tariff and volume of supplemental matter in Tariff Circular No. 1 are hereby waived.

#### 8. COMBINATION RATES:

(1) Where a through rate from origin to destination, on traffic moving within the territory defined in paragraph 1 hereof, is made by combining separately stated rates, one of which rates is subject to the reduction herein provided, the reduction to apply to such combination through rate shall be determined as follows:

- (a) If none of the separately stated rates is applicable on traffic excluded by paragraph 3 hereof, first determine the total of such rates and reduce the total as in this Order provided.

(b) If one or more of the separately stated rates is applicable on traffic excluded by paragraph 3 hereof, the reduction in rates as in this Order provided shall apply only to the rates or combination of rates on traffic not excluded by paragraph 3 hereof.

(2) When the actual weight of a shipment subject to the provisions of paragraph 8(1) of this Order is less than the minimum weight provided for any of the separately stated rates, the reduction shall be determined in two steps, as follows:

(a) Reduce each of the separately stated rates not excluded by paragraph 3 hereof, by the percentage reduction specified in paragraph 4(a), disposing of any fractions in the reduced rates as follows:

Less than $\frac{1}{2}$ cent .....	Drop.
$\frac{1}{2}$ cent or over .....	Increase to next higher whole cent.

(b) Apply as a reduction in total through charges the rate per 100 pounds specified in paragraph 4(b) hereof, on the highest minimum weight applicable to any of the separately stated rates referred to in the next preceding sub-paragraph.

#### 9. EFFECTIVE PERIOD:

This Order shall have effect from the date hereof and shall continue to apply until further Order of the Board. Tariff amendments implementing the terms hereof may be filed on one day's notice.

#### 10. RESCISSION:

Order No. 88630, dated April 19, 1956, Order No. 91022, dated February 21, 1957, and Order No. 93793, dated March 4, 1958, are rescinded.

(SGD) CLARENCE D. SHEPARD,  
*Chief Commissioner.*

#### ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT BOARD OF TRANSPORT COMMISSIONERS FOR CANADA, JUNE, 1958

Railway Accidents .....	252	Killed 22	Injured 276
Level Crossing Accidents ....	35	Killed 13	Injured 41
Total .....	<u>287</u>	<u>35</u>	<u>317</u>

	<i>Killed</i>	<i>Injured</i>
Passengers .....	—	51
Employees .....	6	217
Others .....	29	49
Total .....	<u>35</u>	<u>317</u>

## DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

## NOVA SCOTIA

*Killed Injured*

- 3 Automobile ran into side of train. Licence: N.S. 86-949.

## NEW BRUNSWICK

- 1 — Pedestrian walked into side of train.  
 — 1 Automobile struck by train. Licence: Maine EN-5136.

## QUEBEC

- 3 Automobile ran into track motor car. Licence: Que. 257-176.  
 1 5 Automobile struck by train. Licence: Que. 222-879.  
 — 1 Station wagon struck by train. Licence: Ont. 6723-2.  
 — 1 Automobile ran into side of train. Licence: Que. 256-310.

## ONTARIO

- 1 Automobile struck by train. Licence: NY 9-5-1282.  
 — 1 Automobile ran into side of train. Licence: Ont. 545-294.  
 — 1 Auto truck struck by train. Licence not given.  
 — 2 Automobile ran into side of train. Licence: Ont. 345-560.  
 — 1 Automobile ran into side of train. Licence: Ont. 349-972  
 — 1 Automobile struck by train. Licence: Ont. J-6609.  
 2 — Automobile struck by train. Licence: Ont. 571-046.  
 — 1 Auto truck ran into side of train. Licence: Ont. 170-772B.  
 3 1 Automobile struck by train. Licence not given.  
 — 1 Farm tractor struck by train.  
 1 — Auto truck struck by train. Licence: Ont. 27-765-C.  
 — 1 Auto truck struck by train. Licence not given.  
 — 1 Auto truck ran into side of train. Licence: Ont. 50366.  
 — 1 Automobile struck by train. Licence: Ont. C-73919.

## MANITOBA

- 1 — Automobile ran into side of train. Licence: Man. 9-H-529.  
 2 — Automobile struck by train. Licence: Man. 9-S-730.

## SASKATCHEWAN

- 1 Automobile ran into side of train. Licence: Sask. 58-242.  
 — 1 Auto truck struck by train. Licence not given.  
 — 2 Automobile ran into side of train. Licence: Sask. 28-650.

## ALBERTA

- 1 — Auto truck ran into side of train. Licence: Alta. E-41582.  
 — 2 Automobile struck by train. Licence: Alta. BR-133.  
 — 2 Automobile struck by train. Licence Alta. EB-736.  
 — 1 Auto truck struck by train. Licence: Alta. CV-61129.  
 — 1 Auto truck struck by train. Engine and 3 cars derailed. Licence: Alta. 23-466.  
 — 1 Automobile struck by train. Licence: Alta. JC-397.  
 — 1 Station wagon struck by train. Licence: B.C. 329-069.

## BRITISH COLUMBIA

- 1 — Automobile struck by train. Licence: B.C. 394-775.  
 — 2 Automobile struck by train. Licence: B.C. 35129.

Of the 35 accidents at highway crossings, 28 occurred at unprotected crossings, 7 at protected crossings, 26 occurred after sunrise and 9 after sunset.

OTTAWA, Ontario, August 1, 1958.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 94985 July 24—Relieving the C.P.R. from erecting right-of-way fencing between certain mileages on its Victoria Subd., B.C.
- 94986 July 24—In the matter of Order No. 76108, dated February 20, 1951 approving plan submitted by C.N.R. on behalf of British Empire Oil Developments Ltd., showing proposed location of pipe lines and loading rack at Stettler, Alta.
- 94987 July 18—Application of B.C. Telephone Co., dated April 2, 1958, for an Order under Sec. 380 and all other relevant sections of the Railway Act, approving revisions of certain message toll and exchange service tariffs.
- 94988 July 21—In the matter of changes in rate grouping of certain telephone exchanges of the Bell Telephone Company of Canada.
- 94989 July 24—Application of C.N.R. for authority to remove the caretaker at Pleasant Point, Manitoba.
- 94990 July 25—Authorizing the Municipality of Surrey, B.C. to construct a highway across the company pipe line of the Trans Moutnain Oil Pipe Line Co., New Westminster District, B.C.
- 94991 July 25—Application of the C.N.R. for approval of drawings showing overhead bridge carrying County Road No. 22 across the C.N.R. in the Township of Glandford, Ont.
- 94992 July 25—Approving Appendix to traffic agreement between the Bell Telephone Company of Canada and the Metcalfe Rural Telephone Company Ltd.
- 94993 July 25—Authorizing the Consumers' Gas Company to construct a gas main under the company pipe line of Trans-Canada Pipe Lines Ltd., at Harmony Road, Ont.
- 94994 July 25—Permitting the removal of slow order at C.P.R. crossing of the Provincial Highway No. 41, at mileage 47.7 Willington Subd., Alta.
- 94995 July 25—Approving Alternate Appendix to traffic agreement between the Bell Telephone Company of Canada and Wollaston Rural Telephone System.
- 94996 July 25—Approving Alternate Appendix to traffic agreement between the Bell Telephone Company of Canada and La Compagnie de Telephone de Contrecoeur.
- 94997 July 25—Requiring the C.N.R. to install certain protection at the crossing of First Street in the County of St. Jean, P.Q.
- 94998 July 25—Approving under the Maritime Freight Rates Act tolls published in supplements to agreed Charge Tariff of the C.F.A. under sections 3 and 8.
- 94999 July 25—Approving alternate Appendix to traffic agreements between the Bell Telephone Company of Canada and Arden Telephone System.
- 95000 July 25—Authorizing the C.N.R. to remove the caretaker and close the station at Keene, Ont.
- 95001 July 25—Authorizing British Columbia Power Commission to construct an electric transmission line across the company pipe line of Westcoast Transmission Co., Ltd., in the District of Cariboo, B.C.
- 95002 July 25—Authorizing the C.P.R. to construct one additional track across Eighth Avenue, City of Kamloops, B.C.
- 95003 July 25—Authorizing Manitoba Department of Public Works to widen Highway No. 12 where it crosses the C.N.R. at mileage 106.20 Minaki Subdivision.
- 95004 July 25—Approving clearances on siding serving Massey-Ferguson Ltd., Woodstock, Ont.
- 95005 July 25—Authorizing the C.N.R. to remove the caretaker at Holmfield, Man.
- 95006 July 25—In the matter of filing of tariffs by the Bell Telephone Co., of Canada.

- 95007 July 25—Approving under the Maritime Freight Rates Act tolls published in agreed charge tariff of the C.F.A. under sections 3 and 8.
- 95008 July 25—Authorizing St. Lawrence Seaway Authority to construct the Honore Mercier bridge across the C.P.R. by means of an overhead bridge at Caughnawaga, Quebec.
- 95009 July 25—In the matter of rearranging the protection at the crossing of the railway of The Toronto, Hamilton and Buffalo Railway Co., and King Street in Hamilton, Ont.
- 95010 July 25—Approving clearances at the Ottawa West common carrier piggyback terminal Ottawa, Ontario.
- 95011 July 25—In the matter of Order No. 75817, dated January 4, 1951, approving plan submitted by C.P.R. on behalf of Imperial Oil Ltd., showing the proposed location of facilities for the handling and storage of flammable liquids at Madden, Alberta.
- 95012 July 25—In the matter of Orders Nos. 73304, dated Oct. 26, 1949, 76494, dated Apr. 28, 1951, and 77170, submitted by C.N.R. on behalf of Canadian Gulf Oil Company, showing the proposed location of facilities for the handling and storage of flammable liquids at Stettler, Alberta.
- 95013 July 25—In the matter of Order No. 58062, dated Oct. 5, 1939, approving plan submitted by C.P.R. on behalf of Union Oil Co. of Canada, showing location of proposed facilities for the handling and storage of flammable liquids at Red Deer, Alberta.
- 95014 July 25—In the matter of Orders Nos. 66200, dated July 4, 1945, 74933 dated July 27, 1950, and 82278, dated October 1, 1953, approving plan submitted by C.P.R., on behalf of Imperial Oil Ltd., showing proposed location of facilities for the handling and storage of flammable liquids at Calmar, Alberta.
- 95015 July 25—In the matter of Order No. 62319, dated May 26, 1942, approving plan submitted by C.P.R. on behalf of Imperial Oil Ltd., showing the proposed facilities for the handling and storage of flammable liquids at Bentley, Alberta.
- 95016 July 25—In the matter of Order No. 64994, dated June 22, 1944, approving plan submitted by C.P.R. on behalf of Imperial Oil Ltd., showing the proposed location of facilities for the handling and storage of flammable liquids at Airdrie, Alberta.
- 95017 July 25—In the matter of the application of C.P.R. on behalf of Standard Oil Co. of B.C. Ltd., for approval of location of additional facilities for the handling and storage of Class I flammable liquids at Kamloops, B.C., mileage 128.2 Shuswap Subdivision.
- 95018 July 25—In the matter of Order No. 63471, dated April 15, 1943, approving plan submitted by C.P.R. on behalf of North Star Oil Ltd., showing the proposed location of facilities for the handling and storage of flammable liquids at Rimbey, Alberta.
- 95019 July 25—In the matter of the application of the C.N.R. for authority to remove the caretaker at Isabella, Manitoba.
- 95020 July 25—Authorizing the Bell Telephone Company of Canada to construct its lines of telephone over a public highway in the County of Kent, Ontario.
- 95021 July 25—Authorizing the Township of North York to construct water main over the company pipe line of the Trans-Northern Pipe Line Co., at Finch Avenue East Township of North York, Ontario.
- 95022 July 25—Approving under the Maritime Freight Rates Act tolls published agreed charge tariff of the C.F.A. under Sections 3 and 8.
- 95023 July 28—In the matter of the restricted clearance of 13 feet above the surface of the highway at the temporary wooden subway at the intersection of the tracks of the C.N.R. and St. John Street, in the Village of Charny, Quebec, mileage 103.2 Armagh Subd., which was authorized to be reconstructed by Order No. 90880, dated February 4, 1957.

- 95024 July 28—In the matter of Order No. 66017, dated May 17, 1945, approving plan submitted by C.P.R. on behalf of Imperial Oil Ltd., showing the proposed location of one additional storage tank at Lougheed, Alberta.
- 95025 July 28—In the matter of application submitted by C.P.R. on behalf of Imperial Oil Limited, showing proposed location of one additional storage tank at Strome, Alberta.
- 95026 July 28—In the matter of the application of the Chesapeake and Ohio Railway Co., for approval of Plan S.1317, dated July 10, 1958, showing the protection as installed at the crossing of its railway and Highway No. 98 at Blenheim, Ontario, on Subd. 1, in lieu of Plan No. SC.1281.CS, dated February 2, 1939.
- 95027 July 28—In the matter of the application of the Chesapeake and Ohio Railway Co., for approval of Plan S.1288 A.F.E., revised to July 17, 1958, showing protection as installed at the crossing of its railway and Highway No. 98 about one mile north of Blenheim Junction, Ont., mileage 8.83 No. 2 Subd., in lieu of Plan S. 1288 A.F.E., dated July 24, 1953.
- 95028 July 28—In the matter of Orders Nos. 61927, dated Feb. 26, 1942, and 62102, dated Apr. 10, 1942, approving plan submitted by C.P.R. on behalf of Imperial Oil Ltd., showing location of facilities for the handling and storage of flammable liquids at Didsbury, Alberta.
- 95029 July 28—In the matter of installation of automatic protection at the crossing of St. David Street (Hwy. No. 6) and the railway of the C.P.R. in the Town of Fergus, Ont., mileage 26.35 Elora Subd.
- 95030 July 28—Requiring the C.P.R. to install certain protection at the first crossing North of Lacadie, Que.
- 95031 July 28—Authorizing clearances at proposed log haul drawbridge to be erected by Anglo-Canadian Timber Products Ltd., at Wellcox Yard, Nanaimo, B.C.
- 95032 July 28—Requiring the C.N.R. to install certain protection at the crossing of the Highway at mileage 19.8 Danville Subd., Que.
- 95033 July 28—In the matter of application of the C.N.R. for approval of plan showing deviation of their railway line on their Rouses Point Subd., south of Brosseau Road to a point north of Ina Road Parish of St. Hubert, Que.
- 95034 July 28—In the matter of the application of the Canadian Freight Association for approval of Supplement No. 16 to Canadian Freight Classification No. 20.
- 95035 July 28—Requiring the C.P.R. to install certain protection at the crossing of its railway and Highway No. 2 east of Port Hope, Ont.
- 95036 July 28—Rescinding Order No. 56698, in the matter of facilities of British American Oil Company, Limited, for storage of flammable liquids at Stettler, Alta.
- 95037 July 28—Rescinding Order No. 77391 in the matter of facilities of Imperial Oil Limited for storage of flammable liquids at Irricana, Alta.
- 95038 July 28—Rescinding Order No. 66155 in the matter of facilities of Imperial Oil Limited for storage of flammable liquids at Elnora, Alta.
- 95039 July 28—Rescinding Order No. 75819 in the matter of facilities of Imperial Oil Limited for storage of flammable liquids at Hughenden, Alta.
- 95040 July 28—Rescinding Order No. 75258 in the matter of facilities of Trinidad Leaseholds (Canada) Limited for storage of flammable liquids at Peterborough, Ont.
- 95041 July 28—Rescinding Order 67537 in the matter of facilities of McColl-Frontenac Oil Co. Limited for storage of flammable liquids at Brantford, Ontario.
- 95042 July 28—In the matter of the application of C.N.R. on behalf of Imperial Oil Limited, for approval of proposed location of facilities for handling and storage of flammable liquids at Victoriaville, P.Q.

- 95043 July 28—Rescinding Order 83577 in the matter of facilities of Imperial Oil Limited for storage of flammable liquids at Winfield, Alta.
- 95044 July 28—Approving plan showing deviation in location of Trans-Canada Pipe Lines Limited company pipe line in the Township of Orillia, Ont.
- 95045 July 29—In the matter of application of the C.N.R. for authority to increase the speed of trains over the crossing of their Railway and 33rd Street West, Saskatoon, Sask.
- 95046 July 29—Authorizing the C.N.R. to remove the interlocker at the crossing of the Cornwall Street Railway, Light and Power Company and the former New York Central Railroad Company's track, Cornwall, Ontario.
- 95047 July 30—In the matter of application of the Quebec North Shore and Labrador Rly. Co. on behalf of Shell Oil Company of Canada Limited, for approval of proposed location of additional facilities for handling and storage of flammable liquids at Sept-Iles, P.Q.
- 95048 July 30—In the matter of facilities of Good Rich Refining Company, Ltd., for handling and storage of flammable liquids at Guelph, Ontario.
- 95049 July 30—Authorizing the C.N.R. to open for the carriage of Traffic its diverted main line between mileage 1.1 and mileage 2.0 Manouan Subd., P.Q.
- 95050 July 30—Relieving the C.P.R. from erecting right of way fences on both sides of its Webbwood Subd., between mileage 5.73 and mileage 6.0, Ontario.
- 95051 July 30—Relieving the C.P.R. from erecting right of way fences between certain mileages on its Shaunavon Subd., on the north side.
- 95052 July 30—Relieving the C.P.R. from erecting right of way fences between certain mileages on its Outlook Subd., Sask.
- 95053 July 30—Relieving the C.P.R. from erecting cattle guards at certain locations on its Reston Subd., Man.
- 95054 July 30—Relieving the C.P.R. from erecting right of way fences between certain mileages on its Prince Albert Subd., Sask.
- 95055 July 30—In the matter of application of the C.N.R. for approval of revised plan showing protection installed at the crossing of their railway and County Road No. 68 near Mosborough Station, Ontario.
- 95056 July 30—Authorizing the C.P.R. to alter the protection at the crossing of Highway No. 7 west of the station at Port Coquitlam, B.C.
- 95057 July 30—Authorizing the N.Y.C. Railroad Company to discontinue as an agency its station at Shedden, Ontario.
- 95058 July 30—In the matter of approval of location of facilities of Parkland Co-Operative Assoc. Ltd., for storage of flammable liquids at Carragana, Sask.
- 95059 July 30—Requiring the C.P.R. to install certain protection at the crossing of Gibson St., Fredericton, N.B.
- 95060 July 30—Requiring the C.P.R. to install certain protection at the crossing of its railway and Highway No. 60 (Merry Street), Magog, P.Q.
- 95061 July 30—Authorizing the Twp. of Trafalgar, to construct a sewer under the company pipe line of Trans-Northern Pipe Line Company, Twp. of Trafalgar, Ont.
- 95062 July 30—Authorizing the Twp. of Trafalgar, Ont., to construct a sewer under the company pipe line of Trans-Northern Pipe Line Company south of Dundas Street, Ontario.
- 95063 July 30—Relieving the C.P.R. from erecting right of way fences on certain mileages on its Cartier Subd., Ont.
- 95064 July 31—In the matter of the filing of tariffs by British Columbia Telephone Company.
- 95065 July 31—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and the Munic. of the Twp. of Pelee Island.

- 95066 July 31—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and the Town of Kenora, Ont.
- 95067 July 31—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Durham Telephones Limited.
- 95068 July 31—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and the Twp. of Moore.
- 95069 July 31—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Township of St. Joseph.
- 95070 July 31—Authorizing the C.P.R. to make signal changes at crossing of the C.N.R. at Belleville, Ont.
- 95071 July 31—Approving plan showing stop signs as now erected at C.P.R. bridges on North Bank Branch Subd., Montreal, P.Q.
- 95072 July 31—Authorizing the C.N.R. to remove the caretaker at Bethany, Man.
- 95073 July 31—Authorizing the Ontario Dept. of Highways to construct the south lane of Highway 401 across the pipe line of Trans-Northern Pipe Line Company in Twp. of Charlottenburg, Ont.
- 95074 July 31—In the matter of improved protection at the crossing of Don Mills Road and the C.P.R. in the Munic. of Metropolitan Toronto, Ont.
- 95075 July 31—In the matter of application of the C.P.R. for approval of revised plan showing protection as installed at crossing of its railway and North Queen St., Twp. of Etobicoke, Ont.
- 95076 July 31—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company and The Minesing Telephone System.
- 95077 July 31—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company and Pefferlaw Telephone System Ltd.
- 95078 July 31—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company and The Sunderland Telephone Co. Ltd.
- 95079 July 31—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company and the Munic. of the Township of Laird.
- 95080 July 31—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company and Byron Telephone Company Ltd.
- 95081 July 31—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Fort William Municipal Telephone System.
- 95082 July 31—Authorizing the N.Y.C. Railroad Company to discontinue as an agency its station at Springfield, Ontario.
- 95083 July 31—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.P.R. under Section 8.
- 95084 July 31—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Wroxeter Telephone Company Limited.
- 95085 July 31—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company and The Burpee Municipal Telephone System.
- 95086 July 31—Approving revised appendix to traffic agreement between the Bell Telephone Company of Canada and the Little Britain Telephone Company Limited.
- 95087 July 31—Approving revised appendix to traffic agreement between the Bell Telephone Company of Canada and the Telephone System of the Municipality of the Village of Blyth.
- 95088 July 31—Authorizing the C.N.R. to reconstruct the railway bridge over the Ganaraska River, Ontario.
- 95089 July 31—Approving appendix to traffic agreement between the Bell Telephone Company of Canada and The Elmwood Telephone System.
- 95090 July 31—Approving appendix to traffic agreement between the Bell Telephone Company of Canada and The Gore Bay Municipal Telephone System.

- 95091 July 31—Approving appendix to traffic agreement between the Bell Telephone Company of Canada and the Cameron Telephone Company Limited.
- 95092 July 31—Approving appendix to traffic agreement between the Bell Telephone Company of Canada and The Allenford Rural Telephone Company Ltd.
- 95093 July 31—Approving appendix to traffic agreement between the Bell Telephone Company of Canada and The Barrie Island Telephone Company Limited.
- 95094 July 31—Approving appendix to traffic agreement between the Bell Telephone Company of Canada and the Humphrey Municipal Telephone System.
- 95095 July 31—Approving appendix to traffic agreement between the Bell Telephone Company of Canada and the Telephone System of the Municipality of the Township of Manvers.
- 95096 July 31—Approving traffic agreement between the Bell Telephone Company of Canada and The Mornington Municipal Telephone System.
- 95097 July 31—In the matter of filing of tariffs by British Columbia Telephone Company.
- 95098 July 31—In the matter of the application of C.P.R. on behalf of the British American Oil Co. Ltd., for approval of location of facilities for the handling and storage of flammable liquids at Lac du Bonnet, Manitoba.
- 95099 July 31—Approving drawing showing relocation of the portion of the Trans-Canada Pipe Lines Limited company pipeline from a point in the Township of Oro to a point in the Township of Vespra, Ont.
- 95100 July 31—In the matter of the apportionment of the cost of rearranging the tracks of the B.C. Electric Railway Co., the C.P.R. and the C.N.R. in the vicinity of Columbia Street and the closing of the crossings of Eleventh and Jemmett Streets and the railways of the B.C. Electric Railway Co., and the C.P.R. in the City of New Westminster, B.C.
- 95101 July 31—Approving under the Maritime Freight Rates Act tolls filed by the C.N.R. under section 3.
- 95102 July 31—In the matter of application of the C.P.R. for approval of crossing at mileage 17.06 Parry Sound Subdivision, Ontario.
- 95103 July 31—Approving supplement to traffic agreement between the Bell Telephone Company of Canada and La Cie de Telephone du Chateau Richer Enrg.
- 95104 July 31—Approving supplement to traffic agreement between the Bell Telephone Company of Canada and The Sparta Rural Telephone Company Limited.
- 95105 July 31—Approving appendix to traffic agreement between the Bell Telephone Company of Canada and Le Telephone de St-Sebastien d'Iberville.
- 95106 July 31—Approving appendix to traffic agreement between the Bell Telephone Company of Canada and La Cie de Telephone Rural d'Henryville.
- 95107 July 31—Approving appendix to traffic agreement between the Bell Telephone Company of Canada and The Thamesville Telephone Company Ltd.
- 95108 Aug. 1—Authorizing the C.P.R. to install certain protection at the crossing of Highway No. 2 near Belleville, Ontario.
- 95109 Aug. 1—In the matter of the application of the C.N.R. for authority to construct a bridge over the Chaudiere River, Que., mileage 89.2 St. Felicien-Chibougamau Line.
- 95110 Aug. 1—In the matter of the application of the Department of Roads of Quebec for installation of automatic protection at the crossing of Highway No. 43 and the C.N.R. at St. Norbert, County of Berthier, Que., mileage 90.61 Grand Mere Subdivision.
- 95111 Aug. 1—Requiring the C.N.R. to install certain protection at the crossing of Highway No. 45 at Colombourg, Que.

- 95112 Aug. 1—Requiring the C.P.R. to install certain protection at the crossing of 7th Street in the Town of Val d'Or, Quebec.
- 95113 Aug. 1—Approving under the Maritime Freight Rates Act tolls published in tariff filed by the C.P.R. under section 8.
- 95114 Aug. 1—Authorizing the C.N.R. to remove the caretaker at Terence, Man.
- 95115 Aug. 1—Requiring the C.P.R. to install certain protection at the crossing of Highway No. 6 near Dafeo, Saskatchewan.
- 95116 Aug. 1—Permitting the removal of slow order at C.N.R. crossing on Joliette Street in Montreal South, Quebec.
- 95117 Aug. 5—In the matter of the application of C.P.R. on behalf of The British American Oil Co., Ltd., for approval of proposed relocation of facilities for the handling and storage of flammable liquids at Brandon, Manitoba.
- 95118 Aug. 5—Authorizing Trans-Canada Pipe Lines Limited to construct its company pipeline across Marten Lake, Township of Sisk, Ontario.
- 95119 Aug. 5—Authorizing Trans-Canada Pipe Lines Limited to construct its company pipeline under the underground cable of The Hydro Electric Power Commission of Ontario, Township of Perry, Ontario.
- 95120 Aug. 5—Approving plan showing location of deviation of Trans-Canada Pipe Lines Limited in the Township of Widdifield, Ontario.
- 95121 Aug. 5—In the matter of the application of C.N.R. on behalf of Imperial Oil Limited for approval of location of facilities for the handling and storage of flammable liquids at Rexton, New Brunswick.
- 95122 Aug. 5—In the matter of Order No. 71441, dated Nov. 4, 1948, approving plan submitted by C.N.R. on behalf of Supertest Petroleum Corporation Limited, showing proposed location of facilities for the handling and storage of flammable liquids at Peterborough, Ontario.
- 95123 Aug. 5—In the matter of Order No. 73478, dated November 19, 1949, showing approved plan submitted to C.P.R. by Alfred McKinnon, showing the location of facilities for the handling and storage of flammable liquids at Woodbridge, Ontario.
- 95124 Aug. 5—In the matter of the application of the C.N.R. for exemption from erecting and maintaining a passenger shelter at Ruisseau Clair, Que.
- 95125 Aug. 5—Authorizing the C.N.R. to construct a temporary pedestrian crossing to permit the construction of the Greenwood Avenue Subway, Toronto, Ont.
- 95126 Aug. 5—In the matter of the application of C.N.R. for an Order rescinding Order No. 94961, dated July 22, 1958, removing the speed limitation at the crossing of their railway and the highway one and one-quarter miles north of Gormley, Ontario, mileage 27.30 Bala Subd.
- 95127 Aug. 5—Authorizing the Manitoba Department of Public Works to widen Highway No. 21 where it crosses the C.P.R. at mileage 23.74 Miniota Subdivision.
- 95128 Aug. 6—Authorizing Trans-Canada Pipe Lines to construct its company pipe line under the water main in the Township of Bowna, Ontario.
- 95129 Aug. 6—Authorizing the C.P.R. to operate its trains over the siding of The Toronto Harbour Commissioners in the City of Toronto, Ontario.
- 95130 Aug. 6—Authorizing the Provincial gas Company Limited to construct a gas main of the pipe line over Western Pipe Line Company at Mountain Road Township of Stamford, Ontario.
- 95131 Aug. 6—In the matter of application of the C.P.R. for approval of Plan No. X-4-314-2 for protection of its railway and Highway No. 80, at Glencoe, Ontario.
- 95132 Aug. 6—In the matter of the application of C.N.R. on behalf of Noranda Copper and Brass Company Limited, for approval of location of additional facilities for the handling of liquefied petroleum gas at Montreal East, Quebec.

- 95133 Aug. 6—Approving under the Maritime Freight Rates Act tolls published in tariff filed by the C.F.A. under sections 3 and 8.
- 95134 Aug. 6—Permitting the removal of slow order at the C.N.R. crossing at mileage 58.8 Harcourt Subdivision, N.B.
- 95135 Aug. 6—Permitting the removal of slow order of the Dominion Atlantic Railway Company station crossing at Lawrencetown, N.S., Kentville Subdivision.
- 95136 Aug. 6—Authorizing the C.P.R. to install certain protection at the crossing of Highway No. 2 near Belleville, Ontario.
- 95137 Aug. 6—Authorizing the C.P.R. to dispose of the station building at Lourdes, Quebec.
- 95138 Aug. 6—Authorizing the C.P.R. to remove the caretaker and close the station at Priceville, Ontario.
- 95139 Aug. 6—Authorizing the C.P.R. to dispose of the station building at St. Cleophas, Quebec.
- 95140 Aug. 6—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the Dominion Atlantic Railway Company, under Section 8.
- 95141 Aug. 6—Authorizing Trans-Canada Pipe Lines Limited to construct its company pipe line under the Blanche River, District of Temiskaming, Ontario.
- 95142 Aug. 6—In the matter of application of the C.P.R. for approval of plan showing protection as installed at the crossing of the highway at Thessalon, Ontario.
- 95143 Aug. 6—Relieving the C.P.R. from erecting cattle guards at certain highway crossings on its Shaunavon Subdivision, Saskatchewan.
- 95144 Aug. 6—In the matter of application of the C.N.R. on behalf of Imperial Oil Limited for approval of proposed location of facilities for storage of flammable liquids at Shediac, N.B.
- 95145 Aug. 7—Authorizing Trans-Northern Pipe Line Company to open for the transportation of petroleum products a portion of its company pipe line in the Township of East York, Ontario.
- 95146 Aug. 7—Authorizing Trans-Northern Pipe Line Company to open for the transportation of petroleum products a portion of its company pipe line in the Township of East York, Ontario.
- 95147 Aug. 7—In the matter of application of the C.N.R. for authority to make changes in the operating circuits of the protection at the crossing of their railway and Davis Drive, Town of Newmarket, Ontario.
- 95148 Aug. 7—In the matter of application of the Department of Highways for B.C. for authority to construct the highway across the C.P.R. by means of an overhead bridge at mileage 43.78 Nelson Subdivision, B.C.
- 95149 Aug. 7—Authorizing the Newfoundland Department of Highways to construct the Trans-Canada Highway across the C.N.R. by means of an overhead bridge at mileage 7.10 St. John's Subdivision, Newfoundland.
- 95150 Aug. 7—Authorizing the C.N.R. to use the bridge over the Thunder River, mileage 123.5 Albreda Subdivision, B.C.
- 95151 Aug. 7—Authorizing the City of St. James, Manitoba, to construct Dublin Avenue across the C.N.R. in the City of St. James.
- 95152 Aug. 7—Authorizing the C.P.R. to install special circuits to minimize the unnecessary operation of the protection at the crossing of its railway and Highway No. 3 west of Grand Forks, B.C.
- 95153 Aug. 7—Authorizing the C.N.R. to relocate the protection at the crossing of their railway and Howe Avenue, Halifax, N.S.
- 95154 Aug. 7—In the matter of application of the Township of Goderich for authority to improve the sight lines and approaches at the crossing of the highway and the C.N.R., Township of Goderich, Ontario.

- 95155 Aug. 7—Authorizing the C.N.R. to remove the caretaker at Grosse Isle, Manitoba.
- 95156 Aug. 7—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Section 3.
- 95157 Aug. 7—Authorizing the C.N.R. to remove the caretaker at Hallboro, Manitoba.
- 95158 Aug. 8—Approving application of the C.N.R. on behalf of British American Oil Company Limited of the proposed location of facilities for handling and storage of flammable liquids at Portage la Prairie, Manitoba.
- 95159 Aug. 8—In the matter of facilities of McColl-Frontenac Oil Company Limited for handling and storage of flammable liquids at Woodrow, Saskatchewan.
- 95160 Aug. 8—In the matter of facilities of North Star Oil Limited for the handling and storage of flammable liquids at Bassano, Alberta.
- 95161 Aug. 8—In the matter of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Flaxcombe, Saskatchewan.
- 95162 Aug. 8—In the matter of the installation of automatic protection at the crossing of the C.P.R., the Vancouver and Lulu Island Railway and the highway at mileage 1.08 Steveston Branch, B.C.
- 95163 Aug. 8—Approving plan submitted by the C.P.R. on behalf of the Department of National Defence, showing facilities for the handling and storage of flammable liquids at Medicine Hat, Alberta.
- 95164 Aug. 8—Authorizing the Alberta Department of Highways to widen the highway where it crosses the C.N.R. in the Town of Fort Saskatchewan, Alberta.
- 95165 Aug. 8—In the matter of application of the C.N.R. on behalf of Gas Propane du Nord, Limitee, for approval of facilities for handling and storage of liquefied petroleum gas at La Malbaie, Quebec.
- 95166 Aug. 8—Authorizing the C.N.R. to remove the agent and appoint a caretaker at Windigo, Quebec.
- 95167 Aug. 8—Approving plan submitted by the C.P.R. on behalf of Imperial Oil Limited, showing the proposed location of facilities for handling and storage of flammable liquids at Woodrow, Saskatchewan.
- 95168 Aug. 8—Approving plan submitted by the C.N.R. on behalf of Canadian Gulf Oil Company, showing location of facilities for handling and storage of flammable liquids at Drumbheller, Alberta.
- 95169 Aug. 8—Approving application of Northern Alberta Railways Company, on behalf of Gibson Petroleum Company Limited, for permission to load crude oil into tank cars from tank trucks at Donnelly, Alberta.
- 95170 Aug. 8—In the matter of facilities of Dome Exploration (Western) Limited, for the handling and storage of flammable liquids at mileage 0.25 Drumbheller North Branch, near Drumbheller, Alberta.
- 95171 Aug. 8—In the matter of facilities of National Petroleum Corporation Limited, for the handling and storage of flammable liquids at Whisky Gap, Alberta.
- 95172 Aug. 8—Authorizing the Manitoba Department of Public Works to construct the North Perimeter Highway across the C.P.R. at mileage 60.32 Lac du Bonnet Subdivision, Manitoba.
- 95173 Aug. 8—Authorizing the Alberta Department of Highways to construct Highway No. 21 across the C.P.R. at mileage 75.55 Wetaskiwin Subdivision.
- 95174 Aug. 8—Approving under the Maritime Freight Rates Act tolls filed by the C.F.A. under Sections 3 and 8.
- 95175 Aug. 8—Authorizing the Rural Munic. of Medstead No. 497, Sask., to construct the highway across the C.N.R. at mileage 72.0 Amiens Subd., Saskatchewan.

- 95176 Aug. 8—Authorizing the C.N.R. to relocate the siding serving Massey-Ferguson Limited along Kent Street, Woodstock, Ontario.
- 95177 Aug. 8—In the matter of the application of the Quebec Department of Roads for the installation of automatic protection at the crossing of St. Pierre Sud range road and the C.N.R. in the Parish of St. Constant, P.Q.
- 95178 Aug. 8—Authorizing the C.N.R. to construct the railway bridge over the private highway at mileage 4.6 Caland Ore Spur near Atikokan, Ontario.
- 95179 Aug. 8—Authorizing the Alberta Department of Highways to widen the highway where it crosses the C.P.R. at mileage 28.01 Willingdon Subdivision.
- 95180 Aug. 8—Authorizing the Saskatchewan Department of Highways and Transportation to widen Highway No. 36 where it crosses the C.P.R. at mileage 38.6 Amulet Subdivision.
- 95181 Aug. 11—In the matter of application of the C.N.R. for approval of revised plan showing the protection as installed at crossing of their railway and Lawrence Avenue, Weston, Ontario.
- 95182 Aug. 11—Authorizing the C.N.R. to remove the caretaker at Deloraine, Manitoba.
- 95183 Aug. 11—Authorizing the C.N.R. to remove the caretaker at Rapid City, Manitoba.
- 95184 Aug. 11—Authorizing the C.N.R. to remove the caretaker at Mulvihill, Manitoba.
- 95185 Aug. 11—Authorizing the C.N.R. to construct a siding to serve Colgate Palmolive Limited across George Street, Moncton, N.B.



The Board of  
**Transport Commissioners for Canada**  
 Judgments, Orders, Regulations, and Rulings

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*In the matter of the application of British Columbia Telephone Company, dated the 2nd April 1958, for an Order under Section 380 and all other relevant sections of the Railway Act, approving revisions of certain message toll and exchange service tariffs.*

File No. 32560.43

Heard at Vancouver:

May 26, 27, 28, 29, 30 and June 2, 3, 4, and 6, 1958.

Before:

C. D. SHEPARD, Q. C., *Chief Commissioner*,

H. B. CHASE, C.B.E., *Commissioner*.

Appearances:

Hon. J. W. DE B. FARRIS, Q.C., and J. D. TAGGART, for British Columbia Telephone Company.

D. K. MAC TAVISH, Q.C., for Anglo Canadian Telephone Co. Ltd.

C. W. BRAZIER, Q.C., and D. S. D. HOSSIE for Government of the Province of British Columbia, Union of British Columbia Municipalities: *Cities*: Alberni, Chilliwack, Courtenay, Cranbrook, Duncan, Fernie, Grand Forks, Kamloops, Kimberley, Langley, Nanaimo, Nelson, New Westminster, North Vancouver, Port Alberni, Port Coquitlam, Port Moody, Rossland, Trail, Vancouver, Victoria, and White Rock. *Districts*: Burnaby, Central Saanich, Chilliwack, Coquitlam, Delta, Esquimalt, Fraser Mills, Kent, Kitimat, Langley, Maple Ridge, Matsqui, Mission, North Cowichan, North Vancouver, Oak Bay, Pitt Meadows, Richmond, Saanich, Sumas, Surrey and West Vancouver; *Towns*: Mission City and Quesnel; *Villages*: Abbotsford, Burns Lake, Castlegar, Chapman Camp, Comox,

Creston, Cumberland, Gibson's Landing, Harrison Hot Springs, Hazelton, Hope, Invermere, Ladysmith, Marysville, Merritt, North Kamloops, Salmo, Sechelt, Silverton, Smithers, Terrace, Ucluelet, Vanderhoof and Williams Lake.

G. W. NORMAN, C. W. PULHAM, THOS. BRADLEY, JOHN H. PRINGLE, representing Federated Legislative Committee of Elderly Citizens' Association.

Mrs. EFFIE JONES, and Mr. EMIL BJARNASSON representing Civic Reform Association.

EDWARD A. JAMIESON and JOHN D. DREW representing Vancouver and District Labour Council.

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## J U D G M E N T

BY THE BOARD:

### 1. OUTLINE OF APPLICATION AND OPPOSITION THERETO

This is an application by British Columbia Telephone Company (herein sometimes referred to as "the Applicant" or "the Company") for an Order under Section 380 and all other relevant sections of the Railway Act, approving, to be effective at the earliest possible date, revisions of the Applicant's tariffs of rates for exchange and long distance services and equipment, all as set forth in Schedule "C" of the amended application dated May 16, 1958. If granted in full, the request would increase the Applicant's total operating revenues by \$3,996,000 per year.

In general terms the Applicant's reasons for seeking increased rates at this time may be summarized as:

- (a) Substantial increases in the cost of providing and maintaining service have taken place since April 1, 1953, the date on which increases were last authorized by the Board.
- (b) Notwithstanding economies effected and various measures taken to increase revenues, rising costs have resulted in earnings falling to such an extent that net income will be substantially below the amount required to provide for dividends on preference, preferred and ordinary shares.
- (c) The rates and charges now in effect are insufficient to provide the revenues required to meet necessary costs of operating and maintaining the Applicant's property, and provide a reasonable return in order to maintain the credit of the Applicant so as to enable it to procure additional funds for the expansion and improvement of its facilities.
- (d) A new wage agreement with employees of the company, effective April 1, 1958, will increase the Applicant's operating costs by \$2,064,000 per annum.
- (e) A change in the basis of taxation of utilities in 1957 resulted in property taxes being increased by over 40% in that year and the total amount now payable in this connection is approximately \$950,000 per annum.
- (f) It is expected that construction expenditures in 1958 will be approximately \$50,000,000 and that a similar amount will be expended in 1959 and this will necessitate extensive public financing.
- (g) The accumulated earned surplus at December 31, 1957, amounted to less than the amount required to cover payment of dividends on the Applicant's outstanding capital stock for one year. Having in mind the need for public financing in the near future, it is essential that the Company's level of earnings be raised so as to attract the new capital which must be obtained.

Considerable factual evidence was presented by witnesses for the Applicant in support of its application, most of which had been provided prior to the hearing to Mr. Brazier's clients (hereinafter referred to as "the Respondents").

A total of 42 communications were received from municipalities, associations and individuals outlining objections to the granting of the application, all of which have been transmitted to the Company. Of these submissions, most of which were received prior to the hearing, twelve were from municipal officers, eight from Boards of Trade or Chambers of Commerce, and 13 from associations of various kinds. The remainder were mainly from individuals.

In a general way the representations thus made opposed increases in rates upon substantially the following grounds: that the increase is opposed; that the present service is unsatisfactory and no increase should be granted until it is improved; that present subscribers should not be called upon to bear the burden of providing facilities for new customers; that persons of senior years, pensioners and others, are unable to bear an increase; that rates already exceed those elsewhere; that efficiency of management is questioned and economies should be made; that toll free service in certain instances should precede a rate increase; that increased rates are unjustified in a period of declining business activity and unemployment; that the Applicant's profits are adequate and no reason exists for increase.

Only two of these submissions were presented in open court and thus subjected to cross examination or rebuttal.

Mr. Brazier's appearance on behalf of the Province of British Columbia, the Union of British Columbia Municipalities and 72 cities, districts, towns and villages indicates broadly that the opposition made by him on their behalf included also all those who have made their own written submissions. The witness called by Mr. Brazier was Mr. R. M. Skinner, Chartered Accountant.

Insofar as these submissions have included allegations of unsatisfactory service we have placed such views in the possession of the Company in the expectation that all reasonable steps will be taken to correct them wherever possible. We are not vested with powers to deal with service matters of this kind. Our duty is to determine whether there is a revenue deficiency and to what extent and by what means such deficiency may be recovered through the charges the Company makes for the service it provides, having first considered the nature and quality of the telephone service being rendered and the efficiency of the Company's management.

We have studied all submissions received and to the extent we are able have taken the various views into consideration in determining the level of increased rates to be allowed.

## 2. METHOD OF DETERMINING REVENUE DEFICIENCY

In considering the claim of a regulated company for increased rates to provide additional revenues it is necessary to determine the Company's earning power under existing rates. This is usually done on the basis of a twelve-month period which may be a period for which the results are already known, one for which the results are partially available so that the balance must be estimated, or one for which no results are available and the whole must be estimated. Another approach is to use a "constructive" or "reconstructed" year, which is generally designed to show what the results of a twelve-month period would be if certain changes which actually take place during the period were effective for the whole period. The Board must exercise its judgment as to which of these methods, or modifications thereof, may be the most appropriate for rate making purposes in any particular set of circumstances.

Included in the data submitted by the company was an estimate (Column 1 of Exhibit 58-E.5) of what the revenues and expenses would be during the year 1958 if no increases in rates were granted and with the item of

deferred income taxes eliminated from expenses so as to give effect to Order in Council P.C. 1958-602. The Company estimated that on this basis an amount of \$233,000 would be available for addition to the Company's earned surplus account after meeting all expenses, including bond interest, and paying dividends on the preference and preferred shares and also paying dividends at the rate of \$2 per annum on the ordinary shares in accordance with a practice of many years' standing.

In Column 3 of Exhibit 58-E.5, these figures were adjusted so as to produce a "reconstructed" year by including the additional revenue which would have been received if the proposed increased rates had been put into effect as of January 1, 1958, and the additional expense that would have been incurred if an increase in wages, actually dating from April 1, 1958, had also been in effect for the whole year. Another adjustment, the propriety of which was questioned by Respondents, was the inclusion as an expense in the reconstructed year of the difference between the interest and dividends which it was expected would be paid during 1958 on securities issued in the latter half of that year, and the amount of interest and dividends which would have been payable on these securities if they had been issued on January 1, 1958.

It was estimated by the Company that approximately 40,000 additional telephones would be put into service during the year 1958 and in estimating the results for that year and in developing the reconstructed year in Exhibit 58-E.5, effect was given to the progressive increase in the number of telephones in service during the year. At a later point in the hearings Exhibit 58-E.6 was filed by the Company to show what the revenues and expenses would be if all the telephones which are expected to be in service at December 31, 1958, were in service throughout a full year.

Although rates are established for future use, they must, to a great extent, be based on past experience, and if a change occurs in the conditions of operation which might be expected to materially affect either favourably or adversely the company's earnings position, it would be reasonable to take such factors into account unless there are grounds for supposing that such an effect would be nullified by offsetting factors. Where capital expansion is taking place at a relatively moderate rate the use of a reconstructed year for rate making purposes often has advantages and in previous rate cases of the B.C. Telephone Company it has been the practice to use a reconstructed year to assist in determining the company's revenue deficiency. The Board does not believe, however, that in the present instance the figures of the reconstructed year developed either in Exhibit 58-E.5 or Exhibit 58-E.6 provide a proper basis on which to assess the Company's need for additional funds. Reference has already been made to the extremely rapid growth of the Company's plant and equipment during recent years, and plans for the next few years contemplate a continuance of this high rate of expansion. Past experience suggests that revenues and savings from the installation of new equipment may well be sufficient when coupled with rate increases authorized by this judgment to meet any additional expenses connected therewith, including financing charges.

In determining the Company's need for additional funds the Board has used the Company's own estimate (Column 1 of Exhibit 58-E.5) of what its actual revenues and expenditures would be during the year 1958 if no increase in rates were granted. The Board realizes that these figures include wages at one level from January 1, 1958, to March 31, 1958, and at an increased level from April 1, 1958, to December 31, 1958. The fact is, however, that during the five years in which the rates authorized by the Board's 1953 Judgment were in effect the Company, through increased revenues, was from time to time able to grant increases in wages, and between January 1, 1953, and December

31, 1957, the Company's accumulated earned surplus increased from \$628,577 to \$3,728,982, notwithstanding transfers to the Employees' Benefit Fund Reserve of \$186,487, and to the Reserve for Fire Loss, Accidents and Contingencies of \$200,000.

### 3. MAIN POINTS IN ISSUE AND BOARD'S FINDINGS THEREON

As mentioned earlier in this Judgment, the adjustment which the Company proposed making in respect of interest and dividends in arriving at the results for the reconstructed year 1958 was opposed by the Respondents. The amount involved was very large, and strongly divergent views were expressed as to its proper treatment, but as the reconstructed year has not been used in determining the Company's present earning power no further discussion of the matter is called for in this Judgment.

During the course of the hearing it became apparent that the main points in issue, apart from that just mentioned, were five in number, and these are now dealt with under separate headings:

#### (i) *Directory Contract:*

The details of the relationship between the Applicant and Dominion Directory Company, Limited, have been the subject of investigation by this Board in the two previous rate cases of 1950 and 1953. Again at this hearing, the Respondents questioned the desirability of the Applicant having a contract with Dominion Directory Company, Limited, under which a commission is paid by the Applicant amounting to 30% of the revenue from the "yellow pages" advertising, rather than the Applicant performing this work itself. Mr. McLean, President of the Company, asserted that in his judgment the Company's arrangement with Dominion Directory Company, Limited resulted in a greater financial benefit to the subscribers of the Applicant than they would otherwise receive. Mr. Skinner, on the other hand, expressed the belief that the operation could be equally well carried out as a department of the Applicant and he therefore proposed on behalf of the Respondents that for rate making purposes the expenses and revenues of the directory company should be considered as part of the Applicant's expenses and revenues.

After full consideration of the evidence, and having reviewed its previous findings, the Board is not convinced that it should interfere with management's decision in the matter.

#### (ii) *Share Issue Expense:*

In arriving at the amount which it was estimated would be available for transfer to earned surplus for the year 1958, the Company included provision for an amount of \$400,000 in respect of share issue expense. Witnesses for the Applicant and for the Respondents agreed that for accounting purposes share issue expense should properly be treated as a charge against earned surplus rather than against current earnings and an amount of \$362,284 was, in fact, handled in this way by the Company, as shown in its 1957 Annual Report. In his evidence for the Respondents Mr. Skinner expressed the view that since share capital is raised only irregularly this treatment would also be proper for rate making purposes and that it would be inequitable to set rates on the basis of recovering the costs of a share issue in any single year. He felt that the costs involved should, for rate making purposes, be merely one of the factors to be borne in mind in determining a reasonable surplus for the Company. The Company, on the other hand, contended that the experience of the last five years, coupled with the capital expansion programme planned for the next few years, justified inclusion of the amount in question as a charge against operations for the year on which rates were to be based.

In the circumstances of this particular case it seems to the Board that, for rate making purposes, it is more appropriate to allow such an item to be considered as a charge against earnings, rather than to have it obscured in the permissive annual surplus. At such time as the Company's capital expansion programme diminishes, steps will be taken by the Board to eliminate any such item from allowable expenses. The Board therefore finds that \$400,000 is a reasonable amount to allow as a charge against earnings for share issue expense at this time.

(iii) *Interest during construction:*

This subject was discussed in the Board's Judgment of March 24, 1953, and was again a point in issue in the present case. Witnesses for the Applicant expressed the view that the capitalizing of interest during construction was a correct accounting procedure which would also be proper for rate making purposes provided that the rate base—rate of return method was used in computing the level of rates. They contended, however, that the capitalizing of interest was improper for rate making purposes where the level of rates was based on a fiscal requirements formula, unless specific provision was made therefor in the allowable surplus item. The Respondents, on the other hand expressed the view that the Board's 1953 conclusion on this point was correct.

After reviewing the evidence adduced at this hearing, and its previous finding, the Board has concluded, and so finds, that interest during construction should be capitalized for rate making purposes, and that it is not necessary for a specific provision in that connection to be made in the requirements formula.

(iv) *Surplus:*

In reaching a decision as to the surplus which a regulated company may appropriately be allowed to earn many factors must be taken into account, and there is a wide divergence of opinion as to the weight that should be given to these various factors. In its application the Company requested the Board to authorize a permissive annual surplus of \$2,431,000, and a witness for the Company suggested six different tests which might be applied to determine the reasonableness of this amount. A witness for the Respondents, on the other hand, by use of a different test concluded that a surplus of \$1,118,000 would be adequate in the circumstances. Many criteria could be used in testing the propriety of a figure for surplus and, although comparisons with other companies or groups of companies are undoubtedly useful, consideration must be given to the respective capital structures of the companies concerned as well as to debt ratios, relative stability of earning power in the particular territories served, companies' sizes and past histories, and also their current and prospective rates growth.

In its 1953 Judgment the Board allowed a sum of \$698,798 as a reasonable permissive annual surplus. This was the amount requested by the Company during the hearings of that case, and if the amount was reasonable in 1953 it is apparent, in view of the Company's growth during the intervening five years, that a considerably higher figure could be justified at the present time. The Board has carefully reviewed the evidence and weighed all factors in an effort to determine a proper permissive annual surplus, having in mind particularly that the level of rates must not only be just and reasonable to the subscribers, but also to the Company. It is estimated that expenditures for needed improvements to the Company's plant and extension of its service will be at the rate of approximately \$50,000,000 each year for the next five years. While realizing the desirability of the Applicant's telephone rates and the level of prices generally being as low as possible, it is equally desirable that the Company's capital programme should not be jeopardized by inadequate rates.

The Board has therefore concluded, and so finds, that a proper permissive annual surplus for the Applicant under present circumstances is \$1,500,000.

*(v) Deferred Income Tax:*

The Applicant has requested directions from the Board on the questions which emerge from Order in Council P.C. 1958-602, which reads as follows:

"The Committee of the Privy Council, on the recommendation of the Right Honourable John George Diefenbaker, the Prime Minister, having received, heard and considered, pursuant to section 53 of the Railway Act, a petition to rescind Order No. 93401 of the Board of Transport Commissioners for Canada dated 10th January 1958, approving revisions of the tariffs of the Bell Telephone Company of Canada for exchange and long distance services and equipment and an answer to such petition, recommend that Your Excellency may be pleased to rescind the said Order No. 93401 of the Board and to direct the Board that, as a principle of rate making policy, credits to tax equalization reserves shall not be regarded as necessary expenses or requirements in determining rates and charges."

The effect of the Order in Council is to prohibit the Board from allowing as an expense for rate making purposes any credits to a deferred tax reserve.

The two alternatives to allowing such an expense as put forward by the Applicant are:

- (a) that it should be permitted to pay income tax on its corporate profit computed after charging to expense depreciation on the straight line basis now used in the Company's books. This would result in the Company paying a higher amount of income tax at this time than the tax resulting from net profit computed on the basis of charging as an expense capital cost allowance rather than straight line depreciation;
- or
- (b) that it should be allowed for rate making purposes to book its depreciation expense on the basis of capital cost allowance rather than straight line. This would result in an increased depreciation expense allowance at the present time.

Since the conclusion of the hearings of this case in Vancouver on June 6, the Bell Telephone Company of Canada has filed an application dated June 25 requesting increases in its tariffs. At least one of the alternatives on which the Applicant has requested directions will be in issue in the Bell case now pending. Because of the importance of these points, the Board wishes to have the benefit of the evidence in the Bell case before deciding what directions, if any, to give to the Applicant.

#### 4. OTHER POINTS IN ISSUE

During the course of his argument, Mr. Brazier indicated that he was prepared to rely upon the Board to determine the propriety of certain specific items. The Board is not satisfied that any adjustments are warranted at this time in the following:

- (a) payments pursuant to service contract with General Telephone Service Corporation;
- (b) purchases made through Canadian (B.C.) Telephones and Supplies Ltd.;
- (c) charges made to and revenues received from North-West Telephone Company;
- (d) loan made to North-West Telephone Company;
- (e) provision for uncollectible accounts;
- (f) charitable contributions.

## 5. REVENUE DEFICIENCY AS ADJUSTED

The Applicant has requested approval of rates which would yield \$3,996,000 additional revenue on a full year's basis, computed on average plant in service during 1958. Based upon consideration of the evidence and the findings made herein, the estimates for 1958 under present rates (Column 1 of Exhibit 58-E.5) have been restated to reflect a permissive annual surplus of \$1,500,000, indicating an income deficiency of \$1,300,000 as set out in the following table:

## STATEMENT OF INCOME DEFICIENCY

(as determined by the Board)

	\$(000)	\$(000)
Total operating revenues		
(line 6, Col. 1, Ex. 58-E.5) .....		44,261
Total operating expenses		
(line 14, less line 13, Col. 1, Ex. 58-E.5) .....		34,957
Net operating revenue .....		9,304
Taxes other than income taxes		
(line 13, Col. 1, Ex. 58-E.5) .....		1,327
Net operating income before income taxes .....		7,977
Income taxes .....		....
Net operating income .....		7,977
Other income (including interest during construction) .....		1,252
Total income .....		9,229
Financial requirements:		
Fixed charges .....	3,753	
Dividends—preference & preferred .....	2,243	
—common .....	2,600	
Share issue expense .....	400	
Surplus .....	1,500	
		10,496
Income deficiency .....		1,267
	(say)	1,300

If the Company follows its practice of recent years and claims maximum capital cost allowance for income tax purposes, no Federal income tax in respect of the year 1958 would be immediately payable, unless increased revenues are considerably greater than the Board is disposed to allow through increased rates. Any such increased revenues would, therefore, be almost wholly reflected in an increase in net operating income, and the Board accordingly finds \$1,300,000 as the Applicant's revenue deficiency.

## 6. INCREASES AUTHORIZED

*(i) Distribution of Revenue Deficiency as Adjusted:*

As already stated the amended application claimed a revenue deficiency of \$3,996,000 which the Company sought to recover by increasing exchange rates sufficiently to obtain increased revenue therefrom of \$3,275,000 or approximately 80 percent of the total claimed deficiency. It sought also to

increase its charges for long distance services sufficiently to recover an additional \$721,000 therefrom, or approximately 20 percent of the claimed deficiency. From a revenue standpoint the exchange services would bear an increase of about 12 percent and long distance 5 percent.

With the revised deficiency which we have found to exist, it is necessary to revise the proposed rates to reflect a total deficiency recovery of \$1,300,000.

In our opinion the facts and circumstances justify the adjustment of proposed rates to reflect an increase in toll rates to yield \$720,000 and exchange rates to yield about \$580,000. This should yield to the Company a revenue increase of approximately 5 percent in toll service and 2 percent in exchange service. Our reasons for this division of increase are more particularly set out in the following portions of this Judgment.

(ii) *Toll Service Rates:*

Upon cross examination it was developed that there was little difference in the competitive aspects of long distance service with air mail, telegraph and other communication services under either the Company's initial application which sought a ten percent revenue increase in such rates, or the amended application which was substantially half of that originally proposed. In both applications the Company had computed an attrition factor of 1 percent in volume due to the increase in rates.

The Company, however, has asserted that since the beginning of the current year its revenue growth has materially declined from that of comparable periods a year ago and it does not now advocate the scale of long distance rates which it initially proposed. It also stated it was conscious of the level of its toll rate structure in comparison with other like scales.

On the other hand we cannot ignore the fact that the cumulative increase in rates which has occurred since 1949 indicates that a proportionately greater increase in revenue has been derived from exchange services than from toll services. The evidence is that exchange revenue has increased in this period by approximately 53 percent compared with 23 percent for toll revenue.

There is no direct correlation between the levels of local exchange and long distance rates. Long distance services are susceptible of competitive influences which do not occur in local service, the latter, of course, being the backbone of the total service provided by the Company from which it must obtain a substantial part of its revenue.

Notwithstanding the present declining level of toll revenue we think that a resumption of normal business activity will bring about broader use of toll facilities and that the revenue therefrom will again play an important part in furnishing revenue to the Company.

We have decided, therefore, that the scale of toll rates for two-point service within British Columbia and between British Columbia and Alberta, also the two-number short haul toll rates, as set out in Schedules C1 and C2 of the amended application shall be authorized.

The basic station-to-station day rates of the former do not exceed an increase of 5 cents per initial calling period. In some instances no increase occurs and in others a reduction is made. All of the two-number short haul rates involved are increased by 5 cents per initial period with no change in overtime rates except to uniformly apply such rates to each two-minute period of overtime.

The present relationship of night and Sunday rates to day rates, and the relationship of person-to-person rates with station-to-station is proposed to be adjusted to influence a more equitable spreading of day and night calling and also to recover the added labour costs involved in person-to-person calling which would also encourage station-to-station calling.

The night and Sunday station-to-station increases do not exceed 10 cents per initial calling period—in many cases the increase is 5 cents. The increase applied on person-to-person calling is not in excess of 25 cents per initial period and ranges as low as 5 cents.

As increases in rates must be in 5 cents or multiples thereof it would not be practicable to modify the proposed basic scale. To apply no increase thereto would result in a greater increase being imposed upon exchange services in order to effect recovery of the overall revenue deficiency.

*(iii) Surcharge between Mainland and Island Points:*

As part of its proposed adjustment of long distance toll rates the Company proposes a reduction in the surcharge from 30 cents per call to 20 cents per call on calls between Vancouver Island points and points on the mainland of British Columbia or in Alberta. It also proposes to reduce the present surcharge of 15 cents per call to 10 cents per call between the Gulf Islands exchange and all points in British Columbia (except the Ganges exchange) or Alberta.

We see no reason why this modification should not be made and approve it.

*(iv) Charge for Collect Calls:*

The Company proposes to establish a charge of 10 cents when station-to-station calls are to be collected from the person called or when billed to a third telephone number. It is not proposed to exact such charge in cases where advance arrangements have been made for credit with the Company, or where special reversed charges service is already provided by tariff, namely, item 217 of CTC No. 33.

The Company states "This practice is being introduced with the object of deterring unnecessary reversals of charges and to cover the added cost of providing this service on station-to-station calls."

It is to be noted that a similar charge was proposed by Bell Telephone Company and was approved by us in our Judgment of January 10, 1958 (47 J.O.R. & R. 439). Calls of this nature of necessity require the services of operators, increase accounting and impose labour costs not attendant upon prepaid station-to-station calling. We consider the charge to be reasonable in the circumstances and it is approved.

*(v) Local Service Exchange Rates:*

The Company's proposals respecting the increase in rates for local exchange service covered a wide range of services and equipment. Apart from the proposed increase on business and residence primary service, which is the furnishing of the main circuits, it was proposed to increase rates for extensions, miscellaneous equipment rentals, service connection charges and other miscellaneous items.

Collectively the revenue increase to be derived from other than primary service was about 16 percent of the revenue deficiency of \$3,275,000 proposed to be secured from increased exchange service rates. As many of the items of equipment rental and other services in this category were proposed to be increased by small amounts such as 5 cents, the reduction in the deficiency to \$580,000 to be secured from increased exchange service rates made it impracticable to apply any increase to this variety of charge.

Among other features of the Company's proposed revisions to its exchange rate structure are (1) a reconstitution of the rate grouping for the various exchanges, and changes in the group limits thereof, and (2) a change in the method of designating the area of free calling in each exchange, otherwise known as the "base rate area".

*(vi) Exchange Grouping:*

As noted in our Judgment of September 21, 1950 (66 C.R.T.C. 7, at 53) "rates for exchange service, for the first time have been arranged on a group basis according to the total number of telephones in service in each exchange area." These groups are presently ten in number with the upper limits of total telephones extending from 250 in Group 1 to over 80,000 in Group 10.

No prolonged discussion is here necessary as to the method of grouping as it was extensively dealt with in 1950, but it is sufficient to say that such grouping reflects the relative value of the service to subscribers and the added costs involved in the interconnecting facilities as the number of telephones increase within a given exchange.

As the application of group rates is dependent upon the sole factor of total telephones in service within an exchange, the necessity arises to move exchanges from one group to another when either growth or decline establishes higher or lower total telephone factors. To do otherwise would create conditions of unjust discrimination unless all exchanges were accorded like treatment.

In October 1951, in consideration of the foregoing and that the Statute places the duty upon the Board to see that no unjust discrimination prevails, we established regulations by our Circular No. 267 calling for reports from each telephone company under our jurisdiction twice yearly of all exchanges which had outgrown or fallen below group limits by more than five per cent.

Upon consideration of these reports and all factual detail concerning the same, where the Board is convinced that growth or decline may be deemed to be permanent, the Board directs the Company concerned to move the exchange into the group appropriate to its size. Since the Circular was issued 43 of the Company's exchanges have been so moved and there are now pending three reports concerning Port Coquitlam, Lillooet, and Fernie.

Were it not that this case was pending, these exchanges would have been moved into the next higher rate group. The Company's rearrangement of groups will render it unnecessary to deal specifically with such reports: the exchanges will be assigned to their proper group under the terms of this Judgment.

The Company's proposal is to establish 9 groups, of which numbers 8 and 9 will apply respectively to Victoria and Vancouver and to the exchanges having extended area service therewith. Basically Group 1 is expanded from 250 telephones to 500 and corresponding changes made in groups 2 to 7 inclusive.

The Company states that by altering the group limits there will be less necessity to re-group exchanges than is the case at present; that where exchanges are moved to lower groups a lesser amount of increase will apply thereto but upward grouping may occur sooner; that in other instances where exchanges are not so moved, the expansion of the group limits will delay the possibility of re-grouping and thus offset to some extent the larger increase in rate.

A comparison follows of the present and new groups, with their limits, which we approve:

<i>Present limits</i>	<i>Group No.</i>	<i>New Limits</i>
Up to 250 telephones	1	Up to 500 telephones
750 "	2	1,000 "
1,500 "	3	2,000 "
2,500 "	4	5,000 "
5,000 "	5	10,000 "
10,000 "	6	20,000 "
20,000 "	7	50,000 "
40,000 "	8	Victoria
80,000 "	9	Vancouver
Over 80,000 "	10	Discontinued.

Under this scale the following exchanges now in rate group 2 will be moved back into group 1:

Bridge River Mines  
Burns Lake  
Golden  
Gulf Islands  
Invermere  
Keremeos  
Nakusp  
Natal  
Salmo  
Tofino  
Ucluelet  
Vanderhoof  
Youbou

and the following exchanges now in rate group 3 will move back to group 2:

Hope  
Keating  
Lake Cowichan

and Ladner, now in group 4, will move into group 3.

While exchange rates are provided for rate groups 6 and 7, there are no exchanges presently assigned to such groups. Such rate groups are for future expansion.

*(vii) Base Rate Areas and Mileage Charges:*

A "base rate area" is the area within which calling between subscribers may take place without any charge additional to that of the flat exchange rate for primary service. At the present time the Company establishes these areas in each exchange by "free mileage radius" ranging from 1 to 2 miles and centred on central offices or other designated mileage centres.

For exchange service provided to subscribers situated beyond such limits, a mileage charge is applicable for each quarter mile or fraction beyond the specified radius.

It has come to the Board's attention recently, and has been the subject of discussion with the Company, that establishing free calling areas by this method cuts through developed areas and results in mileage charges occurring where all other conditions would not so justify the difference in treatment of subscribers. It also has the effect of establishing free calling in undeveloped or under-developed areas where such would not ordinarily be justified.

The Company has, by Exhibit 58-B.2 in this case, illustrated the effect of its present method in West Vancouver where development has occurred along a comparatively narrow strip of the shore whereas the free calling area of the exchange places the limits partly in the sea and in undeveloped mountainous territory.

The Company's proposal is to design base rate areas in an irregular fashion within boundaries which will eliminate many of the objectionable features of the present method and will, in many cases result in the elimination of mileage charges and modify others where mileage is still justified. In future, where mileage charges are incurred, the distance will be computed to the nearest point on the boundary of the base rate area.

The revised plan is one which has been in use throughout the Bell territory in Ontario and Quebec for many years; it allows flexibility to adjust boundaries as the need arises and removes most of the grounds of objection to the resulting

mileage charges. We are given no power to establish base rate or exchange boundaries, but we are empowered to remove any condition of unjust discrimination found to exist, and also to deal with the rates charged within or without such boundaries.

The Company's plan meets with our full approval.

The rearrangement of base rate areas in this manner will result in an annual revenue loss to the Company. Increases in exchange mileage charges have been proposed which have only partly modified this loss. It is estimated that notwithstanding such increases the annual revenue loss will approximate \$114,000. The revised mileage charges are not considered to be excessive and are approved.

*(viii) Primary Exchange Service Rates:*

In the Appendix to the Order which follows the issuance of this Judgment we set out the revised exchange rates for primary service in each class of service offered by the Company. These rates apply to 107 exchanges, 67 of which in certain instances or classes of service incur no increase or will have lower rates than at present. This, of course, is partly due to the change of rate grouping previously mentioned herein.

The resultant rates, in all aspects of service, will be higher for business services than for residential as they are now. Such a relationship reflects the greater value of telephone service generally to business than to residences.

Where increases in rates occur in residential party line service, the increase in multi-party does not exceed 5 cents per month, or 10 cents per month for residential two-party service. These moderate increases, we believe, will not bear unduly upon those who advanced special pleas for moderation on account of fixed income, advancing years, and other conditions of like character.

The Company has proposed to introduce a separate charge for what it describes as "consecutive number service". This is a type of service which provides automatic pick up of lines other than the number called, when such facility is so provided at customer's request. As at December 31, 1957, out of a total of 41,493 business main telephones, 9,122 were so equipped. The service is akin to that provided by private branch exchange trunks but has been heretofore furnished without additional charge beyond the individual line rate.

The proposed charge for each line is 50 cents per month in groups 1 to 4; 75 cents in groups 5 to 7; and \$1.00 per month in Victoria and Vancouver.

No objections were made to us concerning this proposal and in the light of the circumstances and conditions prevailing respecting such service we consider the Company has justified the reasonableness thereof. It is therefore approved.

*(ix) Other Changes:*

In certain instances, such as item 196 on sheet 25 of Schedule C-3 of the amended application where present rates for rural connecting systems are not to be increased, there is need to amend the said rates to bring them within the rate groups herein approved. The Company will be expected to so arrange in preparing its new tariff schedules in conformity with the general terms of this Judgment. Such changes will be of a minor character.

*(x) Reasonableness of Rates Approved:*

We conclude that the rates approved herein meet all tests of reasonableness and are not unjustly discriminatory. We cannot adopt the contention of Counsel for the Respondents that there should be no disparity in exchange

rates in metropolitan centres. Such a contention, if upheld, would ignore the peculiar circumstances and conditions affecting what must be rate structures adapted to the revenue necessities of each particular telephone system.

In all respects, other than as previously stated herein, and in respect of all services not stated in the Order which follows, the application of the Company to increase its rates and charges is denied.

Order will go accordingly permitting the allowed increased rates to become effective August 1, 1958.

CLARENCE D. SHEPARD

H. B. CHASE

July 18, 1958.

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ORDER No. 94987 ✓

*In the matter of the application of British Columbia Telephone Company, hereinafter called the "Applicant", dated the 2nd of April, 1958, for an Order under Section 380 and all other relevant sections of the Railway Act, approving revisions of certain message toll and exchange service tariffs:*

File No. 32560.43

FRIDAY, the 18th day of July, A.D. 1958

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing the application at sittings of the Board held at Vancouver on May 26, 27, 28, 29 and 30 and June 2, 3, 4, and 6, 1958, in the presence of Counsel for the Applicant, Counsel for Anglo Canadian Telephone Company Limited, Counsel for the Government of the Province of British Columbia, Union of British Columbia Municipalities, the City of Vancouver and other Cities, Districts and Villages set forth in the Judgment herein dated July 18, 1958, and representatives of Federated Legislative Committee of Elderly Citizens' Association, Civic Reform Association and Vancouver and District Labour Council—*

*It is ordered that the Applicant may publish and file revised tariff schedules, to be effective not earlier than August 1, 1958, adjusting rates and charges in such tariffs to the extent specified in Appendix "A" to this Order.*

*It is further ordered that the provisions of Rules 3 and 6 of General Order No. 658 are hereby waived.*

CLARENCE D. SHEPARD,

*Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

## APPENDIX A

To

ORDER No. 94987

CHANGES AUTHORIZED IN RATES AND CHARGES OF THE BRITISH COLUMBIA TELEPHONE COMPANY BY REFERENCE TO SCHEDULES C1, C2 AND C3 OF THE AMENDED APPLICATION AND TO THE TARIFF PROVISIONS AFFECTED.

## 1. LONG DISTANCE MESSAGE TOLL SERVICE:

(Schedule C1.) (Tariff CTC. 32)

- (a) Surcharge of ten cents per station to station call when the charges thereon are reversed or billed to a third telephone number.
- (b) Surcharge on calls between mainland and island districts
- (i) Between Vancouver Island and mainland of British Columbia or Alberta, 20 cents per call.
- (ii) Between Gulf Islands Exchange and all points in British Columbia (except the Ganges Exchange) or in Alberta, 10 cents per call.
- (c) Schedule of charges—Points in British Columbia and between British Columbia and Alberta

Mileage From To	DAY (EXCEPT SUNDAY)			NIGHT AND SUNDAY		
	<i>Initial 3 Minutes</i>			<i>Initial 3 Minutes</i>		
	Station To Station	Person To Person	Each Additional Minute	Station To Station	Person To Person	Each Additional Minute
	(Rates in cents)					
0- 6	10	25	05	10	25	05
7- 10	15	30	05	15	30	05
11- 14	20	35	05	20	35	05
15- 18	25	40	05	25	40	05
19- 22	30	45	10	30	45	10
23- 26	35	50	10	35	50	10
27- 30	40	60	10	35	50	10
31- 35	45	65	15	35	50	10
36- 40	50	75	15	35	55	10
41- 45	55	80	15	40	60	10
46- 50	60	90	20	45	65	15
51- 55	65	95	20	50	70	15
56- 61	70	105	20	50	80	15
62- 67	75	110	25	55	85	15
68- 73	80	120	25	60	90	20
74- 79	85	125	25	65	95	20
80- 85	90	135	30	65	100	20
86- 93	95	140	30	70	105	20
94- 101	100	150	30	75	110	25
102- 109	105	155	35	80	115	25
110- 117	110	165	35	80	125	25
118- 125	115	170	35	85	130	25
126- 135	120	180	40	90	135	30
136- 145	125	185	40	95	140	30
146- 155	130	195	40	95	145	30
156- 165	135	200	45	100	150	30
166- 175	140	210	45	105	155	35
176- 189	145	215	45	110	160	35
190- 203	150	225	50	110	170	35
204- 217	155	230	50	115	175	35
218- 231	160	240	50	120	180	40

Mileage From To	DAY (EXCEPT SUNDAY)			NIGHT AND SUNDAY		
	Initial 3 Minutes			Initial 3 Minutes		
	Station To Station	Person To Person	Each Additional Minute	Station To Station	Person To Person	Each Additional Minute
(Rates in cents)						
232- 245	165	245	55	125	185	40
246- 263	170	255	55	125	190	40
264- 281	175	260	55	130	195	40
282- 299	180	270	60	135	200	45
300- 317	185	275	60	140	205	45
318- 335	190	285	60	140	215	45
336- 359	195	290	65	145	220	45
360- 383	200	300	65	150	225	50
384- 407	205	305	65	155	230	50
408- 431	210	315	70	155	235	50
432- 455	215	320	70	160	240	50
456- 485	220	330	70	165	245	55
486- 515	225	335	75	170	250	55
516- 545	230	345	75	170	260	55
546- 575	235	350	75	175	265	55
576- 605	240	360	80	180	270	60
606- 645	245	365	80	185	275	60
646- 685	250	375	80	185	280	60
686- 725	255	380	85	190	285	60
726- 765	260	390	85	195	290	65
766- 805	265	395	85	200	295	65
806- 855	270	405	90	200	305	65
856- 905	275	410	90	205	310	65
906- 955	280	420	90	210	315	70
956-1005	285	425	95	215	320	70
1006-1055	290	435	95	215	325	70
1056-1115	295	440	95	220	330	70
1116-1175	300	450	100	225	335	75
1176-1235	305	455	100	230	340	75
1236-1295	310	465	100	230	350	75
1296-1355	315	470	105	235	355	75

## 2. TWO-NUMBER SHORT HAUL MESSAGE TOLL SERVICE:

(Schedule C-2.) (Tariff CTC 34)

Between	Initial 5 Minutes	Each Additional 2 Minutes
(Rates in cents)		
Bowen Island and Woodside .....	20	05
Browning and Walnut .....	20	05
Browning and Westmore .....	20	05
Browning and Woodside .....	20	05
Browning and Yukon .....	20	05
Castlegar and Trail .....	20	05
Christina Lake and Grand Forks .....	15	05
Crestwood and Walnut .....	15	05
Crestwood and Yukon .....	15	05
Grand Forks and Greenwood .....	15	05
New Westminster and Westmore .....	20	05
Belmont and Keating .....	15	05
Keating and Victoria .....	15	05

## 3. EXCHANGE SERVICES:

(Schedule C-3.) (Tariff CTC 33)

## (a) EXCHANGE RATE GROUPS:

RATE GROUP	TELEPHONES
1 .....	1- 500
2 .....	501- 1,000
3 .....	1,001- 2,000
4 .....	2,001- 5,000
5 .....	5,001-10,000
6 .....	10,001-20,000
7 .....	20,001-50,000
8 .....	Victoria
9 .....	Vancouver

## (b) EXCHANGE RATE GROUP NUMBERS:

EXCHANGE	GROUP NO.
Abbotsford .....	4
Agassiz .....	2
Ahousat .....	1
Aldergrove .....	3
Alexis Creek .....	1
Ashcroft .....	1
Balfour .....	1
Bamfield .....	1
Boston Bar .....	1
Bowen Island .....	1
Bowser .....	1
Bridge River Mines .....	1
Burns Lake .....	1
Castlegar .....	3
Chase .....	1
Chemainus .....	3
Chilliwack .....	5
Christina Lake .....	1
Clinton .....	1
Cloverdale .....	5
Cobble Hill .....	2
Courtenay .....	4
Cranbrook .....	4
Creston .....	3
Cumberland .....	2
Duncan .....	4
Fernie .....	2
Forest Grove .....	1
Fort St. James .....	1
Fruitvale .....	2
Gabriola Island .....	1
Ganges .....	2
Gibsons .....	2
Golden .....	1
Grand Forks .....	2
Greenwood .....	1
Gulf Islands .....	1
Haney .....	4
Hazelton .....	1
Hope .....	2
Hornby Island .....	1
Houston .....	1
Invermere .....	1
Kamloops .....	5

## EXCHANGE

## GROUP NO.

Kaslo .....	1
Keating .....	2
Keremeos .....	1
Kimberley .....	4
Kitimat .....	4
Ladner .....	3
Ladysmith .....	3
Lake Cowichan .....	2
Langley .....	4
Lillooet .....	1
Lytton .....	1
Merritt .....	2
Mission .....	4
Nakusp .....	1
Nanaimo .....	5
Natal .....	1
Nelson .....	4
New Denver .....	1
New Westminster .....	9
North Vancouver .....	9
Oliver .....	3
100 Mile House .....	1
Osoyoos .....	2
Oyster Bay .....	1
Parksville .....	3
Pender Harbour .....	1
Port Alberni .....	5
Port Coquitlam .....	3
Port Moody .....	9
Port Renfrew .....	1
Princeton .....	2
Quesnel .....	3
Radium .....	1
Richmond .....	9
Rock Creek .....	1
Rossland .....	5
Salmo .....	1
Sechelt .....	2
Shalath .....	1
Sidney .....	3
Slocan City .....	1
Smithers .....	2
Sooke .....	2
South Slocan .....	1
Squamish .....	2
Talkwa .....	1
Terrace .....	3
Thetis Island .....	1
Tofino .....	1
Trail .....	5
Ucluelet .....	1
Vancouver .....	9
Vanderhoof .....	1
Victoria .....	8
Wells .....	1
West Vancouver .....	9
Westwold .....	1
Williams Lake .....	2
Yale .....	1
Youbou .....	1

## (c) EXCHANGE RATES:

## BUSINESS SERVICES

Rate Group	Individual (See Note 1)	Measured (See Notes 1 and 2)	Multi- party	PBX Trunks		Semi- public Daily Guarantee
				1-way	2-way	
(Rates in Cents)						
1	535	—	355	660	745	18
2	560	—	365	690	780	19
3	600	—	380	740	835	20
4	655	—	400	805	910	21
5	750	—	440	925	1045	23
6	850	—	485	1045	1180	25
7	950	—	530	1170	1320	27
8	1000	635	560	1225	1390	30
9	1370	795	750	1675	1900	35

NOTE 1: Where consecutive numbers are required for two or more individual flat rate or measured lines in connection with a single service, the following additional monthly charges are applicable to each line in the group:

	Rate Per Month
Rate Groups 1-4 .....	\$ .50
Rate Groups 5-7 .....	.75
Rate Groups 8 and 9 .....	1.00

NOTE 2: The rates shown include 100 outgoing local calls for Vancouver services and 80 outgoing local calls for Victoria services. Excess calls are charged at \$.05 each.

## RESIDENCE SERVICES

Rate Group	Individual	Two-party	Multi-party	P.B.X. Trunks
				2-way
1 .....	330	260	225	440
2 .....	340	270	230	450
3 .....	355	280	240	470
4 .....	375	295	255	500
5 .....	405	320	275	530
6 .....	425	340	295	565
7 .....	450	360	310	600
8 .....	465	370	320	620
9 .....	550	430	375	730

## 4. EXCHANGE LINE MILEAGE:

(Sheet 19 Schedule C-3.) (Tariff CTC 33)

	Cents per each one- quarter mile or fraction
(a) Each individual line, private branch exchange, trunk line, generator circuit and battery circuit .....	60
(b) Each two-party service .....	40
(c) Each multi-party service within ten miles of the central office .....	Nil
(d) Each multi-party service beyond ten miles of the central office .....	Special arrangement.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 95186 Aug. 11—Authorizing the Federated Pipe Lines Limited to construct a pipe line across the oil pipe line of Interprovincial Pipe Line Company in the Province of Alberta.
- 95187 Aug. 11—Authorizing the Federated Pipe Lines Limited to construct a pipe line across the oil pipe line of Interprovincial Pipe Line Company in the Province of Alberta.
- 95188 Aug. 11—Authorizing the C.N.R. to remove the caretaker at Ebenezer, Sask.
- 95189 Aug. 11—Authorizing the C.P.R. to relocate the private line and siding at mileage 97.7 Sutherland Subdivision, Saskatchewan.
- 95190 Aug. 11—Approving Traffic Agreement between The Bell Telephone Company of Canada and Morley Municipal Telephone System.
- 95191 Aug. 11—In the matter of application of the C.P.R. for approval of plan showing protection as installed at the crossing of its railway and McAdam Road, Finch, Ontario.
- 95192 Aug. 11—Permitting removal of slow order at C.N.R. crossing at Fireproof Company Crossing, mileage 35.76 Oakville Subdivision, Ontario.
- 95193 Aug. 11—Relieving the C.N.R. from erecting right of way fences on certain locations on its Bengough Subdivision, Saskatchewan.
- 95194 Aug. 11—In the matter of application of the C.N.R. on behalf of McColl-Frontenac Oil Company Limited, for approval of proposed location of facilities for handling and storage of flammable liquids at Chibougamau, P.Q.
- 95195 Aug. 11—In the matter of application of the Dominion Atlantic Railway Company (C.P.R.) on behalf of Imperial Oil Limited, for approval of proposed location of facilities for handling and storage of flammable liquids at Annapolis Royal, N.S.
- 95196 Aug. 12—Permitting the removal of slow order at C.P.R. crossing of Montee du Moulin Road, west of Station at Laval des Rapides, P.Q.
- 95197 Aug. 12—Authorizing Imperial Tobacco Company to construct a private siding across the company pipe line of Trans-Northern Pipe Line Company Limited, at Oriole, Ontario.
- 95198 Aug. 12—In the matter of application of the C.P.R. on behalf of the K.V.P. Company Limited, for approval of proposed location of additional facilities for the handling and storage of flammable liquids at Turner Station, near Little Current, Ontario.
- 95199 Aug. 12—Approving under the Maritime Freight Rates Act tolls published in Agreed Charge Tariff filed by the C.F.A. under Sections 3 and 8.
- 95200 Aug. 12—Permitting the removal of slow order at N.Y.C. Railroad Company crossing of Highway No. 20 at St. Stanislas, Quebec.
- 95201 Aug. 12—Requiring the C.N.R. to install certain protection at the first crossing east of the station at Drummond, N.B.
- 95202 Aug. 12—Requiring the C.N.R. to install certain protection at the crossing of Welland Street, Port Colborne, Ontario.
- 95203 Aug. 12—Requiring the C.N.R. to install certain protection at the crossing of Neuville-St. Raymond Road, mileage 16.25 La Tuque Subdivision.
- 95204 Aug. 12—Requiring the C.N.R. to install certain protection at the crossing of their railway at St. Valier, Quebec.
- 95205 Aug. 12—Requiring the C.N.R. to install certain protection at the crossing of Highway No. 45, west of Villemontel, P.Q.
- 95206 Aug. 12—Requiring the C.N.R. to install certain protection at the crossing of Highway No. 10 at Rosedale, Alberta.
- 95207 Aug. 12—In the matter of the filing of tariffs by The Bell Telephone Company of Canada.
- 95208 Aug. 12—In the matter of application of the C.P.R. on behalf of Shell Oil Company of Canada Limited, for approval of proposed location of additional facilities for the handling and storage of flammable liquids at Sault Ste. Marie, Ontario.

- 95209 Aug. 12—Authorizing the Manitoba Department of Public Works to widen Highway No. 10 where it crosses the C.N.R. at mileage 30.63 Rossburn Subdivision, Manitoba.
- 95210 Aug. 12—Authorizing the C.N.R. to operate under the overhead bridge in the Township of Orillia, Ontario, mileage 85.0 Newmarket Subdivision.
- 95211 Aug. 12—Authorizing the C.N.R. to operate under the overhead bridge in the Township of Chaffey, Ontario, mileage 35.28 Huntsville Subdivision.
- 95212 Aug. 12—Authorizing the Municipality of Coquitlam, B.C. to construct the highway over the company pipe line of Trans Mountain Oil Pipe Line Company in the Province of B.C.
- 95213 Aug. 12—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.F.A. under Sections 3 and 8.
- 95214 Aug. 12—Authorizing the C.P.R. to discontinue the operation of certain trains between McAdam and St. Andrews and McAdam and St. Stephen, N.B.
- 95215 Aug. 13—Permitting the removal of slow order at C.N.R. crossing at D'Arcy Corners, Quebec, mileage 35.95 Granby Subdivision.
- 95216 Aug. 13—In the matter of application of the C.N.R. on behalf of Canadian Petrofina Limited, for approval of proposed location of facilities for handling and storage of flammable liquids at Halifax, N.S.
- 95217 Aug. 13—Authorizing the Saskatchewan Department of Highways and Transportation to widen Highway No. 15 where it crosses the C.N.R. at mileage 33.42 Conquest Subdivision.
- 95218 Aug. 13—Authorizing the C.N.R. to remove the caretaker at Millstream, Quebec.
- 95219 Aug. 13—Requiring the C.N.R. to install certain protection at the crossing Porter Cove Road, Ludlow, N.B.
- 95220 Aug. 13—Requiring the C.N.R. to install certain protection at the crossing of Highway No. 8 near Doaktown Station, N.B.
- 95221 Aug. 13—In the matter of application of the C.P.R. on behalf of Imperial Oil Limited for approval of the proposed location of additional facilities for the handling and storage of flammable liquids at Creelman, Saskatchewan.
- 95222 Aug. 13—Permitting the removal of slow order at C.P.R. crossing at Cherrywood, Ontario.
- 95223 Aug. 13—Requiring the C.N.R. to install certain protection at the crossing of Belmont Road, Baker Brook, N.B.
- 95224 Aug. 13—Permitting the removal of slow order at C.P.R. crossing at mileage 4.0 Keewatin Subdivision, Ontario.
- 95225 Aug. 13—Approving under the Maritime Freight Rates Act tolls published in certain tariffs filed by the C.N.R. under Section 3.
- 95226 Aug. 13—Authorizing the C.P.R. to remove the station building at Birch Point, Ontario.
- 95227 Aug. 13—Authorizing the C.P.R. to remove the station building at Ancona Point, Ontario.
- 95228 Aug. 13—Authorizing the C.P.R. to remove the station building at Kenstone, Ontario.
- 95229 Aug. 13—Authorizing the C.P.R. to remove the station building at Pleasant Point, Ontario.
- 95230 Aug. 13—In the matter of facilities of Mecca Oil Company for the handling and storage of flammable liquids at Prescott, Ontario.
- 95231 Aug. 14—Authorizing the Ontario Department of Highways to construct Peterborough By-Pass across the C.N.R. by means of an overhead bridge at mileage 61.12 Campbellford Subdivision.
- 95232 Aug. 14—Approving plan showing location of the diversion of a portion of Trans Canada Pipe Lines Limited company pipe line in the Townships of Evanturel and Armstrong, Ontario.
- 95233 Aug. 14—Authorizing the Township of Lobo to raise the approaches at the crossing of the C.P.R. in the County of Middlesex, Ontario.

- 95234 Aug. 14—Authorizing the Ontario Department of Highways to construct Choates Road across the C.N.R. by means of an overhead bridge north of the station at Port Hope, Ontario.
- 95235 Aug. 14—Authorizing the Township of Amaranth, Ontario to improve the grades at the crossing of the Highway and the railway of the C.P.R. at mileage 4.49 Teeswater Subdivision, Ontario.
- 95236 Aug. 14—Authorizing the Municipal Corporation of St. Thomas, Quebec to construct the Highway across the C.P.R. in the Parish of St. Thomas at mileage 3.10 St. Gabriel Subdivision.
- 95237 Aug. 14—In the matter of application of the C.P.R. for an Order extending the time within which it is required by Order No. 93674 to install certain protection at the crossing at Horner Avenue, Township of Etobicoke, Ontario.
- 95238 Aug. 14—Approving under the Maritime Freight Rates Act tolls published in supplement to tariff filed by the Dominion Atlantic Railway Company under Section 8.
- 95239 Aug. 14—Approving under the Maritime Freight Rates Act tolls published in supplement to tariff filed by the Dominion Atlantic Railway Company under Section 8.
- 95240 Aug. 14—Authorizing the C.N.R. to remove the caretaker and discontinue the station at Clandeboye, Ontario.
- 95241 Aug. 14—In the matter of application of the Ontario Department of Highways for approval of plans of proposed overhead bridge to carry Highway No. 11 across the C.N.R. in the Township of Chaffey, Ontario.
- 95242 Aug. 14—Authorizing the C.N.R. to close the existing public crossing of the railway and the highway in the Township of Humphrey, Ontario.
- 95243 Aug. 14—Authorizing the C.P.R. to close the existing public crossing of its railway and the highway in the Township of Humphrey, Ontario, at mileage 4.32 Parry Sound Subdivision.
- 95244 Aug. 14—Approving operation of C.N.R. trains over siding serving Armco Drainage and Metal Products of Canada Limited Guelph, Ontario.
- 95245 Aug. 14—Authorizing the Township of Amaranth, Ontario, to improve the approach grades at the crossing of the highway and the C.P.R. near Orangeville, Ontario.
- 95246 Aug. 14—Requiring the Dominion Atlantic Railway to install certain protection at the crossing of its railway and highway No. 1 in the Village of Lawrencetown, N.S.
- 95247 Aug. 14—In the matter of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Mission City, B.C., mileage 86.8 Cascade Subdivision.
- 95248 Aug. 14—In the matter of facilities of Trinidad Leaseholds (Canada) Ltd., for the handling and storage of flammable liquids at Kitchener, Ontario.
- 95249 Aug. 14—In the matter of the facilities of the B.C. Power Commission for the handling and storage of flammable liquids at Lake Windemere, B.C.
- 95250 Aug. 14—Authorizing the Township of Amaranth, Ontario, to improve the grades at the crossing of the highway and the C.P.R. near Orangeville, Ontario.
- 95251 Aug. 14—Requiring the C.N.R. to install certain protection at the crossing of Munroe's Side Road at Beachville, Ontario.
- 95252 Aug. 14—In the matter of facilities of Trinidad Leaseholds (Canada) Ltd., for the handling and storage of flammable liquids at Ayr, Ontario.
- 95253 Aug. 14—In the matter of the application of the C.P.R. on behalf of Assamera Oil Company for permission to load crude oil into tank cars from tank trucks at Barons, Alberta.
- 95254 Aug. 14—In the matter of facilities of the British American Oil Company, Ltd., for the handling and storage of flammable liquids at Blue River, B.C.

- 95255 Aug. 14—In the matter of facilities of Imperial Oil Ltd., for the handling and storage of flammable liquids at D'Arcy, Saskatchewan.
- 95256 Aug. 14—In the matter of the facilities of Canadian Delhi Oil Limited for loading crude oil into tank cars from tank trucks at Gull Lake, Saskatchewan.
- 95257 Aug. 14—In the matter of the application of Provo Gas Producers Limited for an Order extending the time within which they are permitted to load crude oil into tank cars from tank trucks at Hughenden, Alberta.
- 95258 Aug. 15—In the matter of facilities of Canadian Durex Abrasives Limited for the handling and storage of flammable liquids in the Township of Brantford, Ontario.
- 95259 Aug. 15—Authorizing the C.N.R. to close the crossing of their railway and the surveyed road in Sections 30 and 31, Township 52, Range 24, West 3rd Meridian, Saskatchewan.
- 95260 Aug. 15—Authorizing the Alberta Department of Highways to construct the highway across the Northern Alberta Railways Company at mileage 78.25 Lac la Biche Subdivision, Ontario.
- 95261 Aug. 15—Authorizing the B.C. Power Commission to construct a power line over the company pipe line of Westcoast Transmission Company Ltd., Cariboo Land District, B.C.
- 95262 Aug. 15—Authorizing the Trans-Canada Pipe Lines Limited to construct its pipe line under the Poplar Rapids River, Township of Haggart, Ontario.
- 95263 Aug. 15—Authorizing the C.N.R. to remove the caretaker at Mitchell, Quebec.
- 95264 Aug. 15—Permitting the removal of slow order at C.N.R. crossing west of the station at St. Norbert, Quebec.
- 95265 Aug. 15—Authorizing Trans-Canada Pipe Lines Limited to construct its pipe line across the Lily River District of Cochrane, Ontario.
- 95266 Aug. 15—Relieving the C.P.R. from erecting fences along certain portions of its Wetaskiwin Subdivision, Alberta.
- 95267 Aug. 15—Authorizing Saskatchewan Department of Highways and Transportation to widen highway No. 14 where it crosses the C.P.R. in Section 18, Township 35, Range 1, West 3rd Meridian and Section 13, Township 35, Range 2, West 3rd Meridian, Saskatchewan.
- 95268 Aug. 15—Authorizing Trans-Canada Pipe Lines Limited to construct its company pipe line under Crooked Creek in the Township of Marquis, Ontario.
- 95269 Aug. 15—Authorizing Trans-Northern Pipe Line Company to open for transportation of petroleum products that portion of its company pipe line which was authorized to be relocated by Order No. 94547 Township of East York, Ontario.
- 95270 Aug. 15—Approving plan showing deviation of a portion of Trans-Canada Pipe Lines Limited company pipe line in the Township of Lyman, Ontario.
- 95271 Aug. 15—Approving yard facilities proposed to be constructed by the C.N.R. at Corner Brook, Newfoundland.
- 95272 Aug. 15—Authorizing the C.N.R. to make changes to the automatic interlocker at the crossing of their railway and the C.P.R. at mileage 2.3 Wilkie Subdivision, and mileage 4.8 Govel Subdivision, of the C.N.R.
- 95273 Aug. 18—Authorizing Interprovincial Pipe Line Company to open for the transportation of oil a section of its company pipe line from a point on the south side of LaSalle Road, Township of Moore County of Lambton, Ontario where the LaSalle Road is intersected by southerly extension of the easterly boundary of property owned by the Sun Oil Company Limited in Lot c, Range 7, Registered Plan 122, in the City of Sarnia, Ontario.
- 95274 Aug. 18—Authorizing the C.P.R. to remove the station building at Les Gres, Quebec, mileage 14.5 St. Maurice Valley Subdivision.

- 95275 Aug. 18—In the matter of the application of The Bell Telephone Company of Canada, hereinafter called the "Applicant", under section 353 of the Railway Act, for approval of certain terms and conditions in its proposed form of contract.
- 95276 Aug. 19—In the matter of Order No. 66692, dated November 16, 1945, respecting facilities of Shell Oil Company of British Columbia, Limited for the handling and storage of flammable liquids at Golden, British Columbia.
- 95277 Aug. 19—In the matter of the application of C.N.R. on behalf of Gibson Petroleum Company Limited for approval of proposed facilities for loading tank cars with crude petroleum directly from tank trucks at Pollockville, Alberta, mileage 39.3 Sheerness Subdivision.
- 95278 Aug. 19—In the matter of Order No. 84379, dated August 19, 1954, respecting facilities of R.C.A. Victor Company Limited for the handling of Class II (Bunker "C" Oil) at Prescott, Ontario.
- 95279 Aug. 19—In the matter of Orders Nos. 73099, dated September 19, 1949 and 86576, dated July 15, 1955, respecting facilities of the British American Oil Company Limited for the handling and storage of flammable liquids at Brockville, Ontario.
- 95280 Aug. 19—In the matter of the application of the Canadian Pacific Railway Company for authority to remove the station building at Lochaber, Quebec, mileage 94.0 Lachute Subdivision.
- 95281 Aug. 19—Authorizing the C.P.R. to remove station building at Cabane Ronde, Quebec.
- 95282 Aug. 19—In the matter of Order No. 63885, dated August 17, 1943, respecting facilities of Canadian Oil Companies Limited for the handling and storage of flammable liquids at Hamilton, Ontario.
- 95283 Aug. 19—Authorizing the Quebec Department of Roads to construct highway across C.P.R. by means of subways at mileage 40.92 and mileage 41.01 Adirondack Subdivision.
- 95284 Aug. 19—Permitting the removal of slow order at C.P.R. crossing of Leiges Street, Montreal, Quebec.
- 95285 Aug. 19—Approving under the Maritimes Freight Rates Act tolls published in tariffs filed by the Canadian Freight Association under sections 3 and 8.
- 95286 Aug. 19—Approving Alternate Appendix "B" traffic agreement between The Bell Telephone Company of Canada and The Public Utilities Commission of the City of Port Arthur.
- 95287 Aug. 19—Approving Alternate Appendix "B" traffic agreement between The Bell Telephone Company of Canada and The Billings Mutual Telephone Company Limited.
- 95288 Aug. 19—Approving Alternate Appendix "B" traffic agreement between The Bell Telephone Company of Canada and The Dawson Township Amalgamated Telephone Company Limited.
- 95289 Aug. 19—Approving Alternate Appendix "B" traffic agreement between The Bell Telephone Company of Canada and The West Campbell and Mills Telephone Company Limited.
- 95290 Aug. 20—Approving Alternate Appendix "B" traffic agreement between The Bell Telephone Company of Canada and The Ivy Thornto Telephone Company Limited.
- 95291 Aug. 20—Approving Alternate Appendix "B" traffic agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de St-Henri de Mascouche Limitee.
- 95292 Aug. 20—Approving revised Appendix "A" and Alternate Appendix "B" between The Bell Telephone Company of Canada and The Corporation of the Township of Rochester.
- 95293 Aug. 20—Approving revised Appendix "A" and Alternate Appendix "B" traffic agreement between The Bell Telephone Company of Canada and the Telephone System of the Municipality of the Township of Flos.

- 95294 Aug. 20—Approving Supplement No. 3 to Service Station Contract between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Municipality of the Township of Chinguacousy.
- 95295 Aug. 20—Approving Supplement No. 2 to traffic agreement between The Bell Telephone Company of Canada and the South Monaghan Municipal Telephone System.
- 95296 Aug. 20—Approving Alternate Appendix "B" to traffic agreement between The Bell Telephone Company of Canada and The Robinson Rural Telephone Company Limited.
- 95297 Aug. 20—Authorizing the C.N.R. to operate under the overhead bridge in the Township of East Oxford, Ontario, mileage 43.07, Dundas Subdivision.
- 95298 Aug. 20—Authorizing the C.P.R. to construct an extension of its siding across road allowance at mileage 28.67, Carberry Subdivision, Manitoba.
- 95299 Aug. 20—Approving under the Maritime Freight Rates Act tolls published in tariff filed by the Dominion Atlantic Railway Company under Section 8.
- 95300 Aug. 20—In the matter of the application of the Department of Roads of the Province of Quebec for an Order authorizing the installation of automatic protection at the crossing of the C.N.R. and First Street (Grande Ligne) in the County of St. Jean, Province of Quebec, mileage 31.45 Rouses Point Subdivision.
- 95301 Aug. 20—Approving Supplement to traffic agreement between The Bell Telephone Company of Canada and The Alnwick Rural Telephone Company Limited.
- 95302 Aug. 20—Approving revised Appendix "A" and Alternate Appendix "B" to traffic agreement between The Bell Telephone Company of Canada and The Corporation of the Town of Dryden.
- 95303 Aug. 20—Approving revised Appendix "A" and Alternate Appendix "B" to traffic agreement between The Bell Telephone Company of Canada and the Corporation of the Township of Caledon.
- 95304 Aug. 20—Approving revised Appendix "A" and Alternate Appendix "B" to traffic Agreement between The Bell Telephone Company of Canada and the Muskoka and Parry Sound Telephone Company Limited.
- 95305 Aug. 20—Approving Alternate Appendix "B" to traffic agreement between The Bell Telephone Company of Canada and The Oakwood Telephone Company Limited.
- 95306 Aug. 20—Approving Alternate Appendix "B" to traffic agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone du Canton de Dudswell.
- 95307 Aug. 20—Approving Supplement No. 2 to traffic agreement between The Bell Telephone Company of Canada and the Orono Telephone Company Limited.
- 95308 Aug. 20—Approving Alternate Appendix "B" to traffic agreement between The Bell Telephone Company of Canada and Le Telephone Local de Garthby.
- 95309 Aug. 20—Approving Alternate Appendix "B" to traffic agreement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Municipality of the Township of Wilmot.
- 95310 Aug. 20—Approving revised Appendix "A" and Alternate Appendix "B" to traffic agreement between The Bell Telephone Company of Canada and Southwold and Dunwich Telephone Association Limited.
- 95311 Aug. 20—In the matter of the application of the C.N.R. on behalf of Canadian Pratt and Whitney Aircraft Company for approval of the proposed location of facilities for the handling and storage of Class I flammable liquids at Longueuil, Quebec, mileage 3.9 Sorel Subdivision.

- 95312 Aug. 20—Authorizing the C.N.R. to reconstruct the grade separation at Jasper, Alberta, at mileage 104.9 Brule Subdivision.
- 95313 Aug. 20—Approving revised Appendix "A" and Alternate Appendix "B" to traffic agreement between The Bell Telephone Company of Canada and the East Luther Telephone System.
- 95314 Aug. 20—Approving revised Appendix "A" and Alternate Appendix "B" to traffic agreement between The Bell Telephone Company of Canada and Hurontario Telephones Limited.
- 95315 Aug. 20—In the matter of the application of the Town of Rimouski for approval of crossing of C.N.R. at mileage 17.01, Rimouski Subdivision, Quebec.
- 95316 Aug. 20—Requiring C.N.R. to install certain protection at the crossing of Highway No. 10, Village of Bic, Quebec.
- 95317 Aug. 20—Authorizing the C.P.R. to construct an extension to its siding across the road allowance at mileage 30.15 Carberry Subdivision, Manitoba.
- 95318 Aug. 20—Authorizing the C.P.R. to construct an extension of its passing track across the road allowance at Westbourne, Manitoba, mileage 16.24, Minnedosa Subdivision.
- 95319 Aug. 20—Approving revised Appendix "A" and Alternate Appendix "B" to traffic agreement between The Bell Telephone Company of Canada and the Commissioners for the Telephone System of the Municipality of the Township of Wellesley.
- 95320 Aug. 20—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under section 3.
- 95321 Aug. 21—Authorizing the C.N.R. to remove the caretaker at Tobin, Quebec.
- 95322 Aug. 21—Permitting the removal of slow order at C.P.R. crossing near Walkerton, Ontario, mileage 32.85 Walkerton Subdivision.
- 95323 Aug. 21—Permitting the removal of slow order at C.N.R. north of station at Listowel, Ontario.
- 95324 Aug. 21—Authorizing the C.P.R. to construct an extension of its siding at the road allowance at Mileage 14.66 Carberry Subdivision, Manitoba.
- 95325 Aug. 21—Permitting the removal of slow order at C.P.R. crossing and Stevenson Road, Oshawa, Ontario.
- 95326 Aug. 21—Authorizing the C.P.R. to construct an extension of its siding at mileage 15.80 Carberry Subdivision, Manitoba.
- 95327 Aug. 21—Authorizing the C.N.R. to discontinue as an agency their station at Stoney Beach, Saskatchewan.
- 95328 Aug. 21—In the matter of Order No. 55807, dated April 21, 1958, respecting facilities of Patron Oil Company for the handling and storage of flammable liquids at Piapot, Saskatchewan, mileage 67.1 Maple Creek Subdivision.
- 95329 Aug. 21—Authorizing the Manitoba Department of Public Works to widen provincial Highway No. 83 where it crosses C.P.R. at mileage 31.01, Lyleton Subdivision.
- 95330 Aug. 21—Approving Appendix "A" and Alternate "B" to traffic agreement between The Bell Telephone Company of Canada and the Commissioners for the Telephone System of the Municipality of the Township of Howick.
- 95331 Aug. 21—Approving revised Appendix "A" and Supplement No. 1 to traffic agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de St-Jude.
- 95332 Aug. 21—Authorizing the Consumers' Gas Company to construct a gas main under the company pipe line of the Trans Canada Pipe Lines Limited in the Township of Vespra, Ontario.



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# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations, and Rulings

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*Application of The Bell Telephone Company of Canada for approval of rates for extended area telephone service between its Montreal exchange and certain exchanges in the area surrounding Montreal, P.Q.*

File C.955.170.4

### JUDGMENT

**BY THE BOARD:**

By application dated April 28, 1958, The Bell Telephone Company of Canada, hereinafter referred to as the Company, submitted for approval a plan of extended area service designed to widen the scope of local calling privileges available to its customers in certain existing exchanges in the Montreal area and in two new exchanges, Laval and St-Constant, to be established in 1958 and 1959 respectively. The adoption of the Company's proposed plan is contingent upon revised tolls for the new service and it is such tolls which the Board has to consider in determining this application.

Certain Montreal exchanges are currently included in an extended area service arrangement which went into effect in the latter half of 1951 and was subsequently enlarged by the addition of two exchanges in 1955 and two exchanges in January 1958. By its Judgment of March 6, 1951 (41 J.O.R. & R. 1; 67 C.R.T.C. 98), the Board approved the Company's initial proposals for the provision of extended area service for its Montreal, L'Abord-à-Plouffe, Lachine, Longueuil, Pointe-aux-Trembles, Pont-Viau, Rivière-des-Prairies, St-Lambert and St-Vincent-de-Paul exchanges. Subsequently, the Board approved extended area arrangements for the Laprairie exchange (March 12, 1954, 44 J.O.R. & R. 33; 71 C.R.T.C. 318); the Boucherville exchange (August 3, 1954, 44 J.O.R. & R. 228; 71 C.R.T.C. 319); and the Roxboro exchange (October 15, 1957, 47 J.O.R. & R. 289; 76 C.R.T.C. 128).

Before proceeding to outline the substance of the present application, a description of such extended area service arrangements follows.

At present, Montreal extended area service embraces the Montreal exchange and the twelve immediately surrounding exchanges of Boucherville, L'Abord-à-Plouffe, Lachine, Laprairie, Longueuil, Pointe-aux-Trembles, Pont-Viau,

Rivière-des-Prairies, Roxboro, Ste-Dorothée, St-Lambert and St-Vincent-de-Paul. These twelve surrounding exchanges are popularly described as "first fringe exchanges" and are designated as "Group A exchanges" in the present application. No long-distance charges apply on calls between Montreal and a Group A exchange, but the local service area of each Group A exchange includes only certain contiguous exchanges in addition to the Montreal exchange (see Section 1 of Appendix "A" to this Judgment). All Group A exchanges are assigned to rate Group 10, as is Montreal, and are assessed the rates and charges applicable to that Group.

Surrounding and abutting on the Group "A" exchanges are the following nine exchanges, termed "second fringe exchanges" or "Group B exchanges": Chambly, Châteauguay, Pointe-Claire, St-Bruno, Ste-Geneviève-de-Pierrefonds, St-Philippe, Ste-Rose, Terrebonne and Varennes. None of these exchanges at present includes the Montreal exchange in its local service area, although four of them do have extended area service with certain contiguous exchanges (see Section 2 of Appendix "A" hereto). These Group B exchanges are currently assigned to their appropriate rate groups, ranging from Group 2 to Group 5, according to the total number of telephones interconnected within each exchange or local service area.

The extended area service plan now before us proposes to accord to Group B exchanges the same calling privileges with the Montreal exchange as the Group A exchanges. In addition, the local service areas of both the Group A and Group B exchanges will be enlarged to include certain neighbouring exchanges described in Appendix "A" hereto, with a consequent elimination of long-distance charges within the enlarged service areas.

Prior to the introduction of the proposed plan, a new Group B exchange will be established in Laval to serve the territory on Ile Jésus now served by the St-Eustache exchange. The other portion of the St-Eustache exchange, situated on the mainland north-west of Laval, will not be included in the plan but will have extended area service with the new Laval exchange. In the territory now served by the Laprairie exchange (a Group A exchange), a new Group A exchange will be established at St-Constant at the time of introduction of the proposed plan.

The matter of extended area services in metropolitan areas, which the Company proposed to establish in the cities of Toronto, Montreal, Quebec, Ottawa, Hamilton and Windsor, was first considered by the Board in its 1950 Judgment dealing with increased telephone rates for the Company (40 J.O.R. & R., Issue No. 17-A; 67 C.R.T.C. 1). In that Judgment we said:

"The Metropolitan plan contemplates projecting into suburban areas the facility of free calling from the suburban area to the related urban area, such as from the Weston, Willowdale or Agincourt areas to the Toronto exchange area. Conversely the Toronto base rate area subscribers would have free calling to subscribers in the adjoining suburban areas. A further feature of the plan is that suburban subscribers would have free calling privileges with adjoining suburban exchanges, such as Weston may call Islington or Willowdale, but would incur toll charges if calling non-adjoining suburban exchanges.

"Introduction of the metropolitan plan carries with it payment of exchange rates at the level of those applicable to the urban exchange. That is, the Weston subscriber would pay the same rate as Toronto. The plan thus contemplates adding the total telephones of the suburban exchanges to the total of the urban exchange and the grand total thu

obtained establishes the exchange rate for the metropolitan group. Metropolitan service is to be non-optional and Mr. Hambly stated that no opposition had yet appeared to it, but if it were opposed it would require re-study of all requirements.

"Mr. Hambly also stated that the plan would supersede optional suburban zone service; foreign exchange service, and extended area service; that the trend is for a greater proportion of people working in large centres to move their residence to suburban areas, but have social and economic need to retain contact with the city; that a number of suburban customers now pay charges in excess of city rates and many restrict calls to and from the city on account of the necessity of paying toll charges.

"While it appears that considerable benefits would result from the adoption of the Metropolitan plan, it must be noted that it was not proposed to solicit the views of the subscribers concerned on their acceptance. Page 11 of Exhibit 122 shows that a substantial growth in demand for suburban zone service, and foreign exchange service, has occurred since 1939 in the Toronto, Montreal, and Quebec areas, and similarly with extended local service in the Ottawa area.

"Pages 14 and 17 of Exhibit 122 shows the percentage of total suburban subscribers whose charges exceed city rates, under both the present and proposed rates. These percentages are as follows:

<i>Metropolitan Area</i>	<i>Date of Study</i>	<i>Percent of total suburban</i>	
		<i>Present</i>	<i>Proposed</i>
Toronto .....	Mar. 1948	49.3	45.9
Montreal .....	Nov. 1948	47.4	43.9
Ottawa .....	Mar. 1949	54.2	50.0
Hamilton .....	Jun. 1949	28.6	36.3
Quebec .....	Apr. 1949	26.0	17.4
Windsor .....	Apr. 1949	52.6	48.2

"Requests have been made to the Board from time to time, to direct the Company to extend urban service into suburban areas, or to modify charges for foreign exchange service. Reference to recent cases is as follows:

"Quebec-Montmorency Chamber of Commerce v. Bell Telephone Co., 46 C.R.C. 203; Town of Weston v. Bell Telephone Co., 48 C.R.C. 145; Town of Mimico v. Bell Telephone Co., 48 C.R.C. 180; Township of Etobicoke v. Bell Telephone Co., 48 C.R.C. 222; Jas. F. Phillips v. Bell Telephone Co., 52 C.R.T.C. 49; Miss Sophie Kohen v. Bell Telephone Co., 52 C.R.T.C. 3; Municipality of St. Dunstan v. Bell Telephone Co., 62 C.R.T.C. 188.

"The Etobicoke and Mimico cases, *supra*, were applications seeking telephone service as part of the City of Toronto. In the Mimico case we pointed out that the extension of the urban rates would have been beneficial to only 211 subscribers, and that 688 subscribers would be compelled to pay increased charges; in the aggregate the reductions were less than the increases. We also commented therein that the Board was without power to direct the Company to extend its Toronto base rate area to include Mimico, but that we had the power and jurisdiction to deal with

all questions of unreasonableness or unjust discrimination in respect of telephone tolls resulting from the establishment, redivision and readjustment of base rate boundaries.

"The Metropolitan plan now proposed is, in effect, an extension of the base rate boundaries of the urban exchange. It affords to those situated within the city areas a completely extended service to and from the suburban areas, but it will result in substantial increase in the local rates of the suburban exchanges, which would directly affect those who require only the local service provided by the suburban exchange.

"The percentage of total suburban subscribers who would benefit from the introduction of metropolitan service is quite low. I do not think it is appropriate for the Board to consider approving the proposed rate basis for these suburban zones without some indication showing that a substantial majority of the suburban subscribers are agreeable to the introduction of the plan. I am also not convinced that the restriction of free calling by the suburban subscribers, under the proposed plan, to adjoining exchanges does not contain an element of unjust discrimination. These subscribers would be compelled to pay the same rate as applicable in the urban area, but the subscribers in the latter area would have the privilege of free calling throughout the entire metropolitan area.

"I realize that suburban subscribers who now pay extended rate zone charges would benefit by the plan, but until the objections I have set out above have been dealt with, I do not think the Board should, at this time, give its approval to the metropolitan rate basis as proposed."

Following this decision, the Company took steps to ascertain the wishes of its Montreal suburban customers by means of a plebiscite, the results of which satisfied the Board that the metropolitan plan, now designated as "extended area service", was acceptable to the majority. In approving the initial plan for the Montreal area, the Board also gave consideration to the question of possible unjust discrimination, referred to in the foregoing citation, and said (March 6, 1951, 41 J.O.R. & R. 1; 67 C.R.T.C. 98):

"The Board has also given consideration to the differences set out in our previous decision which result from the application of the plan. These differences are relatively small and occur only with respect to calling from a suburban exchange to a non-adjacent suburban exchange. Due to technical and physical features, it has been fully demonstrated to us that free calling throughout the entire area cannot be accorded and therefore it has been made manifestly clear that inter-urban calling between non-adjacent suburban exchanges involves circumstances and conditions not existing elsewhere in the area. For these reasons we do not consider the difference in treatment amounts to unjust discrimination."

Subsequently, the Board approved the extension of the plan to four additional Group A exchanges where similar plebiscites had shown similarly favourable results.

Since the establishment of the Montreal extended area service plan in response to the demonstrated community of interest between Montreal exchange customers and those in the Group A exchanges, there has been a substantial growth, both in population and in telephones in service, not only in the Montreal and Group A exchanges, but also in the surrounding territory com-

rising the Group B exchanges. The Company's application includes the following statement as evidence of this growth:

<i>Exchanges</i>	<i>Population</i>			<i>Telephones</i>		
	1955	1958*	% Increase	1955	1958*	% Increase
Montreal. . . . .	1,362,000	1,439,000	5.7	522,295	651,004	24.6
<b>Group A</b>						
Exchanges. . . . .	222,000	298,000	34.3	56,374	88,980	57.8
<b>Group B</b>						
Exchanges. . . . .	77,000	105,000	36.3	15,852	29,336	85.1

\* As at December 31st., Estimated.

This expansion of the suburban areas surrounding Montreal has brought about a substantial community of interest between the Montreal exchange customers and those in the Group B exchanges, and between customers in certain Group A and Group B exchanges, which the Company states is demonstrated by the following summary of the estimated annual volume of long distance calls which would be eliminated under its proposed plan:

<i>Calls for which a long distance charge applies</i>	<i>Based on estimated</i>	
	<i>Based on telephones in service in January, 1957</i>	<i>number of telephones in service in December, 1958</i>
Between Montreal and Group B exchanges. . . . .	4,358,000	5,038,000
Between the Group A exchanges not now in the same local calling area. . . . .	227,000	295,000
Between the Group A and Group B exchanges proposed to be given interchange of calling without a toll charge. . . . .	741,000	977,000
Between the Group B exchanges proposed to be given interchange of calling without a toll charge. . . . .	141,000	193,000
<b>Total . . . . .</b>	<b>5,467,000</b>	<b>6,503,000</b>

By discontinuing present long distance and foreign exchange service between the exchanges involved in the plan and furnishing the additional equipment required for the extended area service, the Company estimates that it will incur an annual loss of revenue amounting to \$1,926,000. This would be partly offset by an annual reduction of about \$400,000 in the expense of timing, recording and billing the long distance calls which would be eliminated, reducing the annual revenue loss to \$1,526,000. If the Company were to apply

to the Group B exchanges merely the same rates as those currently applicable in the Montreal and Group A exchanges, the resulting revenue increase of \$519,000 annually would still leave a net annual revenue loss of \$1,007,000. It is proposed to recoup most of this deficiency in revenue by increasing the Montreal exchange rates, currently applied to the Montreal exchange and to the Group A exchanges, by the following amounts:

- (a) 10 cents per month for residence main telephones and residence P.B.X. trunk lines;
- (b) 25 cents per month for business main telephones and business P.B.X. trunk lines; and
- (c) 1 cent per day in the daily guarantee of local message revenue for semi-public main telephones and P.B.X. trunk lines.

In addition to such increased Montreal rates, customers in Group B exchanges are to be charged the following amounts:

- (a) 50 cents per month for residence main telephones and residence P.B.X. trunk lines;
- (b) \$1.00 per month for business main telephones and business P.B.X. trunk lines;
- (c) 3 cents per day in the daily guarantee of local message revenue for semi-public main telephones; and
- (d) 5 cents per day in the daily guarantee of local message revenue for semi-public P.B.X. trunk lines.

The effect of the changes in rates under the proposed plan is illustrated in the following comparison of present and proposed rates for individual line service in each of the exchanges involved:

<i>Exchanges</i>	<i>Business</i>		<i>Residence</i>	
	<i>Present</i>	<i>Proposed</i>	<i>Present</i>	<i>Proposed</i>
Montreal .....				
<i>Group A exchanges:</i>				
Boucherville .....				
L'Abord-à-Plouffe .....				
Lachine .....				
Laprairie .....				
Longueuil .....	\$14.35	\$14.60	\$ 5.35	\$ 5.45
Pointe-aux-Trembles .....				
Pont-Viau .....				
Rivière-des-Prairies .....				
Roxboro .....				
St-Constant (a) .....				
Ste-Dorothée .....				
St-Lambert .....				
St-Vincent-de-Paul .....				

(a) New exchange—Now served from LAPRAIRIE exchange.

	<i>Business</i>		<i>Residence</i>	
	<i>Present</i>	<i>Proposed</i>	<i>Present</i>	<i>Proposed</i>
<i>Group B exchanges:</i>				
Chambly .....	6.50	15.60	3.65	5.95
Châteauguay .....				
Chaval (b) .....				
Pointe Claire .....	7.40	15.60	3.90	5.95
St-Bruno .....	5.30	15.60	3.30	5.95
Ste-Geneviève-de-Pierrefonds	5.85	15.60	3.45	5.95
St-Philippe .....	6.50	15.60	3.65	5.95
St-Rose .....	7.40	15.60	3.90	5.95
Verrebonne .....	5.85	15.60	3.45	5.95
Verdun .....	5.30	15.60	3.30	5.95

(b) New exchange—Now served from ST-EUSTACHE exchange.

The Company states that the increased rates and charges it proposes for the new extended area service plan would equitably apportion that part of the annual revenue deficiency it seeks to recover (\$1,007,000.) among the customers involved on the basis of the value of the proposed service to them. In apportioning this revenue deficiency, the Company has taken into account the special circumstances and conditions that would come into existence with the extension of Montreal local service calling to include the Group B exchanges; these would include not only the provision of special facilities to handle local calls over distances normally reached by long distance service, but also the provision of such facilities in sufficient quantity to handle the vastly increased number of calls which would result from the provision of this service on a monthly-rate basis.

The Company contends that it is principally its customers in the Group B exchanges who are seeking the proposed extension of service and who will derive the greatest benefits therefrom. Many of these Group B customers would also enjoy a saving in their overall telephone costs, because they would pay less under the proposed rates than they are now paying for the combined total of their present local service and long distance calls to Montreal. In addition, they would have the advantage of the proposed monthly rate service enabling them to call Montreal on a local basis.

The proposed plan is designed as an integrated whole and the Company states that it can be implemented only if the Montreal exchange and all the exchanges in Groups A and B are included. Consequently, it is contingent upon general acceptance of the plan and of the rates proposed thereunder. In its application, the Company has stated that it will oppose any proposal to extend the scope of the present plan and that it reserves the right to withdraw the plan if, in its judgment, opposition to it warrants its doing so.

Except for geographical location and conditions, the Company's proposal is substantially similar in respect to service arrangements, and identical in respect to rates, to the extended area service plan authorized by the Board in its Judgment of January 31, 1955 (45 J.O.R. & R. 1; 72 C.R.T.C. 112), for the Toronto exchange and its first and second fringe exchanges.

Before filing its formal application for approval of the new extended area service plan for the Montreal area, the Company sought and obtained a provisional discussion with the Board which took place on September 13, 1957. It was decided at that time that the widest possible publicity should be given to the Company's proposal by means of newspaper advertising and by direct advice to the customers affected thereby.

Announcement of the plan, with descriptive details, was published in the English-language and in the French-language daily newspapers in Montreal on October 3, 1957, and in the local community newspapers of October 3rd, 4th, 5th, 9th and 10th. These newspapers cover the entire area embraced by the plan and their combined total circulation is said to be 1,103,656 copies. Each of the 466,488 customers of the Montreal and Group A exchanges receive direct notice of the plan and the 18,681 customers of the Group B exchange were each sent a special circular letter giving complete details of the plan and it would affect them.

Each advertisement, notice or special circular letter, contained in accordance with our directions, a notice to the effect that any representations concerning the Company's proposals were to be sent to us not later than November 15, 1957. Copies of the Company's formal application of April 28, 1958 were also served upon each of the 93 municipalities throughout the area affected with a notice that any answer to such formal application was to be mailed or delivered to us within 20 days after such service.

In response to the October 1957 announcements of the Company's proposed plan, 180 communications were received from individuals, businesses, associations or municipalities and similar bodies. Of this number, 150 or 83.3% expressed unqualified approval of the Company's plan; 4 or 2.2% expressed qualified approval; 24 or 13.3% expressed opposition to the plan; and 2 or 1.1% were neutral. Those expressing qualified approval directed their criticism mainly to the extra charge over the Montreal exchange rates proposed by the Company. The opinions in opposition to the plan may be summarized as follows: "Local residential telephone costs too much"; "Those who use long distance should pay for it"; "Only a means of getting an additional increase in rates"; "Why should Montreal subscribers absorb costs for a service which will benefit suburbs more?"; "Bell will keep on extending exchange areas ad infinitum"; "Considerably higher cost compared with long distance calls made by Pointe Claire subscribers will still not be able to call as many exchanges as Montreal subscribers"; "Extra 60-cent charge to outlying exchanges is discriminatory"; "See no reason why I should bear heavier expense to accommodate a service of no use to me"; "Satisfied with present arrangements"; "Do not make any outside calls"; "Take no action without a referendum". Of the 24 representations against the proposed plan, 15 came from the Montreal exchange which has 412,500 customers, none came from the Group A exchanges which have 54,000 customers and 9 came from the Group B exchanges which have 18,000 customers.

Five submissions were received from municipalities, following the filing of the Company's formal application of April 28, 1958. None of these submissions expressed opposition to the plan. The Town of Pointe-Claire stated that it does not desire to oppose the plan; the Town of Mackayville stated that it fully approves the plan and the amended rates; the Town of Beaconsfield stated that it unanimously endorses the plan, but "opposes the establishment of any rates in excess of the rates charged to Montreal subscribers for far greater facilities"; the Town of Candiac approved the plan and added some qualifications which were later withdrawn; and the Town of Repentigny, which is not included in the plan, made application to be included within its scope.

As stated above, the plan now before us is substantially similar to the plan approved for the Toronto exchange and its first and second fringe exchanges on January 31, 1951. In our Judgment approving the Toronto extended area service plan (45 J.O.R. & R. 1; 72 C.R.T.C. 112), we gave careful consideration to objections raised concerning the lack of unlimited free calling between non-adjacent suburban exchanges in Groups A and B, as well as to requests to extend the scope of the plan even further. In that Judgment we said:

"The base rate area of an exchange does not necessarily follow municipal boundaries. Consideration of geographical location, technical problems, excessive expense in providing telephone facilities and many other factors enter into the matter. In the large exchange areas, such as Toronto, wire centres are created which terminate the line of the subscriber in a central office from which calls are distributed as required by the customer. In the Toronto exchange there are 34 such central offices. Each central office must be connected to the other by means of inter-office channels in sufficient quantity to handle the demands of the entire exchange customers. These channels are relatively short and therefore can be effected by facilities of less rigid standards than required for longer distances.

"Extended Area Service differs with the inter-office service in that each outlying exchange is connected to the nearest central office in the urban exchange, from which point service is channelled through the inter-office facilities from and to the point of connection. To provide unlimited calling throughout the entire Toronto, Group A and Group B area would require the establishment of vastly superior inter-office facilities crossing and criss-crossing the whole area in a vast network of wire and at very heavy expense. The incidence of calling between non-adjacent suburban exchanges is very light, yet the facilities to provide unlimited calling would, of necessity, have to contemplate and provide for very much greater volume of traffic than is now indicated. Any such provision of complete calling facilities would be reflected in considerably higher rates than now proposed.

"Where an industry has located in suburban areas and requires the complete service, the same is now available to it, but only upon subscribing to foreign exchange service. By such means, the desired service may be obtained but the cost thereof is payable only by the one receiving the benefit. We are of the opinion that the ability to secure foreign exchange service is sufficient to dispose of this form of complaint.

"What we have said respecting the problems and expense involved in providing complete service is sufficient to dispose of those opposing the plan for lack of complete service.

"The objections which go to the failure of the Company to extend the proposed service even further cannot now be considered. In any scheme where lines of demarcation must be drawn there arises the problem of where to strike such line. We have already discussed the problem of increasing expense involved in long inter-office facilities, the same applies to lines leading from the exchange or wire centres to the subscribers' premises. There must be a limit. In the same manner, under existing conditions, exchanges in areas outside of Group B cannot now be brought into the proposed plan. Probably, at some future date, the necessity for a broad plan of third fringe exchanges may develop and will, in turn, involve questions of how to be met physically and financially."

With respect to the present application, the Company states that the provision of toll-free calling between all of the Group A and Group B exchanges in the Montreal extended area service plan would entail the construction of an adequate number of trunk lines between the central offices of all of the 24 exchanges involved and the installation of the necessary associated equipment. The loss of toll revenue and the carrying charges on the investment required to be made to provide such additional facilities would amount to some \$700,000 per year, the recovery of which would necessitate still higher rates to all

customers in the Group A and Group B exchanges. The Company states further that it is not prepared to advance such a project and that the traffic studies it has made demonstrate that the great majority of its Group A and Group B customers do not require such an extension of service.

None of the municipalities involved in the Company's proposed scheme have sought such a plan of unlimited toll-free calling and the only objection received, which refers to this matter, was submitted by the Town of Beaconsfield, located in the Group B Pointe Clair exchange. It does not seek to extend the proposed calling area, but simply objects, on the premise of a limited calling area, to the establishment of rates in excess of those charged to Montreal exchange customers, a matter which will be dealt with later herein.

As to the submission of the Town of Repentigny that it should be included within the proposed extended area service plan because it is partly located within the Group B area, the Company points out that such area comprises only the territories included within its Chambly, Chateauguay, Laval, Pointe Claire, St-Bruno, Ste-Genevieve-de-Pierrefonds, St-Philippe, Ste-Rose, Terrebonne and Varennes exchange areas, and does not include its St-Paul-l'Ermite exchange area within which the Town of Repentigny is located.

Since the proposed plan involves the elimination of certain toll or long distance charges, it became necessary in the interests of equality of treatment to fix a limit to the extent of the toll-free calling to be provided thereunder. This limit was set by including those Group B exchanges wherein the standard long distance charge to and from Montreal was 15 cents for a three-minute conversation; that is to say, those exchanges whose toll offices or rate centres are located within 15 air-line miles of the Montreal toll office.

All the long distance calls originated by or destined to customers in the Town of Repentigny must of necessity be operated and switched at the toll centre for the St-Paul- l'Ermite exchange, which toll centre is 18 air-miles distant from the Montreal toll office. The standard long distance charge for calls between these points is 25 cents for a three-minute conversation and the inclusion of the Town of Repentigny within the scope of the extended area service plan would, in order to avoid unjust discrimination or undue or unreasonable preference, necessarily require the inclusion of all such other surrounding exchanges as are in similar circumstances and conditions.

An extended area service plan is, in effect, an extension of exchange area boundaries. We are not charged with any powers under the Railway Act to fix such boundaries which are matters for managerial discretion involving technical, geographic and other considerations. Our duty mainly lies with the rates resulting from the establishment, redivision and readjustment of such exchange areas and there is no evidence that the limits of exchange areas under the present plan, and the rates proposed to be applicable thereunder, would bring about any condition of unjust discrimination with respect to the Town of Repentigny. Obviously, there must be limits set to any plan of extended area service and, under present conditions, it is not possible to include therein exchanges lying outside of the second fringe composed of the Group B exchanges.

Although there are customers who would be satisfied with a telephone service restricted to the area in which they reside, the wishes of the majority must prevail in a plan of extended area service, such as the one now proposed for the Montreal area. In the light of the extensive publicity which has been given to the Company's proposals and the opportunities which have been afforded to make any relevant representations to us, all the indications are clear that a very substantial majority of those affected by the plan are in favour of its adoption. Out of a total of 485,169 customers in the Company's Montreal,

Group A and Group B exchanges, only 24 individuals expressed opposition to the plan. If the comparison is limited to the Group B exchanges, it is found that 9 individuals out of a total of 18,681 customers are completely opposed to the plan.

Following full and careful consideration of all that has been submitted to us, we are satisfied that the majority of customers affected approve the plan and are in favour of its adoption. Since the plan is predicated upon the revised rates hereinbefore described, such approval must necessarily signify acceptance of such rates. It is with such rates that our decision must principally be concerned.

The Company's exchanges are classified by ten groups according to the total number of telephones interconnected within each exchange area and its local exchange rates are graduated according to the relative sizes of such groups. The ranges of these groups by total telephone count were last adjusted in the 1950 revenue case (40 J.O.R. & R., Issue No. 17A; 67 C.R.T.C. 1).

The underlying principles of grouping are those of value of service and of increased expense associated with a larger exchange area; that is to say, the greater the range of calling available within an exchange, the greater the value of service and the higher the charge. The same principles govern the range of calling afforded by extended area service but there is, in addition, the factor of increased expense involved in the provision of interconnection facilities over distances generally greater than those normally obtaining within a single exchange.

It is evident that there can be no dispute as to the equity of charging the same rate as the Montreal exchange to exchanges connected therewith and this was recognized in our approval of extended area service to the Group A exchanges (41 J.O.R. & R. 1; 67 C.R.T.C. 98). The propriety of assessing a surcharge over the Montreal exchange rate to Group B exchanges is considered later herein.

As to the more restricted toll-free calling areas accorded to the Group A and Group B exchanges, whereby communication between certain non-adjointing fringe exchanges is assessed long distance tolls, it has been fully demonstrated to us that the resulting heavy increase in expense attendant upon the provision of the required facilities would be such as to outweigh any benefit that might be gained by only a few of the affected customers and would necessitate much higher rates throughout the entire area than those now proposed. There is, indeed, no suggestion before us that unlimited calling throughout the whole area should be furnished to customers in the Group A and Group B exchanges, but rather that the calling area to be enjoyed by such fringe exchanges does not justify the imposition of rates higher than those charged to Montreal exchange customers.

We gave consideration to this matter when approving for the Toronto area an extended area service plan substantially similar to that now before us and predicated upon identical rates.

In that Judgment we said (45 J.O.R. & R. 1; 72 C.R.T.C. 112):

"The principle of assessing a surcharge on the Group B exchanges has been considered and in view of the vastly increased range of calling, the latter is unquestionably of greatest benefit to the subscribers of these exchanges. The surcharges are moderate and appear reasonable in all the prevailing circumstances. An estimate of the toll revenue which will be lost by the adoption of the extended exchange service for Group B, at December 1955 is that it would average \$3.29 per main telephone per month, whereas a similar estimate indicates that the increased exchange

revenue would average \$2.68 per main telephone per month. On this premise there is no evidence of unreasonableness in the charges which must be imposed and which include the surcharge.

"The increase in exchange rates for Toronto and Group A of 10 cents residence, and 25c business, per month is in recognition that these subscribers stand to gain greatly increased range of service beyond the concept of the existing exchange rate group basis. No opposition has been voiced to this small additional charge and we find that it is reasonable in all the prevailing circumstances."

As stated earlier in this Judgment, if the Company were to apply to the Group B exchanges merely the same rates as currently applicable in the Montreal and Group A exchanges, the resulting revenue increase of \$519,000 annually would still leave a net annual revenue loss of \$1,007,000. Since it is the 18,681 customers in the Group B exchanges who would chiefly benefit by the adoption of the proposed plan, the additional monthly charges of 60 cents per month for residence main telephones, and \$1.10 per month for business main telephones, over current Montreal exchange rates, do not appear unreasonable in view of this fact. The increase in the exchange rates for Montreal and its Group A exchanges of 10 cents per month for residence telephones and 25 cents per month for business telephones recognizes the increased range of calling available to such exchanges under the plan. No opposition thereto was received from the 53,988 Group A customers and only 15 out of 412,500 Montreal exchange customers expressed opposition to the plan. In the prevailing circumstances we find that such increase is reasonable.

It is our conclusion that the Company's proposed plan of extended area service satisfies all reasonable demands made upon it for an increased range of service in the Montreal area; that it meets with the general approval of a very substantial majority of the customers who would be affected by it; and that we have not found any evidence of unreasonableness or unjust discrimination in the rates it is proposed to charge under such plan. Our approval is, accordingly, hereby given to the proposed plan in respect of such rates. It is estimated by the Company that the plan will require some eleven months to bring it into operation. Upon filing of the necessary tariff revisions on statutory notice, publishing the rates herein referred to, an Order will issue granting formal approval thereof.

C. D. SHEPARD  
HUGH WARDROPE  
F. M. MacPHERSON  
H. B. CHASE  
L. J. KNOWLES

OTTAWA, Ontario, July 11, 1958.

## APPENDIX "A"

### MONTREAL EXTENDED AREA TELEPHONE SERVICE

*(Present and proposed arrangements)*

#### 1. Group "A", or first-fringe exchanges:

<i>Group A exchange</i>	<i>Exchanges now included in local service area</i>	<i>Additional exchanges proposed to be included in local service area</i>
Boucherville	Boucherville, Montreal, Longueuil	Pointe-aux-Trembles, Rivière-des-Prairies, St-Bruno, St-Lambert, Varenes
L'Abord-à-Plouffe	L'Abord-à-Plouffe, Montreal, Pont Viau, Ste-Dorothee	Roxboro, Ste-Rose, St-Vincent-de-Paul
Lachine	Lachine, Montreal, Roxboro	Châteauguay, Laprairie, Pointe Claire, St-Constant (new exchange), Ste-Dorothee
Laprairie	Laprairie, Montreal, St-Constant (to be established as a new exchange but now served by Laprairie), St-Lambert, St-Philippe	Chambly, Lachine, Longueuil
Longueuil	Longueuil, Montreal, Boucherville, St-Lambert	Laprairie, Pointe-aux- Trembles, St-Bruno
Pointe-aux-Trembles	Pointe-aux-Trembles, Montreal, Riviere- des-Prairies	Boucherville, Longueuil, St-Vincent-de-Paul, Varenes
Pont Viau	Pont Viau, Montreal, L'Abord-à-Plouffe, St-Vincent-de-Paul	Rivière-des-Prairies, Ste-Dorothee, Ste-Rose
Rivière-des-Prairies	Rivière-des-Prairies, Montreal, Pointe-aux- Trembles, St-Vincent- de-Paul	Boucherville, Pont Viau, Terrebonne
Roxboro	Roxboro, Montreal, Lachine, Ste-Dorothee, Ste-Genevieve de Pierrefonds	L'Abord-à-Plouffe, Pointe Claire, St-Constant (new exchange)

St-Constant (not yet an exchange; now served from Laprairie)	Montreal, Laprairie, St-Lambert, St-Philippe	Lachine, Roxboro
Ste-Dorothée	Ste-Dorothée, Montreal, L'Abord-à-Plouffe, Roxboro	Lachine, Laval (new exchange), Pont-Viau, Ste-Genève-de-Pierrefonds, Ste-Rose
St-Lambert	St-Lambert, Montreal, Laprairie (including the part to be established as the new St-Constant exchange), Longueuil	Boucherville, Chambly, St-Bruno
St-Vincent-de-Paul	St-Vincent-de-Paul, Montreal, Pont-Viau, Riviere-des-Prairies	L'Abord-à-Plouffe, Pointeaux-Trembles, Ste-Rose Terrebonne

2. Group "B", or second-fringe exchanges:

<i>Group B exchange</i>	<i>Exchanges now included in local service area</i>	<i>Additional exchanges proposed to be included in local service area</i>
Chambly	Chambly	Montreal, Laprairie, St-Bruno, St-Lambert, St-Philippe
Châteauguay	Châteauguay	Montreal, Lachine, Pointe-Claire
Laval (not yet an exchange; now served from St-Eustache)	St-Eustache	Montreal, Ste-Dorothee, Ste-Genève de Pierrefonds, Ste-Rose
Pointe-Claire	Pointe-Claire,	Montreal, Châteauguay, Lachine, Roxboro, Ste-Geneviève-de-Pierrefonds
St-Bruno	St-Bruno	Montreal, Boucherville, Chambly, Longueuil, St-Lambert
Ste-Geneviève-de-Pierrefonds	Ste-Geneviève-de-Pierrefonds, Roxboro	Montreal, Laval, Pointe-Claire, Ste-Dorothée
St-Philippe	St-Philippe, Laprairie (including territory to be served by new St-Constant exchange)	Montreal, Chambly

Ste-Rose	Ste-Rose, Ste-Thérèse	Montreal, L'Abord-à-Plouffe, Laval (new exchange), Pont-Viau, Ste-Dorothée, St-Vincent-de-Paul, Terrebonne
Terrebonne	Terrebonne, Terrebonne Heights	Montreal, Rivière-des-Prairies, Ste-Rose, St-Vincent-de-Paul
Varenes	Varenes	Montreal, Boucherville, Pointe-aux-Trembles.

(Traduction)

COMMISSION DES TRANSPORTS DU CANADA

*Requête de la Compagnie de téléphone Bell du Canada relative à l'approbation des tarifs applicables au service téléphonique de secteur étendu entre son central de Montréal et certains centraux de la région environnant Montréal (P.Q.)*

Dossier C.955.170.4

JUGEMENT

PAR LA COMMISSION:

Dans une requête en date du 28 avril 1958, la Compagnie de téléphone Bell du Canada, dénommée ci-après "Compagnie", a soumis à l'approbation un projet de service de secteur étendu visant à augmenter le rayon de communication locale des abonnés de certains centraux existants de la région de Montréal et de deux nouveaux centraux, Laval et Saint-Constant, devant être établis respectivement en 1958 et 1959. L'adoption du projet par la Compagnie se subordonne aux tarifs révisés applicables au nouveau service et ce sont ces tarifs que la Commission doit étudier pour décider de la requête.

Certains centraux de Montréal sont actuellement compris dans un plan de service de secteur étendu qui a été mis en œuvre dans la deuxième partie de 1951 et qui a été subséquemment accru par l'adjonction de deux centraux en 1955 et de deux autres en janvier 1958. Dans son jugement du 6 mars 1951 (41 J.O.R. & R.1; 67 C.R.T.C. 98), la Commission a approuvé les propositions initiales de la Compagnie relatives à l'établissement d'un service de secteur étendu pour ses centraux de Montréal, L'Abord-à-Plouffe, Lachine, Longueuil, Pointe-aux-Trembles, Pont-Viau, Rivière-des-Prairies, Saint-Lambert et Saint-Vincent-de-Paul. Par la suite, elle a approuvé les arrangements relatifs à un service de secteur étendu pour les centraux de Laprairie (12 mars 1954, 44 J.O.R. & R. 33; 71 C.R.T.C. 318), Boucherville (13 août 1954, 44 J.O.R. & R. 228; 71 C.R.T.C. 319) et Roxboro (15 octobre 1957, 47 J.O.R. & R. 289; 76 C.R.T.C. 128).

Avant de résumer la teneur de la requête, nous donnons une description du service de secteur étendu.

A l'heure actuelle, le service de secteur étendu de Montréal embrasse le central de Montréal et les douze centraux des environs immédiats, soit Boucherville, L'Abord-à-Plouffe, Lachine, Laprairie, Longueuil, Pointe-aux-Trembles, Pont-Viau, Rivière-des-Prairies, Roxboro, Sainte-Dorothée, Saint-Lambert et Saint-Vincent-de-Paul. Ces douze centraux des environs ou "centraux périphériques de première zone" sont désignés par l'expression "centraux du groupe A" dans la requête à l'étude. Les taxes interurbaines ne s'appliquent pas aux appels entre le central de Montréal et un central du groupe A, mais le secteur de service local de chaque central du groupe A ne comprend, outre le central de Montréal, que certains centraux des secteurs contigus. (Voir l'article 1<sup>er</sup> de l'Appendice "A" au présent jugement). Tous les centraux du groupe A sont assignés au groupe tarifaire 10, tout comme Montréal, et se voient imposer les tarifs et frais de ce groupe.

Les neuf centraux suivants, appelés "centraux périphériques de deuxième zone" ou "centraux du groupe B", entourent et touchent les centraux du groupe A. Ce sont ceux de Chambly, Châteauguay, Pointe-Claire, Saint-Bruno,

Sainte-Geneviève de Pierrefonds, Saint-Philippe, Sainte-Rose, Terrebonne et Varennes. A l'heure actuelle, aucun de ces centraux ne comprend le central de Montréal dans son secteur de service local, bien que quatre d'entre eux jouissent d'un service de secteur étendu avec certains centraux contigus (voir article 2 de l'Appendice "A"). Ces centraux du groupe B sont présentement assignés aux groupes tarifaires appropriés, allant du groupe 2 au groupe 5, d'après le nombre total de postes reliés à chaque central ou en service dans le secteur de service local.

Suivant le plan de service de secteur étendu à l'étude, on envisage d'accorder aux centraux du groupe B les privilèges de communication avec le central de Montréal dont jouissent les centraux du groupe A. En outre, les secteurs de service local des centraux tant du groupe A que du groupe B seront agrandis de façon à inclure certains centraux avoisinants, décrits à l'Appendice "A", et, par suite, à éliminer les taxes interurbaines au sein des secteurs de service ainsi agrandis.

Avant l'introduction du projet, un nouveau central de groupe B sera établi à Laval pour desservir le territoire de l'île Jésus, actuellement desservi par le central de Saint-Eustache. L'autre partie du central de Saint-Eustache, située sur la terre ferme au nord-ouest de Laval, ne sera pas comprise dans le projet mais jouira d'un service de secteur étendu du nouveau central de Laval. Dans le territoire actuellement desservi par le central de Laprairie (central du groupe A), un nouveau central du groupe A sera établi à Saint-Constant lorsque le projet sera mis en vigueur.

La question des services de secteur étendu dans les zones métropolitaines, que la Compagnie se propose d'établir à Toronto, Montréal, Québec, Ottawa, Hamilton, et Windsor, a d'abord été étudiée par la Commission dans son jugement de 1950 relatif à l'augmentation des tarifs téléphoniques de la Compagnie (40 J.O.R. & R., n° 17-A; 67 C.R.T.C. 1). Dans ce jugement, nous disions:

"Le projet métropolitain prévoit l'extention aux zones suburbaines des moyens de communiquer sans frais supplémentaires avec la zone urbaine correspondante, par exemple, des centraux de Weston, Willowdale ou Agincourt au central de Toronto. Inversement, les abonnés de la zone tarifaire de base de Toronto, pourraient communiquer sans frais supplémentaires avec les abonnés des zones suburbaines voisines. Un autre avantage du projet serait que les abonnés suburbains auraient le privilège de téléphoner sans frais supplémentaires aux abonnés des zones suburbaines voisines; ainsi, on pourrait téléphoner de Weston à Islington ou Willowdale, mais une taxe interurbaine serait imposée pour les appels acheminés vers les centraux suburbains non voisins.

L'introduction du projet métropolitain comporte un tarif d'abonnement égal au tarif applicable au central urbain. C'est-à-dire que l'abonné de Weston se verrait appliquer le même tarif que celui de Toronto. D'après le projet, la totalité des postes des centraux suburbains serait donc ajoutée à l'ensemble des postes des centraux urbains, et le total global ainsi obtenu servirait de base au tarif du groupe métropolitain. Le service métropolitain ne serait pas facultatif et M. Hambly a déclaré que personne ne s'y était opposé, mais que si telle opposition se manifestait, il faudrait reviser toutes les données pertinentes.

M. Hambly a en outre déclaré que le projet remplacerait le service facultatif de zone suburbaine, le service d'abonnement extérieur et le service de secteur étendu, il a ajouté qu'un plus grand nombre de gens, employés dans les grands centres, ont tendance à aller demeurer dans la

banlieue, mais doivent garder avec la ville des contacts sociaux et économiques. Il a précisé que nombre d'abonnés suburbains subissent actuellement des frais supérieurs au tarif de la ville et que plusieurs limitent le nombre d'appels qu'ils font à la ville en raison du coût des taxes interurbaines.

Malgré les avantages tangibles qui découleraient de l'adoption du projet métropolitain, il est à noter que les autorités de la Compagnie ne se proposent pas de chercher à connaître l'avis des abonnés intéressés. La page 11 de la pièce 122 montre qu'une forte augmentation des demandes de service de zone suburbaine et de service d'abonnement extérieur s'est produite depuis 1939 dans les régions de Toronto, Montréal et Québec et, de la même façon pour l'extension du service local dans la région d'Ottawa.

Les pages 14 et 17 de la pièce 122 donnent le pourcentage du total des abonnés suburbains dont les paiements sont plus élevés que les tarifs urbains actuels ou projetés. Voici le tableau de ces pourcentages:

<i>Région métropolitaine</i>	<i>Date du relevé</i>	<i>Pourcentage du total des abonnés suburbains</i>	
		<i>Tarif actuel</i>	<i>Tarif proposé</i>
Toronto .....	Mars 1948	49.3	45.9
Montréal .....	Nov. 1948	47.4	43.9
Ottawa .....	Mars 1949	54.2	50.0
Hamilton .....	Juin 1949	28.6	36.3
Québec .....	Avril 1949	26.0	17.4
Windsor .....	Avril 1949	52.6	48.2

De temps à autre demande a été faite à la Commission d'ordonner à la Compagnie d'étendre le service urbain aux zones suburbaines ou de modifier le prix du service d'abonnement extérieur. Les causes récentes sont les suivantes:

La Chambre de commerce de Québec-Montmorency c. la Cie de téléphone Bell, 46 C.R.C. 203; la ville de Weston c. la Cie de téléphone Bell. 48 C.R.C. 145; la ville de Mimico c. la Cie de téléphone Bell, 48 C.R.C. 180; le canton d'Etobicoke c. la Cie de téléphone Bell. 48 C.R.C. 222; Jas F. Phillips c. la Cie de téléphone Bell. 52 C.R.T.C. 49; M<sup>lle</sup> Sophie Kohen c. la Cie de téléphone Bell. 52, C.R.T.C. 3; la municipalité de St. Dunstan c. la Cie de téléphone Bell. 62 C.R.T.C. 188.

Dans les cas susmentionnés d'Etobicoke et de Mimico, on demandait de rattacher le service téléphonique de ces deux localités à la ville de Toronto. En ce qui a trait à Mimico, nous avons fait remarquer que l'extension des tarifs urbains n'aurait profité qu'à 211 abonnés et que 688 autres auraient été contraints de payer plus cher; dans l'ensemble, les réductions auraient été moins nombreuses que les augmentations. Nous avons ensuite déclaré, en guise de commentaire, que la Commission n'était pas autorisée à ordonner à la Compagnie d'étendre sa zone tarifaire de base de Toronto pour inclure Mimico, mais que nous avons le pouvoir

et la juridiction nécessaires pour régler toutes questions de taux déraisonnables ou de distinction injuste découlant de l'établissement, du rajustement ou du regroupement des zones tarifaires de base.

Le projet métropolitain actuel est, en réalité, une extension des limites de la zone tarifaire de base des centraux urbains. Il accorde aux gens qui vivent dans les limites des secteurs urbains une franche extension du service de communication entre la zone suburbaine et la ville, mais il entraînera une augmentation considérable des tarifs locaux des centraux suburbains, laquelle atteindra directement les abonnés qui désirent seulement le service local assuré par le central suburbain.

Le pourcentage de la totalité des abonnés suburbains qui bénéficieraient de l'introduction du service métropolitain est très faible. Je ne crois pas que la Commission doive approuver le tarif d'abonnement applicable à ces zones suburbaines sans obtenir quelque assurance qu'une bonne majorité des abonnés suburbains accepteront volontiers l'inauguration du projet. Je me demande également si la restriction qu'impose le projet à l'égard des appels d'un central suburbain à un central suburbain voisin ne constitue pas une distinction injuste. Les abonnés de ces centraux devraient payer le même tarif que ceux du central urbain mais ces derniers seraient libres de faire des appels dans toute la région métropolitaine.

Je sais que les abonnés suburbains qui paient actuellement le taux applicable au secteur étendu bénéficieraient du projet mais, tant que les objections que je viens de signaler ne seront pas réglées, je ne crois pas que la Commission doive, à l'heure actuelle, approuver la base tarifaire métropolitaine proposée."

A la suite de cette décision, la Compagnie prit des dispositions pour connaître au moyen d'un plébiscite les désirs de ses abonnés de la banlieue de Montréal et les résultats de cette enquête ont convaincu la Commission que le projet métropolitain, appelé "service de secteur étendu" agréait à la majorité. En approuvant le projet initial pour la région de Montréal, la Commission a étudié la possibilité de distinction injuste mentionnée dans la citation ci-dessus et a déclaré (6 mars 1951, 41 J.O.R. & R. 1; 67 C.R.T.C. 98):

"La Commission a aussi étudié les différences, exposées dans notre décision antérieure, qui résulteraient de l'application du projet. Ces différences sont relativement peu importantes et se présentent seulement dans le cas d'appels entre un central suburbain et un central suburbain non voisin. Il nous a été clairement démontré que les conditions techniques et physiques ne permettent pas d'accorder le service de communication sans frais supplémentaires à l'intérieur de toute la région et que les appels interurbains entre des centraux suburbains non voisins présentent des circonstances et des conditions qui n'existent pas ailleurs dans la région. Aussi, nous ne croyons pas que la différence de traitement constitue une distinction injuste."

Par la suite, la Commission a approuvé l'application du projet à quatre autres centraux du groupe A où des plébiscites semblables avaient aussi donné des résultats favorables.

Depuis que le service de secteur étendu de Montréal a été établi pour satisfaire l'évidente communauté d'intérêt des abonnés du central de Montréal et de ceux des centraux du groupe A, il y a eu augmentation notable tant de la population que du nombre de postes en service, non seulement dans les

centraux de Montréal et du groupe A mais également dans le territoire environnant comprenant les centraux du groupe B. La requête de la Compagnie comprend l'état suivant qui témoigne de cette augmentation:

<i>Centraux</i>	<i>Population</i>			<i>Postes</i>		
	1955	1958 *	% de l'augmentation	1955	1958 *	% de l'augmentation
Montréal ...	1,362,000	1,439,000	5.7	522,295	651,004	24.6
Centraux du						
groupe A .	222,000	298,000	34.3	56,374	88,980	57.8
Centraux du						
groupe B .	77,000	105,000	36.3	15,852	29,336	85.1

\* Estimation au 31 décembre.

Cette expansion de la banlieue de Montréal a fait naître entre les abonnés du central de Montréal et ceux des centraux du groupe B et entre les abonnés de certains centraux des groupes A et B une importante communauté d'intérêt qui, selon la Compagnie, est mise en relief par le résumé suivant du nombre estimatif d'appels interurbains qui seraient éliminés par l'application du projet:

<i>Appels auxquels s'applique une taxe interurbaine</i>	<i>Chiffres établis d'après le nombre de postes en service en janvier 1957</i>	<i>Chiffres établis d'après le nombre estimatif de postes qui seront en service en décembre 1958</i>
Entre les centraux de Montréal et du groupe B .....	4,358,000	5,038,000
Entre les centraux du groupe A qui ne sont pas actuellement dans le même secteur d'appel local .....	227,000	295,000
Entre les centraux des groupes A et B auxquels il est projeté de permettre l'échange de communications sans taxe .....	741,000	977,000
Entre les centraux du groupe B auxquels il est projeté de permettre l'échange de communications sans taxe .....	141,000	193,000
Total .....	5,467,000	6,503,000

La Compagnie estime que l'abandon du service interurbain et du service d'abonnement extérieur qui existent présentement entre les centraux visés par le projet et la fourniture de l'équipement additionnel nécessaire au service de secteur étendu lui vaudront une diminution annuelle de recettes atteignant \$1,926,000. Cette perte sera partiellement compensée par une réduction annuelle d'environ \$400,000 des dépenses faites pour la mesure de la durée des conversations, l'inscription et la facturation des appels interurbains qui

seraient éliminés, ce qui réduira la perte annuelle à \$1,526,000. Si la Compagnie appliquait simplement aux centraux du groupe B les taux qui sont actuellement applicables aux centraux de Montréal et du groupe A, l'augmentation de recettes au montant de \$519,000 par année laisserait encore une perte annuelle nette de \$1,007,000. Il est projeté de compenser la plus grande partie de cette insuffisance de recettes en majorant de la façon suivante les taux du central de Montréal, applicables actuellement aux centraux de Montréal et du groupe A:

- a) 10c. par mois pour les postes à domicile principaux et les lignes auxiliaires des installations d'abonné avec postes supplémentaires (P.B.X.) de poste à domicile;
- b) 25c. par mois pour les postes d'affaires principaux et les lignes auxiliaires P.B.X. de poste d'affaires;
- c) 1c. par jour de garantie quotidienne des recettes provenant des appels locaux pour les postes principaux semi-publics et les lignes auxiliaires P.B.X. de poste semi-public.

En plus de cette hausse des taux de Montréal, les montants suivants seraient imposés aux abonnés des centraux du groupe B:

- a) 50c. par mois pour les postes à domicile principaux et les lignes auxiliaires P.B.X. de poste à domicile;
- b) \$1 par mois pour les postes d'affaires principaux et les lignes auxiliaires P.B.X. de poste d'affaires;
- c) 3c. par jour de garantie quotidienne des recettes provenant des appels locaux pour les postes principaux semi-publics;
- d) 5c. par jour de garantie quotidienne des recettes provenant des appels locaux pour les lignes auxiliaires P.B.X. de poste semi-public.

L'effet des majorations de taux du plan projeté ressort de la comparaison ci-dessous des taux actuels et des taux projetés applicables au service de ligne individuelle dans chacun des centraux en cause:

	<i>Poste d'affaires</i>		<i>Poste à domicile</i>	
	<i>Actuel</i>	<i>Projeté</i>	<i>Actuel</i>	<i>Projeté</i>
<i>Centraux</i>				
Montréal .....				
<i>Centraux du groupe A</i>				
Boucherville .....				
L'Abord-à-Plouffe .....				
Lachine .....				
Laprairie .....				
Longueuil .....	\$14.35	\$14.60	\$5.35	\$5.45
Pointe-aux-Trembles .....				
Pont-Viau .....				
Rivière-des-Prairies .....				
Roxboro .....				
St-Constant (a) .....				
Ste-Dorothée .....				
St-Lambert .....				
St-Vincent-de-Paul .....				

(a) Nouveau central—actuellement desservi par le central de Laprairie.

	<i>Poste d'affaires</i>		<i>Poste à domicile</i>	
	<i>Actuel</i>	<i>Projeté</i>	<i>Actuel</i>	<i>Projeté</i>
<i>Centraux du groupe B</i>				
Chambly .....	6.50	15.60	3.65	5.95
Châteauguay .....				
Laval (b) .....				
Pointe-Claire .....	7.40	15.60	3.90	5.95
St-Bruno .....	5.30	15.60	3.30	5.95
Ste-Geneviève-de-Pierrefonds ..	5.85	15.60	3.45	5.95
St-Philippe .....	6.50	15.60	3.65	5.95
Ste-Rose .....	7.40	15.60	3.90	5.95
Terrebonne .....	5.85	15.60	3.45	5.95
Varenes .....	5.30	15.60	3.30	5.95

(b) Nouveau central—actuellement desservi par le central de St-Eustache.

La Compagnie déclare que la majoration projetée de taux et taxes applicables au nouveau service de secteur étendu répartirait équitablement entre les abonnés en cause la partie de la perte annuelle de recettes qu'elle essaie de récupérer (\$1,007,000), la valeur du service assuré aux abonnés servant de base à cette répartition. La Compagnie a tenu compte, dans la répartition de la perte de recettes, des circonstances et conditions spéciales qu'entraînerait l'extension du service d'appel local de Montréal aux centraux du groupe B; ceux-ci disposeraient non seulement des moyens de faire des appels locaux à des endroits éloignés généralement atteints par le service interurbain, mais ces moyens seraient suffisants pour permettre un nombre d'appel très supérieur vu que ce service serait assuré à un taux mensuel.

La Compagnie soutient que ses abonnés des centraux du groupe B sont ceux qui désirent le plus fortement l'extension de service projetée et ceux qui en retireront le plus d'avantages. Un grand nombre de ces abonnés du groupe B réaliseraient une économie dans le total de leurs frais téléphoniques parce que les tarifs projetés seraient inférieurs à ce que leur coûte leur service local actuel ajouté à leurs appels interurbains à Montréal. En outre, le service projeté à taux mensuel leur permettrait de faire des appels locaux à Montréal.

Le projet a été conçu comme plan d'ensemble et la Compagnie déclare qu'elle ne pourra le mettre à exécution que si le central de Montréal et tous les centraux des groupes A et B en font partie. Par conséquent, la mise à exécution dépend de l'acceptation générale du projet et des taux projetés. Dans sa requête, la Compagnie a signalé qu'elle s'opposerait à toute proposition visant à augmenter l'étendue du projet actuel et qu'elle se réserve le droit de retirer celui-ci si elle le juge à propos en cas d'opposition.

Sauf sous le rapport du lieu et des conditions géographiques, la proposition de la Compagnie est essentiellement semblable quant aux détails du service et identique quant aux taux, au plan de service de secteur étendu autorisé par la Commission dans son jugement du 31 janvier 1955 (45 J.O.R. & R. 1; 72 C.R.T.C. 112), pour le central de Toronto et les centraux périphériques de première et de deuxième zones.

Avant de déposer sa requête officielle en vue d'obtenir l'approbation du nouveau plan de service de secteur étendu pour la région de Montréal, la Compagnie a demandé et obtenu la tenue de pourparlers provisoires avec la Commission, lesquels ont eu lieu le 13 septembre 1957. Il a alors été décidé que

la plus grande publicité possible serait faite au projet de la Compagnie au moyen d'annonces dans les journaux et d'avis envoyés directement aux abonnés en cause.

Le projet a été annoncé et décrit en détail dans les quotidiens de langue française et de langue anglaise de Montréal le 3 octobre 1957, et dans les journaux locaux les 3, 4, 5, 9 et 10 octobre. Ces journaux couvrent la totalité du territoire visé par le projet et leur tirage global est, dit-on, de 1,103,656 exemplaires. Chacun des 466,488 abonnés des centraux de Montréal et du groupe A a reçu directement avis du projet et une lettre circulaire spéciale donnant le détail des changements que leur apporterait l'adoption du projet a été adressée aux 18,681 abonnés des centraux du groupe B.

Chaque annonce, avis ou lettre circulaire spéciale contenait, suivant nos instructions, l'avertissement de nous faire parvenir au plus tard le 15 novembre 1957 toutes observations ou commentaires concernant les propositions de la Compagnie. On a aussi distribué à chacune des 93 municipalités du territoire en cause des exemplaires de la requête formelle du 28 avril 1958 faite par la Compagnie, de même qu'un avis de nous faire parvenir par la poste ou autrement, dans les 20 jours, toute réponse à l'égard de cette requête formelle.

Comme suite aux annonces d'octobre 1957 relatives au projet de la Compagnie, 180 communications ont été reçues de personnes, d'entreprises commerciales, de sociétés, de municipalités et d'organismes semblables. Sur ce nombre, 150, soit 83.3 p. 100 indiquaient une approbation sans réserve du projet et 4, soit 2.2 p. 100, une approbation avec réserve; 24, soit 13.3 p. 100, manifestaient de l'opposition et 2, soit 1.1 p. 100, ne faisaient connaître aucune préférence. Celles qui indiquaient une approbation avec réserve critiquaient surtout l'augmentation du tarif du central de Montréal, proposée par la Compagnie. Les avis contraires au projet peuvent se résumer ainsi: "Le coût du service local pour les postes à domicile est trop élevé"; "Ceux qui font des appels interurbains devraient les payer"; "C'est un moyen d'obtenir une autre augmentation des taux"; "Pourquoi les abonnés de Montréal devraient-ils absorber les frais d'un service dont les banlieues seront les plus grands bénéficiaires?"; "La Bell continuera à étendre les secteurs à l'infini"; "Le coût est beaucoup plus élevé comparativement aux appels interurbains"; "Les abonnés de Pointe-Claire ne pourront pas appeler autant de centraux que les abonnés de Montréal"; "La taxe supplémentaire de 60c. aux centraux périphériques est injuste"; "Je ne vois pas pourquoi j'aurais à faire une dépense supplémentaire pour assurer un service qui m'est inutile"; "Je suis satisfait de l'état de choses actuel"; "Je ne fais pas d'appels interurbains"; "Ne prenez aucune décision sans un référendum". Des 24 mémoires s'opposant au projet, 15 proviennent du central de Montréal qui groupe 412,500 abonnés, aucun n'est parvenu des centraux du groupe A qui comptent 54,000 abonnés et 9 proviennent des centraux du groupe B qui groupent 18,000 abonnés.

Cinq mémoires ont été reçus de municipalités, après la réception de la requête formelle du 28 avril 1958 faite par la Compagnie. Aucun de ces mémoires ne s'est opposé au projet. La ville de Pointe-Claire a déclaré qu'elle ne désire pas s'opposer; la ville de Mackayville approuve entièrement le projet et les taux modifiés; la ville de Beaconsfield approuve le projet à l'unanimité mais "elle s'oppose à l'établissement de toutes taxes en sus des taux demandés aux abonnés de Montréal pour des services beaucoup plus grands"; la ville de Candiac a approuvé le projet en ajoutant certaines réserves qu'elle a retirées plus tard; la ville de Repentigny, qui n'est pas comprise dans le projet, a demandé d'en faire partie.

Comme nous l'avons dit précédemment, le projet dont nous sommes saisis est sensiblement semblable à celui qui a été approuvé le 31 janvier 1951 pour le central de Toronto et ses centraux périphériques de première et de

deuxième zone. Dans notre jugement approuvant le plan de service de secteur étendu (54 J.O.R. & R. 1; 72 C.R.T.C. 112), nous avons soigneusement examiné les objections soulevées par l'absence d'un service de communication sans restrictions entre les centraux suburbains non voisins des groupes A et B, ainsi que les requêtes visant à élargir le cadre du projet. Dans ce jugement, nous avons déclaré:

"La zone tarifaire de base d'un central ne suit pas nécessairement les limites municipales. Il y a lieu de tenir compte de l'emplacement géographique, des problèmes techniques, des dépenses excessives qu'entraîne l'installation des services téléphoniques et de bien d'autres facteurs. Dans les grandes installations comme celle de Toronto, la ligne de l'abonné aboutit à des centres d'interconnexion dans un bureau central d'où les appels sont distribués à la demande de l'abonné. Dans le cas de Toronto, il y a 34 bureaux centraux de ce genre. Chaque bureau central doit être raccordé aux autres au moyen de voies en nombre suffisant pour répondre aux demandes des abonnés de tout le central. Ces voies sont relativement courtes et peuvent par conséquent être réalisées au moyen d'installations aux normes moins rigoureuses que celles qui s'imposent pour les communications sur de plus grandes distances.

Le service de secteur étendu diffère du service entre bureaux en ce que chaque central de la périphérie est rattaché au bureau central le plus proche du central urbain, d'où le service est acheminé dans les deux sens par l'intermédiaire des installations de communication entre bureaux. Afin d'assurer un service de communication sans restrictions dans toute l'agglomération de Toronto, il faudrait établir à un coût très élevé dans la région du groupe A et du groupe B des installations de liaison entre bureaux bien supérieures qui doteraient la région entière d'un vaste réseau de fils se croissant et s'entrejoignant. La fréquence des appels entre les centraux suburbains non voisins est très faibles, mais les installations destinées à permettre un service de communication sans restrictions devront de toute nécessité viser à assurer un volume de trafic beaucoup plus grand que celui qui est actuellement indiqué. Tout établissement d'installations complètes de communication se traduirait par des taux beaucoup plus élevés que ceux qui sont proposés.

Une industrie qui s'installe en zone suburbaine et qui a besoin du service complet peut maintenant en disposer mais seulement en s'abonnant au service d'abonnement extérieur. Il est ainsi possible d'obtenir le service désiré, mais le coût n'en est payable que par l'abonné bénéficiaire. Nous sommes d'avis que la possibilité d'avoir un service d'abonnement extérieur suffit à disposer de ce genre d'objection.

Ce que nous avons dit au sujet des problèmes et des dépenses que comportent l'établissement d'un service complet suffit à disposer de l'opposition au projet du fait que celui-ci ne prévoit pas un service complet.

On ne saurait examiner maintenant les objections qui ont été soulevées par suite de l'échec de la Compagnie à étendre davantage le service projeté. Dans tout projet où il y a lieu de tirer des lignes de démarcation se pose le problème de savoir où tirer ces lignes. Nous avons déjà étudié le problème de l'augmentation des dépenses qu'exigent les longues lignes de liaison entre bureaux; la même question s'applique aux lignes conduisant du central ou des centres d'interconnexion aux domiciles des abonnés. Une limite s'impose. De même dans les conditions actuelles, les centraux des régions qui ne font pas partie du groupe B ne peuvent pas être incorporés dans le projet. Il est probable que s'affirmera la nécessité de mettre en

œuvre un vaste plan concernant les centraux périphériques de troisième zone, lequel soulèvera tour à tour des questions sur la façon de résoudre le problème tant sur le plan matériel que sur le plan financier.”

En ce qui concerne la présente requête, la Compagnie déclare que le service de conversations non taxées entre tous les centraux du groupe A et du groupe B selon le plan de service de secteur étendu de Montréal entraînerait la construction d'un nombre suffisant de lignes de jonction entre les bureaux des 24 centraux en cause et l'installation du matériel connexe nécessaire. La diminution des recettes provenant des taxes et les frais afférents à la mise de fonds nécessaire à l'établissement des installations supplémentaires atteindraient environ \$700,000 par année, somme dont la récupération nécessiterait l'imposition de taux encore plus élevés à tous les abonnés des centraux du groupe A et du groupe B. En outre, la Compagnie déclare qu'elle n'est pas prête à mettre sur pied un tel projet et que ses études sur le trafic démontrent que la grande majorité des abonnés des groupes A et B ne réclame pas une telle extension de service.

Aucune des municipalités en cause n'a sollicité un projet de communications non taxées sans restrictions. La seule objection reçue à ce sujet a été présentée par la ville de Beaconsfield, relié au central du groupe B de Pointe-Claire. Elle ne désire pas l'extension de la région projetée de communication mais s'oppose tout simplement, en se fondant sur le principe de la zone de communication restreinte, à l'établissement de taux supérieurs à ceux qui sont appliqués aux abonnés du central de Montréal, question qui sera traitée plus loin.

Quant à la ville de Repentigny qui, dans un mémoire, a demandé d'être incorporée dans le plan de service de secteur étendu parce qu'elle est située en partie dans la région du groupe B, la Compagnie signale que cette région comprend les territoires desservis par les centraux de Chambly, Châteauguay, Laval, Pointe-Claire, St-Bruno, Ste-Geneviève-de-Pierrefonds, St-Philippe, Ste-Rose, Terrebonne et Varennes, mais ne comprend pas le central de St-Paul-l'Ermite qui dessert la ville de Repentigny.

Comme le projet suppose l'élimination de certaines taxes ou frais interurbains, il importe dans l'intérêt de l'égalité de traitement de limiter l'étendue des communications non taxées qu'il permettra. Cette limite a été établie par l'incorporation des centraux du groupe B où la taxe interurbaine normale était de 15c. pour une conversation de trois minutes en provenance ou à destination de Montréal, c'est-à-dire les centraux dont le bureau interurbain ou le centre des taxes est situé à 15 milles à vol d'oiseau du bureau interurbain de Montréal.

L'établissement et la commutation de tous les appels interurbains en provenance ou à destination des abonnés de la ville de Repentigny doivent nécessairement se faire au centre interurbain de St-Paul-l'Ermite, situé à 18 milles à vol d'oiseau du centre interurbain de Montréal. La taxe normale afférente aux conversations interurbaines de trois minutes entre ces points est de 25c. L'inclusion de la ville de Repentigny dans le plan de service de secteur étendu, s'il y a lieu d'éviter les distinctions injustes ou les préférences indues ou déraisonnables, nécessiterait l'inclusion de tous les autres centraux environnants en présence de circonstances et de conditions semblables.

Un plan de service de secteur étendu constitue en réalité une extension des limites d'un réseau. La Loi sur les chemins de fer ne nous habilite pas à fixer de telles limites, car il s'agit là de questions laissées à la discrétion de la Direction et comportant des considérations d'ordre technique, géographique et d'autre nature. Il nous incombe d'examiner surtout les taux qui résultent de l'établissement, du regroupement et du rajustement des régions en cause et rien ne prouve que les limites prévues et les taux envisagés feraient naître des distinctions injustes à l'égard de la ville de Repentigny. Évidemment, tout

plan de service de secteur étendu est soumis à des limites et, dans les conditions actuelles, il est impossible d'y inclure les centraux à l'extérieur de la deuxième zone périphérique, soit des centraux du groupe B.

Même si des abonnés se contentent d'un service téléphonique limité à la région dans laquelle ils demeurent, le désir de la majorité doit l'emporter dans le cas d'un plan de service de secteur étendu comme celui qui est proposé pour la région de Montréal. Devant la publicité intense qui a été faite aux propositions de la Compagnie et l'occasion qui a été procurée de nous faire tenir toutes observations pertinentes, il ressort que la très grande majorité de ceux que vise le projet en préconisent l'adoption. Seulement 24 des 485,169 abonnés des centraux de Montréal et des groupes A et B ont exprimé leur opposition. Si l'on restreint la comparaison aux centraux du groupe B, on constate que 9 des 18,681 abonnés s'opposent entièrement au projet.

Une étude complète et minutieuse nous a donné la conviction que la majorité des abonnés visés approuve le projet et en préconise l'adoption. Comme le projet est fondé sur les taux révisés décrits plus haut, il s'ensuit nécessairement que la majorité approuve ces taux. C'est sur cette question de taux que doit principalement porter notre décision.

Les centraux de la Compagnie sont classés en dix groupes selon le nombre total des postes téléphoniques rattachés à chaque central, et les taux locaux sont gradués suivant l'importance relative de ces groupes. L'échelle de chacun de ces groupes, du point de vue du nombre total des postes téléphoniques, a été ajustée pour la dernière fois dans la cause des recettes de 1950 (40 J.O.R. & R., n° 17A; 67 C.R.T.C. 1).

Les principes à la base du groupement sont les suivants: valeur du service et accroissement de la dépense que comporte un central plus important, c'est-à-dire que plus grande est la zone de communication au sein d'un central, plus grande est la valeur du service et plus élevé le taux. Les mêmes principes régissent la zone de communication qu'assure le service de secteur étendu, mais il y a, en outre, l'accroissement de la dépense que comporte les installations d'interconnexion sur des distances en général plus grandes que celles qui existent normalement au sein d'un même central.

De toute évidence, le point suivant ne saurait prêter à discussion: est-il juste d'imposer le taux du central de Montréal aux centraux qui lui sont rattachés? Ce fait a été reconnu dans notre approbation du service de secteur étendu accordé aux centraux du groupe A (41 J.O.R. & R. 1; 67 C.R.T.C. 98). On étudiera plus loin la question de savoir s'il conviendrait d'ajouter aux centraux du groupe B une surtaxe fondée sur les taux du central de Montréal.

Quant aux zones plus restreintes de communications non taxées dont bénéficient les centraux des groupes A et B, où la communication entre certains centraux périphériques non voisins sera soumise à des taxes interurbaines, il nous a été entièrement démontré que l'augmentation des dépenses qui accompagneraient l'établissement des installations requises serait tellement grande qu'elle compenserait tout avantage que pourraient retirer les quelques abonnés atteints et qu'elle nécessiterait par toute la zone des taux beaucoup plus élevés que ceux qui sont proposés. Évidemment, aucun des mémoires dont nous avons été saisis ne nous laisse entendre que les abonnés des centraux des groupes A et B devraient pouvoir établir des communications sans restrictions dans toute la zone. Ils donnent plutôt à entendre que la zone de communication dont pourraient jouir ces centraux périphériques ne motive pas l'imposition de taux plus élevés que ceux qui sont imposés aux abonnés du central de Montréal.

Nous avons étudié cette affaire lorsque nous avons approuvé, pour le territoire de Toronto, un plan de service de secteur étendu sensiblement semblable à celui à l'étude et fondé sur des taux identiques.

Dans ce jugement (45 J.O.R. & R.1; 72 C.R.T.C. 112) nous avons dit:

“Le principe de l'imposition d'une surtaxe aux centraux du groupe B a été examiné et, étant donné l'agrandissement prononcé de la zone de communication, celle-ci est sans aucun doute la plus avantageuse pour les abonnés de ces centraux. Les surtaxes sont modérées et semblent raisonnables dans toutes les circonstances qui existent. La perte de recettes imputables aux taxes par suite de l'adoption du service de secteur étendu pour le groupe B, a été estimée au mois de décembre 1955 à \$3.29 en moyenne par mois et par poste téléphonique principal, alors qu'une estimation semblable indique que les recettes accrues des centraux atteindraient en moyenne \$2.68 par mois et par poste téléphonique principal. A ce propos, rien ne prouve que les taxes qui doivent être imposées et qui comprennent les surtaxes sont déraisonnables.

L'augmentation de 10c. (postes à domicile) et de 25c. (postes d'affaires) par mois dans les taux pour Toronto et le groupe A fera que ces abonnés bénéficieront d'une zone de service fortement agrandie, indépendamment de la base actuelle des groupes tarifaires. Comme personne ne s'est opposé à cette petite taxe supplémentaire, nous croyons qu'elle est raisonnable dans toutes les circonstances courantes.”

Nous l'avons mentionné plus haut, si la Compagnie appliquait aux centraux du groupe B simplement les taux qui sont actuellement applicables dans les centraux de Montréal et du groupe A, l'accroissement de recettes qui en résulterait, soit \$519,000 annuellement, laisserait encore une perte nette annuelle de \$1,007,000. Comme ce sont les 18,681 abonnés des centraux du groupe B qui bénéficieraient surtout de l'adoption du projet, les taxes supplémentaires mensuelles de 60c. pour les postes téléphoniques principaux à domicile et de \$1.10 pour les postes téléphoniques principaux d'affaires, ajoutées aux taux courants de Montréal, ne paraissent donc pas déraisonnables. La hausse respective de 10c. et de 25c. par mois pour les postes téléphoniques à domicile et les postes téléphoniques d'affaires dans les taux de Montréal et de ses centraux du groupe A tient compte de l'accroissement de la zone de communication dont disposent ces centraux dans le cadre du projet. Aucune opposition n'a été formulée par les 53,988 abonnés du groupe A et 15 seulement des 412,500 abonnés du central de Montréal ont exprimé leur opposition. Dans les circonstances actuelles, nous croyons que cette hausse est raisonnable.

Nous concluons que le plan de service de secteur étendu que projette d'établir la Compagnie répond à toutes les demandes raisonnables qui lui sont faites pour une zone de service accrue dans la région de Montréal; qu'elle reçoit l'approbation générale de la très grande majorité des abonnés visés et que nous n'avons relevé aucun indice de distinction déraisonnable ou injuste dans les taux prévus. En conséquence, nous donnons par les présentes notre approbation au projet en ce qui concerne ces taux. La Compagnie estime que la mise en œuvre du projet prendra environ onze mois. L'approbation formelle sera donnée par ordonnance dès que les revisions tarifaires nécessaires auront été déposées sur avis réglementaire et que les taux dont il est question ici auront été publiés.

C. D. SHEPARD  
HUGH WARDROPE  
F. M. MacPHERSON  
H. B. CHASE  
L. J. KNOWLES

Ottawa (Ontario)  
le 11 juillet 1958.

## APPENDICE "A"

### SERVICE TÉLÉPHONIQUE DE SECTEUR ÉTENDU DE MONTRÉAL (Agencements actuel et projeté)

#### 1. Centraux du groupe "A" ou de première zone:

<i>Central du groupe A</i>	<i>Centraux actuellement compris dans le secteur de service urbain</i>	<i>Centraux supplémentaires dont l'inclusion au secteur de service urbain est projetée</i>
Boucherville	Boucherville, Montréal, Longueuil	Pointe-aux-Trembles, Rivière-des-Prairies, St- Bruno, St-Lambert, Varenes
L'Abord-à-Plouffe	L'Abord-à-Plouffe, Montréal, Pont-Viau, Ste-Dorothée	Roxboro, Ste-Rose, St- Vincent-de-Paul
Lachine	Lachine, Montréal, Roxboro	Châteauguay, Laprairie, Pointe-Claire, St-Constant (nouveau central) Ste-Dorothée
Laprairie	Laprairie, Montréal St-Constant (actuelle- ment desservi par Laprairie, deviendra un nouveau central), St-Lambert, St-Philippe	Chambly, Lachine, Longueuil
Longueuil	Longueuil, Montréal, Boucherville, St-Lambert	Laprairie, Pointe-aux- Trembles, St-Bruno
Pointe-aux-Trembles	Pointe-aux-Trembles, Montréal, Rivière-des- Prairies	Boucherville, Longueuil, St-Vincent-de-Paul Varenes
Pont-Viau	Pont-Viau, Montréal, L'Abord-à-Plouffe, St-Vincent-de-Paul	Rivière-des-Prairies, Ste-Dorothée, Ste-Rose
Rivière-des-Prairies	Rivière-des-Prairies, Montréal, Pointe-aux- Trembles, St-Vincent- de-Paul	Boucherville, Pont-Viau, Terrebonne
Roxboro	Roxboro, Montréal, Lachine, Ste-Dorothée, Ste-Geneviève-de- Pierrefonds	L'Abord-à-Plouffe, Pointe-Claire, St- Constant (nouveau central)

St-Constant (Non encore un central; actuellement desservi par Laprairie)	Montréal, Laprairie, St-Lambert, St-Philippe	Lachine, Roxboro
Ste-Dorothée	Ste-Dorothée, Montréal, L'Abord-à-Plouffe, Roxboro	Lachine, Laval (nouveau central) Pont-Viau, Ste-Geneviève-de-Pierrefonds, Ste-Rose
St-Lambert	St-Lambert, Montréal, Laprairie (y compris la partie qui deviendra le nouveau central de St-Constant), Longueuil	Boucherville, Chambly, St-Bruno
St-Vincent-de-Paul	St-Vincent-de-Paul, Montréal, Pont-Viau, Rivière-des-Prairies	L'Abord-à-Plouffe, Pointeaux-Trembles, Ste-Rose, Terrebonne

2. Centraux du groupe "B" ou de seconde zone:

<i>Central du groupe B</i>	<i>Centraux actuellement compris dans le secteur de service urbain</i>	<i>Centraux supplémentaires dont l'inclusion au secteur de service urbain est projetée</i>
Chambly	Chambly	Montréal, Laprairie, St-Bruno, St-Lambert, St-Philippe
Châteauguay	Châteauguay	Montréal, Lachine, Pointe-Claire
Laval (Non encore un central; actuellement desservi par St-Eustache)	St-Eustache	Montréal, Ste-Dorothée, Ste-Geneviève-de-Pierrefonds, Ste-Rose
Pointe-Claire	Pointe-Claire	Montréal, Châteauguay, Lachine, Roxboro, Ste-Geneviève-de-Pierrefonds
St-Bruno	St-Bruno	Montréal, Boucherville, Chambly, Longueuil, St-Lambert
Ste-Geneviève-de-Pierrefonds	Ste-Geneviève-de-Pierrefonds, Roxboro	Montréal, Laval, Pointe-Claire, Ste-Dorothée
St-Philippe	St-Philippe, Laprairie (y compris le territoire qui sera desservi par le nouveau central de St-Constant)	Montréal, Chambly

Ste-Rose	Ste-Rose, Ste-Thérèse	Montréal, L'Abord-à-Plouffe, Laval (nouveau central), Pont-Viau, Ste-Dorothée, St-Vincent-de Paul, Terrebonne
Terrebonne	Terrebonne, Terrebonne Heights	Montréal, Rivière-des-Prairies, Ste-Rose, St-Vincent-de-Paul
Varenes	Varenes	Montréal, Boucherville, Pointe-aux-Trembles

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 95333 Aug. 21—In the matter of the application of the City of Fredericton, New Brunswick for installation of automatic protection of C.N.R. crossing and C.P.R., at Barker Street, Fredericton, New Brunswick, mileage 108.99 Nashwaak Subdivision.
- 95334 Aug. 21—Permitting the removal of slow Order at the C.N.R. crossing being the second public crossing west of station at Rosedale, Alberta, mileage 57.2 Drumheller Subdivision.
- 95335 Aug. 21—In the matter of the application of the C.N.R. for an extension of time required by Order No. 93641, dated February 14, 1958, to install automatic protection at the crossing of County Road No. 18, fourth public crossing west of the station at Port Robinson, Ontario, mileage 10.82 Welland Subdivision.
- 95336 Aug. 21—In the matter of the application of the C.N.R. for approval of proposed location of facilities for the handling and storage of flammable liquids at Harry's Brook, Newfoundland, mileage 438.5 Port aux Basques Subdivision.
- 95337 Aug. 21—In the matter of the application of the C.P.R. for authority to operate under the overhead bridge at mileage 121.52 White River Subdivision, in the Province of Ontario, which was authorized to be constructed by Order No. 85870, dated March 28, 1955.
- 95338 Aug. 21—In the matter of the application of the British Columbia Telephone Company for approval of an agreement between the British Columbia Telephone Company and Bella Coola Telephone, Light & Power Co. Ltd.
- 95339 Aug. 21—Permitting the removal of slow order at the C.N.R. crossing of Wellington Street, first crossing south of the station at Drayton, Ontario, mileage 61.53 Fergus Subdivision.
- 95340 Aug. 21—In the matter of the application of the Town of Kenora, Ontario for an Order authorizing the reconstruction of an overhead bridge crossing the right of way of the C.P.R. in the Town of Kenora, mileage 1.95, Keewatin Subdivision and authorizing the construction of a temporary crossing over the right of way of the C.P.R. in the Town of Kenora, Ontario, mileage 1.75, Keewatin Subdivision.
- 95341 Aug. 22—In the matter of the application of the C.P.R. on behalf of Imperial Oil Limited for approval of proposed location of additional facilities for the handling and storage of Class I flammable liquids at Govan, Saskatchewan, mileage 67.4 Lanigan Subdivision.
- 95342 Aug. 22—In the matter of the application of the C.N.R. on behalf of North Star Oil Limited for approval of the proposed location of a new office building at Hyas, Saskatchewan, mileage 52.85 Preeceville Subdivision.
- 95343 Aug. 22—In the matter of the application of the C.N.R. for authority to construct a siding extension across the north and south road allowance between the Southeast quarter of Section 18 and the Southwest quarter of Section 17, Township 49, Range 27, West 5th Meridian, at Miette, Alberta.
- 95344 Aug. 22—In the matter of the application of the C.P.R. on behalf of Imperial Oil Limited for approval of the proposed location of a new office building at Weyburn, Saskatchewan, mileage 61.8 Kisbey Subdivision.
- 95345 Aug. 22—In the matter of the application of the C.P.R. for authority to discontinue passenger train service on its Miniota Subdivision, Manitoba.
- 95346 Aug. 22—In the matter of the application of the C.P.R. for authority to discontinue passenger train service on its Rapid City Subdivision, Manitoba.
- 95347 Aug. 22—In the matter of the application of the C.P.R. for authority to discontinue passenger train service on its Lenore Subdivision, Manitoba.

- 95348 Aug. 22—In the matter of the application of the C.P.R. on behalf of Choiceland Consumers' Co-op Association Limited for approval of proposed location of additional facilities for the handling and storage of Class I and Class II flammable liquids at Choiceland, Saskatchewan, mileage 26.5 White Fox Subdivision.
- 95349 Aug. 22—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.P.R. under sections 3 and 8.
- 95350 Aug. 22—In the matter of the application of the Township of Goderich, Ontario, for authority to improve the crossing of the highway and C.N.R. near Clinton, Ontario.
- 95351 Aug. 22—Authorizing the Alberta Department of Highways to widen the Highway No. 43.59 where it crosses C.N.R. at mileage 109.97 Blackfoot Subdivision, Alberta.
- 95352 Aug. 22—Authorizing the C.N.R. to construct an extension of its siding across road allowance at Galloway, Alberta.
- 95353 Aug. 22—Authorizing the United Suburban Gas Company Limited to construct at its own expense a 2" gas main across and over the company pipe line of the Western Pipe Line Company at Sovereign Street, Township of West Flamboro, Ontario.
- 95354 Aug. 22—In the matter of application of the C.N.R. for authority to construct a siding extension across the north and south road allowance between the NE $\frac{1}{4}$  Sec. 23 and NW $\frac{1}{4}$  Sec. 24-5027-W5M., at Solomon, Alberta.
- 95355 Aug. 22—In the matter of application of the Ontario Northland Rly. on behalf of Shell Oil Co. of Canada Limited for approval of proposed facilities for handling and storage of flammable liquids at Noranda, Quebec.
- 95356 Aug. 22—In the matter of application of the C.N.R. for approval of proposed location of facilities for handling and storage of flammable liquids at Parent, Quebec.
- 95357 Aug. 25—In the matter of application of the C.P.R. on behalf of Imperial Oil Limited, for approval of proposed location of facilities for handling and storage of flammable liquids at Wynyard, Saskatchewan.
- 95358 Aug. 25—In the matter of the application of the C.N.R. on behalf of North Star Oil Limited, for approval of proposed location of facilities for the handling and storage of flammable liquids at Sandwith, Saskatchewan, mileage 23.05 Hatherleigh Subdivision.
- 95359 Aug. 25—Approving Plan SD-3737, revised to Jan. 7, 1958, submitted by the C.N.R. showing the protection as now installed at Leslie Street, Township of North York, Ontario, mileage 11.86 Bala Subdivision.
- 95360 Aug. 25—In the matter of the application of the C.P.R. on behalf of Imperial Oil Limited, for approval of proposed facilities for handling and storage of flammable liquids at Pennant, Saskatchewan.
- 95361 Aug. 25—In the matter of the application of the Manitoba Dept. of Public Works for authority to widen the highway where it crosses the C.N.R. at mileage 163.95 Gladstone Subdivision, Manitoba.
- 95362 Aug. 25—In the matter of the application of the B.C. Electric Company Ltd., for authority to construct a gas main across and under the company pipe line of the Trans Mountain Oil Pipe Line Company on Broadway Avenue, northwest of Lyndhurst Street, Burnaby, B.C.
- 95363 Aug. 25—Approving C.N.R. revised Plan No. SD-3295C showing the protection as now installed at Jane Street, Municipality of Metropolitan Toronto, Ontario.
- 95364 Aug. 25—In the matter of the Manitoba Dept. of Public Works for authority to widen Highway No. 21 where it crosses the C.N.R. at mileage 16.60 Miniota Subdivision, Manitoba.
- 95365 Aug. 25—In the matter of the application of the C.N.R. for approval of proposed facilities for the handling and storage of flammable liquids at Gaff Topsail, Newfoundland.

- 95366 Aug. 25—In the matter of the application of the C.N.R. on behalf of The British American Oil Co. Limited for approval of facilities for the handling and storage of flammable liquids at Beardmore, Ontario.
- 95367 Aug. 25—Permitting the removal of slow order at the C.N.R. crossing of Highway No. 36, mileage 44.68 Viking Subdivision, Alberta.
- 95368 Aug. 25—In the matter of application of the C.N.R. for approval of proposed location of facilities for the handling and storage of flammable liquids at Skull Hill, Newfoundland.
- 95369 Aug. 25—In the matter of application of the C.N.R. for approval of proposed location of facilities for the handling and storage of flammable liquids at Codroy Pond, Newfoundland.
- 95370 Aug. 25—In the matter of the rescinding of Order No. 73656 respecting facilities of The Skinner Company Limited for handling and storage of flammable liquids at Oshawa, Ontario.
- 95371 Aug. 25—In the matter of the application of the C.N.R. for approval of proposed location of facilities for the handling and storage of flammable liquids at Kitty's Brook, Newfoundland.
- 95372 Aug. 25—In the matter of the application of the C.N.R. for approval of plan showing proposed facilities for the handling and storage of flammable liquids at Clarenville, Newfoundland.
- 95373 Aug. 25—Approving application of the Township of McDougall, Ontario, for authority to construct the highway over the C.P.R. at mileage 25.64 Parry Sound Subdivision, Ontario.
- 95374 Aug. 25—In the matter of the application of the Quebec Dept. of Roads for the installation of automatic protection at St. Esprit Road, Parish of L'Epiphanie, mileage 11.35 l'Assomption Subdivision, P.Q.
- 95375 Aug. 25—In the matter of approval of tariffs and supplements to tariffs filed by the Canadian Freight Association under Section 3.
- 95376 Aug. 25—In the matter of approval of tariffs and supplements to tariffs filed by the Canadian Freight Association under Sections 3 and 8.
- 95377 Aug. 25—In the matter of the application of the Rural Municipality of Fertile Belt No. 183, for authority to construct the highway across the C.N.R. at mileage 116.52 Miniota Subdivision, Saskatchewan.
- 95378 Aug. 25—In the matter of the application of the B.C. Fruitlands Irrigation District to construct an asbestos cement water main across the company pipe line of Trans Mountain Oil Pipe Line Company, in the Kamloops Division of the Yale District of B.C.
- 95379 Aug. 25—In the matter of the application of the B.C. Fruitlands Irrigation District for authority to construct an asbestos cement water main across the company pipe line of Trans Mountain Oil Pipe Line Company on Westsyde Road, Kamloops Division of Yale District of B.C.
- 95380 Aug. 25—In the matter of the application of the B.C. Fruitlands Irrigation District to construct a steel water main across and under the pipe line of Trans Mountain Oil Pipe Line Company at certain locations in the Kamloops Division of Yale District of B.C.
- 95381 Aug. 25—In the matter of the application of B.C. Fruitlands Irrigation District to construct a cement water pipe across and under the pipe line of Trans Mountain Oil Pipe Line Company at Wawn Road, in the Kamloops Division of the Yale District of B.C.
- 95382 Aug. 25—In the matter of the application of Westcoast Transmission Company Limited for an Order granting leave to open for the transportation of natural gas a portion of its Gathering System in the Peace River District of B.C.
- 95383 Aug. 26—In the matter of the application of the Quebec Dept. of Roads for installation of automatic protection at the crossing of the C.N.R. and the highway, being the second crossing east of station at Senneterre, P.Q., mileage 137.9 Oskelaneo Subdivision.

- 95384 Aug. 26—Permitting the removal of slow order at the C.N.R. crossing of D'Arcy Street, Cobourg, Ontario, mileage 263.45 Oshawa Subdivision.
- 95385 Aug. 26—Permitting the removal of slow order at the C.N.R. crossing north of the station at Elmvale, Ontario, mileage 19.3 Penetang Subdivision.
- 95386 Aug. 26—In the matter of the application of the C.N.R. for authority to construct a spur to serve Sylvania Electric (Canada) Limited across Vulcan Street, Township of Etobicoke, Ontario.
- 95387 Aug. 27—In the matter of tariffs and supplements to tariffs filed by the Canadian Freight Association under Section 3.
- 95388 Aug. 27—In the matter of the application of The Bell Telephone Company of Canada for approval of Alternate Appendix "B" to Traffic Agreement between it and Cumberland Telephone System.
- 95389 Aug. 27—In the matter of application of The Bell Telephone Co. of Canada for approval of Alternate Appendix "B" to Traffic Agreement between it and The Stroud Telephone Company Limited.
- 95390 Aug. 27—Permitting the removal of slow order at crossing of the C.P.R. and 82nd Avenue Southeast, near Ogden, Alberta, mileage 169.9 Brooks Subdivision.
- 95391 Aug. 27—Authorizing B.C. Fruitlands Irrigation District to construct a water main across the company pipe lines of Trans-Mountain Oil Pipe Line Company in the Kamloops Area of the Yale District of B.C.
- 95392 Aug. 27—Authorizing B.C. Fruitlands Irrigation District to construct a cement water main across the company pipe line of Trans-Mountain Oil Pipe Line Company at Gordonel Road, Kamloops Division of the Yale District of B.C.
- 95393 Aug. 27—Application of the Manitoba Dept. of Public Works for approval of certain plans of proposed Metropolitan Winnipeg Bypass across the C.N.R. in the Rural Municipality of Fort Garry, Manitoba.
- 95394 Aug. 27—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de St-Amable.
- 95395 Aug. 27—Authorizing the Town of Burlington to improve the approach grade at the crossing of the C.N.R. at mileage 29.53 Oakville Subdivision, Ontario.
- 95396 Aug. 27—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.P.R. under Section 8.
- 95397 Aug. 27—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Section 3.
- 95398 Aug. 27—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.F.A. under Sections 3 and 8.
- 95399 Aug. 28—Authorizing the C.P.R. to operate under the overhead bridge at mileage 3.08 Port McNicoll Subdivision, Ontario.
- 95400 Aug. 28—Approving location of the station proposed to be erected at Trochu Alberta.
- 95401 Aug. 28—In the matter of Order 88049, dated Feb. 9, 1956, respecting facilities of Anglo American Exploration Ltd. for the handling and storage of flammable liquids at Gull Lake, Saskatchewan, mileage 34.77 Maple Creek Subdivision.
- 95402 Aug. 28—Authorizing the Township of King to improve the approach grade at crossing of the C.N.R. and the highway at mileage 26.10 Newmarket Subdivision, Ontario.
- 95403 Aug. 28—In the matter of Order No. 73944, dated Feb. 8, 1950, and Order 75034, dated August 11, 1950, respecting facilities of Shell Oil Co. of Canada Limited for the handling and storage of flammable liquids at Jasper, Alberta.
- 95404 Aug. 28—In the matter of application of the C.P.R. on behalf of Tidewater Associated Oil Company for extension of temporary permit to load crude oil into tank cars from tank trucks at Frontier, Saskatchewan.

- 95405 Aug. 28—Requiring the C.N.R. to install certain protection at the crossing of County Road No. 28 west of the station at Kinburn, Ontario.
- 95406 Aug. 28—In the matter of application of the C.N.R. for approval of revised plan showing protection as installed at the crossing of the C.N.R. and the highway west of Croydon, P.Q.
- 95407 Aug. 29—Permitting the removal of slow order at C.N.R. crossing at mileage 10.19 Dunnville Subdivision, Ontario.
- 95408 Aug. 29—Permitting the removal of slow order at C.N.R. crossing at mileage 152.78 Clarenville Subdivision, Newfoundland.
- 95409 Aug. 29—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and the Telephone System of the Municipality of the Township of Amherst Island.
- 95410 Aug. 29—Authorizing the C.P.R. to remove the caretaker and close the station at Kingsport, N.S.
- 95411 Aug. 29—Authorizing the C.P.R. to remove the caretaker and close the station at Sheffield Mills, N.S.
- 95412 Aug. 29—In the matter of facilities of McColl-Frontenac Oil Company Limited for the handling and storage of flammable liquids at Aurora, Ontario.
- 95413 Aug. 29—In the matter of application of the C.N.R. on behalf of Champlain Oil Products Limited for approval of proposed location of facilities for handling and storage of flammable liquids at Dolbeau, P.Q., mileage 57.38 Roberval Subdivision.
- 95414 Aug. 29—Authorizing the C.N.R. to construct a bridge over the Boisvert River at mileage 105.8 St. Felicien-Chibougamau Branch Line, Quebec.
- 95415 Aug. 29—Authorizing the C.P.R. to remove the station building at Red Mill, Quebec.
- 95416 Aug. 29—Authorizing the C.N.R. to make changes in the protection at the crossing of its railway and Ste. Croix Boulevard, St. Laurent, Quebec.
- 95417 Aug. 29—Requiring the Dominion Atlantic Railway to install certain protection at the crossing of Beaver Bank Road, mileage 2.91 Halifax Subdivision, N.S.
- 95418 Aug. 29—Authorizing Consumers' Gas Company to construct a gas main under the company pipe line of Trans-Northern Pipe Line Company in Clarkson Road South on Dundas Street, Township of Toronto, Ontario.
- 95419 Aug. 29—Authorizing the Village of La Malbaie to construct McLean Street West across the C.N.R. at mileage 87.99 Murray Bay Subdivision, Quebec.
- 95420 Aug. 29—Authorizing Trans-Canada Pipe Lines Limited to construct its company pipe line under the Tomiko River, Township of Lyman, Ontario.
- 95421 Aug. 29—Relieving the C.P.R. from erecting fences between certain mileages on its Emerson Subdivision, Manitoba.
- 95422 Aug. 29—Authorizing the C.P.R. to construct a siding to serve Wilkinson Company Limited, across North Kent Avenue and Ross Street, Vancouver, B.C.
- 95423 Aug. 29—In the matter of application of Trans-Canada Pipe Lines Limited for authority to open for the transportation of natural gas a portion of its company pipe line in the Townships of MacNicol and Gorham, Ontario.
- 95424 Aug. 29—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.P.R. under Section 8.
- 95425 Aug. 29—Requiring the C.N.R. to install certain protection at the crossing of Highway No. 4 at Ayrness, Quebec.
- 95426 Aug. 29—Requiring the C.N.R. to install certain protection at the crossing of Burnham Street, Cobourg, Ontario.

- 95427 Sept. 2—In the matter of application of the C.N.R. for authority to reconstruct the bridge over Interurban Road, in Victoria, B.C., mileage 2.4 Cowichan Subdivision.
- 95428 Sept. 2—Relieving the C.P.R. from erecting cattle guards at certain mileages on its Lloydminster Subdivision, Saskatchewan.
- 95429 Sept. 2—Authorizing the Rural Municipality of Mankota No. 45, Saskatchewan to construct the highway across the C.P.R. in the NE $\frac{1}{4}$  Sec. 25-5-9-W3M.
- 95430 Sept. 2—Relieving the C.P.R. from erecting cattle guards at certain mileages on its Laggan Subdivision, Alberta.
- 95431 Sept. 2—Requiring the C.N.R. to install certain protection at the crossing of Highway No. 7 near Pym, Saskatchewan.
- 95432 Sept. 2—In the matter of the filing of tariffs by the British Columbia Telephone Company.
- 95433 Sept. 2—Relieving the C.P.R. from erecting cattle guards on both sides of the crossing of its railway and the highway at mileage 74.72 Broadview Subdivision, Saskatchewan.
- 95434 Sept. 2—Authorizing the Township of Pittsburgh, Ontario, to improve the approach grades at the crossing of the township road and the C.N.R. near Rideau Station, Ontario.
- 95435 Sept. 2—Requiring the C.N.R. to install certain protection at the crossing of Highway No. 2 and the C.N.R. near Chamberlain, Saskatchewan.
- 95436 Sept. 2—In the matter of application of the C.P.R. to improve the overhead clearance and proposed roofed-in loading platform on private track serving MacMillan & Bloedel Ltd. (Alberni Plywood Division) at Port Alberni, B.C.
- 95437 Sept. 2—Requiring the C.N.R. to install certain protection at crossing of Third Avenue, Owen Sound, Ontario.
- 95438 Sept. 2—Requiring the C.N.R. to install certain protection at crossing of Highway No. 6, near Rowatt, Saskatchewan.

The Board of  
**Transport Commissioners for Canada**  
Judgments, Orders, Regulations, and Rulings

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*In the matter of the application of Mr. Eugene Lachance for telephone service from The Bell Telephone Company of Canada.*

File No. 29159.703

BEFORE:

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
F. M. MACPHERSON, *Commissioner.*  
H. B. CHASE, C.B.E., *Commissioner.*

APPEARANCES:

ROSAIRE BEAUDOIN, Q.C., for Mr. Eugene Lachance.  
P. C. VENNE, Q.C., for The Bell Telephone Company of Canada.

Heard at St. Joseph de Beauce, P.Q., on May 6, 1958.

J U D G M E N T

SYLVESTRE, *Deputy Chief Commissioner:*

This case originated in April 1957, from a complaint of one Eugene Lachance of St. Jules, County of Beauce, P.Q., to the effect that The Bell Telephone Company, hereinafter referred to as "Bell", refused to give him telephone service when such service was given to his neighbour, Mr. Ronaldo Pare.

*The Facts are:—*

The Applicant resides in the Parish of St. Jules, County of Beauce, Quebec, on a county road dividing "Rang" No. 2 from "Rang" No. 3 which, for the purpose of this case, I call the "East Broughton-St. Victor Road". The Applicant owns land in both "Rang" No. 2 and "Rang" No. 3 and his residence is located some 25 feet from and fronting the East Broughton-St. Victor Road on "Rang" No. 2.

The property immediately adjacent to his on the northwest side thereof is owned by one Ronaldo Pare. Part of Mr. Pare's property fronts on the East Broughton-St. Victor Road also in "Rang" No. 2, and the other part fronts on a road called the St. Jules Road. The St. Jules Road begins at the East Broughton-St. Victor Road and runs in a northeast-southwest direction towards the Village of St. Jules, County of Beauce.

Starting at approximately three miles from St. Victor and proceeding in a northwest direction, La Compagnie de Telephone des Rangs Nos 2 et 3 de St. Victor Nord, hereinafter referred to as the "Small Company", has been operating a telephone service since 1918 when it was organized as a chartered co-operative. In 1924 the Small Company applied to the Lieutenant-Governor in Council (Quebec) for letters patent which were issued under the Quebec Telephone Companies Act, ch. 298 R.S.Q. 1941, incorporating the Small Company under the name and title just mentioned. The charter provides, among other things, "the said company has a telephone line covering the distance of three and one-half miles with the point of origin at three miles from the Village of St. Victor, Beauce, and continuing along the road located between "Rangs" Nos. 2 and 3 of the said Parish of St. Victor, over a distance of two miles, and then running perpendicularly for a distance of eleven arpents along the county road towards East Broughton, County of Beauce, and another eleven arpents towards the Parish of St. Jules, County of Beauce, along the said county road, then northwest, a distance of twenty arpents, and terminating in the said Parish of St. Jules, Beauce"; the charter further provides "that the said company has and will have for result to direct their transactions in the Parish of St. Victor or in any other place where new shareholders would like to have a telephone in their residence."

The evidence shows that the telephone service given by the Small Company is far from satisfactory. Two witnesses stated that on that line they cannot communicate farther than with the second neighbour and if they want to communicate farther they must use what they call an interpreter, and the Applicant does not want that service because it would be useless for him.

The last subscriber of the Small Company is Aime Pare, whose property is located in "Rang" No. 3 fronting that part of Mr. Ronaldo Pare's property which fronts the East Broughton-St. Victor Road. As the St. Jules Road does not cross the East Broughton-St. Victor Road, Mr. Aime Pare's property fronts on the East Broughton-St. Victor Road. All the telephone poles of the Small Company are located along the East Broughton-St. Victor Road in "Rang" No. 2 with the exception of the last pole, which is on the property of Mr. Aime Pare in "Rang" No. 3.

From East Broughton running in the direction of St. Victor, Bell has a telephone line strung on the poles of the Shawinigan Water and Power Company which are located along that road in "Rang" No. 3. On that road, Bell has eight subscribers. The last pole on which Bell's lines are strung on the East Broughton-St. Victor Road in "Rang" No. 3 is just short of the St. Jules Road. Bell's lines then cross the East Broughton-St. Victor Road in an oblique manner to the northeast side of the East Broughton-St. Victor Road on "Rang" No. 2; then across the St. Jules Road to a pole on Ronaldo Pare's property and then to Ronaldo Pare's residence which, Counsel for Bell states is fronting on the St. Jules Road.

Both Ronaldo Pare and the Applicant are farmers and animal traders, reside in the Parish of St. Jules de Beauce and according to the Small Company's charter are both within the territory served by the Small Company.

Until Bell furnished telephone service to Mr. Ronaldo Pare, the last pole on which Bell's lines were strung was located in "Rang" No. 3, some 350 feet from Mr. Ronaldo Pare's residence.

Mr. Lachance applied to Bell for telephone service which was refused.

*Position Taken by Bell:—*

When the Applicant's complaint was referred to Bell for its submissions, in one of its communications, Bell stated "In order that this Company serve Mr. Lachance an arrangement whereby La Compagnie de St. Victor would agree to this Company entering their territory, passing their customer, Mr.

Aime Pare, and probably permitting this Company to attach a line to four of their poles would be necessary." Bell further stated that it had discussed the matter with La Compagnie de Telephone de St. Victor which is not disposed to relinquish any territory which it now serves, but is willing to serve Mr. Lachance.

In a subsequent communication, Bell stated "A secondary consideration is the entry by our Company into another company's territory to serve an Applicant who should be served by the latter company. The company is unwilling to have us do so and we respectfully submit that we should recognize the limits of its operating territory to the same extent that we should expect if the conditions were reversed." The first stand of Bell was that it could not give the service to the Applicant because in doing so it would be entering into the territory of La Compagnie de Telephone de St. Victor; it would require an arrangement whereby La Compagnie de Telephone de St. Victor would agree to Bell's entering its territory and require permission from La Compagnie de Telephone de St. Victor to attach a line to four of its poles.

At the hearing it was established that the company that could furnish telephone service to the Applicant in that area was not La Compagnie de Telephone de St. Victor but La Compagnie de Telephone des Rangs 2 et 3 de St. Victor Nord. The evidence further disclosed that Bell's telephone lines are strung to the Shawinigan Water and Power Company poles, and that to serve Mr. Lachance all Bell would be required to do would be to string its line to six more of the Power Company's poles, one of which is on Mr. Lachance's property in "Rang" No. 3, and in doing so Bell would have to pay the Power Company two dollars per pole per annum.

The evidence further disclosed that the Small Company had not voiced any opposition to Bell's entering its territory except at the hearing itself. Two resolutions made by the Small Company, one about a week before the hearing, are only to the effect that the Small Company wishes to retain its territory. The resolutions read as follows:

"St. Victor de Beauce,  
November 22, 1956.

A resolution was passed by the Board of Directors in reply to the Public Service Board regarding the case of Eugene Lachance from St. Jules, Beauce. It was decided by the Board of Directors to retain our rights, as indicated on the chart.

(sgd) ERNEST CLICHE, *Manager*,  
LOUIS PHILIPPE PARE, *Secretary*,  
St. Victor de Beauce, R.R. No. 1."

"St. Victor de Beauce,  
April 28, 1958.

A resolution was passed by the Board of Directors. All the Directors were present and it was proposed by Aime Pare, seconded by Philippe Groleau, that we retain the whole of our territory as shown on the chart.

Carried unanimously.

(sgd) PHILIPPE DOYON, *President*,  
LOUIS PHILIPPE PARE, *Secretary*,  
St. Victor de Beauce, R.R. No. 1."

Nothing in these two resolutions would tend to indicate an objection by the Small Company to Bell serving Mr. Lachance, nor to Bell entering its territory. It is merely a statement indicating that the Small Company does not wish to relinquish any part of its territory.

Even if the Small Company had objected Bell still had the power to grant Mr. Lachance his application for telephone service.

The second point raised by Bell was that raised by Mr. Munnoch, General Counsel and Vice-President of the Company, who, in a letter addressed to the Board, dated February 24, 1958, submitted that from the facts before him it appears that the Company is not giving a general service in the territory involved, that in fact such general service is given by La Compagnie de Telephone de St. Victor. Mr. Munnoch stated that Bell has not constructed a main or branch telephone service or system along, over, under or upon the highway, street, lane or other place upon which the residence of Mr. Lachance is fronting.

Because this case is decided on some other grounds I do not think that I shall have to decide or rule as to whether or not Bell is giving a general service in that area.

The third point on which Bell based its objection or opposition to giving telephone service to Mr. Lachance is that Mr. Lachance's residence is more than 200 feet from its nearest line. I am not prepared to accept Bell's submissions in this respect; however, let us review—

Section 2, ch. 41 of the Statutes of Canada, 1902, which imposes upon Bell the obligation to give telephone service, reads as follows:

“Upon the application of any person, firm or corporation within the city, town or village or other territory within which a general service is given and where a telephone is required for any lawful purpose, the Company shall, with all reasonable despatch, furnish telephones, of the latest improved design then in use by the Company in the locality, and telephone service for premises fronting upon any highway, street, lane or other place along, over, under or upon which the Company has constructed, or may hereafter construct, a main or branch telephone service or system, upon tender or payment of the lawful rates semi-annually in advance, provided that the instrument be not situate further than two hundred feet from such highway, street, lane or other place.”

In other words, section 2 states: that subject to certain conditions Bell shall with all reasonable despatch furnish telephones of the latest improved design then in use by the Company in the locality and telephone service to any person, firm or corporation applying therefor. The conditions are—

- (1) that a general service is given within the city, town or village or other territory within which such person, firm or corporation is;
- (2) that a telephone is required for any lawful purpose;
- (3) the premises is fronting upon a highway, street, lane or other place along, over, under or upon which the Company has constructed or may hereafter construct a main or branch telephone service or system;
- (4) that the lawful rates be tendered or paid semi-annually in advance; and
- (5) that the instrument is not situated further than 200 feet from such highway, street, lane or other place.

If any one of these conditions is not met with I believe that the Applicant does not come within the scope of section 2 and that Bell is not under statutory obligation to furnish the telephone and telephone service therein provided.

The fact that the Applicant's residence is fronting upon, and less than 200 feet from the East Broughton-St. Victor road is not sufficient to bring him within the scope of ch. 41 with respect to conditions 3 and 5 above mentioned, notwithstanding that no main or branch telephone service or system is constructed on that portion of the highway upon which his property is fronting.

In the interpretation of Statutes if the language is ambiguous and admits of two views, that view must not be allowed which leads to manifest inconvenience or to injustice and absurdity.

In interpreting section 2 of ch. 41 I find that the language is ambiguous and admits of two views—as to the “fronting” and the “200 feet” therein mentioned. One of these views which I cannot admit because it would lead to inconvenience, injustice and absurdity is that Bell would be under a statutory obligation to give telephone and telephone service to any applicant whose premises would be fronting and less than 200 feet from a road upon which a great distance away Bell would have a main or branch telephone service or system. Such view, carried to the extreme could lead to sheer absurdity. The other view is that the Company is under the statutory obligation to give telephone service to an applicant who meets all the other conditions contained in section 2 and whose premises are fronting upon and less than 200 feet from that portion of the highway upon which Bell has constructed a main or branch telephone service or system. Because a main or branch telephone service or system is not constructed along, over, under or upon that portion of the East Broughton-St. Victor Road upon which Mr. Lachance’s property is fronting, I am of the view that his case does not come within the scope of section 2 of ch. 41, and, consequently, this Board cannot order Bell to give the Applicant the telephone and telephone service applied for. Having ruled that the Applicant does not meet conditions 3 and 5 I find it unnecessary to rule on the other conditions.

The fact remains that Bell has given telephone and telephone service to Ronaldo Pare whose premises are not fronting on that portion of East Broughton-St. Victor Road upon which a main or branch telephone service or system of Bell is constructed. It seems that because both the Applicant and Mr. Pare reside in the same area, fronting the same road, engaged in the same business, and, as a matter of fact, are competitors, a discrimination exists. Can the Board order Bell to remove such discrimination? In the Tinkess case, 20 C.R.C. 249, the Board has outlined its views respecting its jurisdiction in regard to operating conditions of the Company. At page 253, after enumerating the sections which do not apply to Bell the Board made the following statement:

“When the remaining sections are looked to, it will be found that the jurisdiction conferred upon the Board in respect of telephone companies is a rate jurisdiction, including under such rate jurisdiction the provisions of the Railway Act in regard to discrimination.

The Board is given by Parliament an extensive jurisdiction over railway companies in regard to operating conditions. The same extensive jurisdiction is not given in respect of operation of telephone lines. Further, as has been indicated, Parliament has recognized that even in the case of the sections of the Railway Act which are not excepted from the jurisdiction conferred in respect of telephone companies, there may be some doubt as to the applicability of such sections, for it is provided that they are to apply “in so far as reasonably applicable and not inconsistent with this Part of the Special Act.” That is to say, the Board has to consider, on the particular facts, whether the section invoked is applicable.

Reference has been made above to the extensive group of sections dealing with operating conditions which are not applicable to the telephone companies subject to the Board’s jurisdiction. One of the excepted sections, viz., sec. 284, is especially significant. This is concerned with accommodation for traffic and deals with the physical facilities which the Board may require therefor. Sec. 317 of the Railway Act, which is not excepted,

also deals with facilities for traffic; but this is concerned with the reasonable and proper facilities for traffic for "receiving, forwarding, and delivering of traffic upon and from their several railways, for the interchange of traffic between the respective railways, and for the return of rolling stock." This section shows that its general intent is to see that reasonable and proper facilities are available for the handling of through traffic, that is from the line of one company to that of another. Such inter-line business is not involved here.

As has been indicated, the Board's powers, under the Railway Act, are as conferred by the amending legislation of 1908 (ch. 61, 7-8 Edw. VII). The question of the scope of the jurisdiction conferred upon the Board under this legislation came up on June 21, 1910, in the application of the proprietors of the Russell House for an order fixing the charges to be made by the Bell Company and directing that company to install room instruments. Oral judgment was given at the hearing by Chief Commissioner Mabee, who said:

"The Act may be regarded as lame in the way it stands in reference to this matter. On the other hand, it may have been intended by Parliament that, with reference to these telephone companies, there should be control over the tolls only, and that they should not be required, as railway companies are, to grant facilities.

The facility clauses of the Railway Act are all exempt in the section bringing telephones under the control of the Board, and the result is that it is quite impossible to make any order."

The only control over extension of physical facilities which the Board possesses in respect to the Bell Telephone Company is under the Board's power to see to the enforcement of the Special Act. ....as contained in the Act of 1902, ch. 41 of the statutes of that year. ....

The present complaint does not fall within the terms of what the Board may do in respect of enforcing the provisions of the sections in the Special Act of 1902 above referred to."

#### *Conclusions:*

After taking into serious consideration all the facts and the law applicable to this particular case I find that:

- (1) There is no main or branch telephone service or system of Bell constructed on that portion of the East Broughton-St. Victor Road upon which the Applicant's premises is fronting.
- (2) Because of (1)
  - (a) Bell is not under the statutory obligation provided in section 2 of ch. 41 of the Statutes of Canada, 1902, of giving telephone and telephone service to the Applicant; and,
  - (b) consequently, the Board has no power to order Bell to grant Mr. Lachance's application.
- (3) Notwithstanding the opposition, if any, made by the Small Company, Bell may give Mr. Lachance the telephone and telephone service.
- (4) Bell discriminates against the Applicant in not giving him the telephone and telephone service which Bell has given to Mr. Pare, both parties being in the same circumstances and conditions.
- (5) The Board has no power to order Bell to remove a discrimination of that nature.

Although I feel that the Company should grant Mr. Lachance's application, I find no power which would permit me to order Bell either to give the Applicant the telephone service he applied for, or to remove such discrimination, and it is with reluctance that I dismiss the Applicant's petition.

Application dismissed.

AUGUST 26, 1958.

A. SYLVESTRE

*I concur:*

FRANK M. MACPHERSON

*I concur:*

H. B. CHASE.

(Traduction)

*Relativement à la demande de M. Eugène Lachance en vue d'obtenir le service téléphonique de la Compagnie de téléphone Bell du Canada.*

Dossier n° 29159.703

DEVANT:

M. A. SYLVESTRE, C.R., *Commissaire en chef suppléant.*M. F. M. MACPHERSON, *Commissaire.*M. H. B. CHASE, C.B.E., *Commissaire.*

ONT COMPARU:

M. ROSAIRE BEAUDOIN, C.R., pour M. Eugène Lachance.

M. P. C. VENNE, C.R., pour la Compagnie de téléphone Bell du Canada.

Cause entendue à Saint-Joseph de Beauce, P.Q. le 6 mai 1958.

## JUGEMENT

A. SYLVESTRE, Commissaire en chef suppléant:

Ce cas remonte au mois d'avril 1957, alors qu'un nommé Eugène Lachance, de Saint-Jules, comté de Beauce, P.Q., a porté plainte à l'effet que la Compagnie de téléphone Bell, ci-après appelée "compagnie Bell", refusait de lui donner le service téléphonique alors qu'elle le donnait à son voisin, M. Ronaldo Paré.

*Voici les faits:*

Le réquérant est domicilié dans la paroisse de Saint-Jules, comté de Beauce, P.Q., sur une route de comté qui sépare le rang n° 2 du rang n° 3, qu'aux fins de la présente cause j'appellerai "route East Broughton-Saint-Victor". Le réquérant est propriétaire de terres tant dans le rang n° 2 que dans le rang n° 3, et la maison qu'il habite est située dans le rang n° 2, à quelque vingt-cinq pieds de la route East Broughton-Saint-Victor à laquelle elle fait face.

La propriété contiguë à la sienne, du côté nord-ouest est celle de M. Ronaldo Paré. Une partie de la propriété de M. Paré fait face à la route East Broughton-Saint-Victor, également dans le rang n° 2, et l'autre partie fait face à une route appelée "route Saint-Jules". La route Saint-Jules commence à la route East Broughton-Saint-Victor et, orientée nord-est-sud-ouest, conduit en direction du village de Saint-Jules, dans le comté de Beauce.

A partir de trois milles environ de Saint-Victor et en se dirigeant vers le nord-ouest, la Compagnie de Téléphone des Rangs n°s 2 et 3 de Saint-Victor Nord, ci-après appelée "Petite compagnie", exploite un service téléphonique depuis 1918, date à laquelle elle a été organisée en coopérative à charte. En 1924, la Petite compagnie s'adressait au lieutenant-gouverneur en conseil (Québec) afin d'obtenir des lettres patentes, lesquelles lui furent délivrées en vertu de la Loi des compagnies de téléphone du Québec, ch. 298, S.R.Q. 1941, constituant en corporation la Petite compagnie sous le nom mentionné ci-dessus. La charte spécifie, entre autres choses, "que ladite Compagnie a une ligne téléphonique et sur une distance de trois milles et demi et a son point d'origine à trois milles du village de Saint-Victor, Beauce, pour continuer le long de la route située entre les deuxième et troisième rangs de ladite paroisse de Saint-Victor, sur une distance de deux milles, pour faire ensuite une équerre sur une distance de onze arpents en suivant la route du comté en allant vers East Broughton, comté de Beauce, et pour onze autres arpents en allant vers la paroisse de Saint-Jules, comté de Beauce, le long de

ladite route du comté, en se dirigeant ensuite vers le nord-ouest sur une distance de vingt arpents et s'arrêter à ladite paroisse de Saint-Jules, Beauce"; la charte spécifie en outre "que ladite compagnie a et aura pour effet de conduire ses opérations dans la paroisse de Saint-Victor ou à tout autre endroit où de nouveaux actionnaires désireraient avoir le téléphone à leur domicile".

La preuve a établi que le service téléphonique assuré par la Petite compagnie est loin d'être satisfaisant. Deux témoins ont déclaré que sur cette ligne, ils ne peuvent pas communiquer plus loin qu'avec le deuxième voisin et que, s'ils veulent communiquer plus loin, il leur faut avoir recours à ce qu'ils appellent un interprète, et le requérant ne veut pas avoir cette sorte de service parce qu'il ne lui serait pas utile.

Le dernier abonné de la Petite compagnie est M. Aimé Paré, dont la propriété est située dans le rang n° 3 et fait face à la partie de la propriété de M. Ronaldo Paré qui donne sur la route East Broughton-Saint-Victor. Comme la route Saint-Jules ne traverse pas la route East Broughton-Saint-Victor, la propriété de M. Aimé Paré fait face à la route East Broughton-Saint-Victor. Tous les poteaux téléphoniques de la Petite compagnie sont situés le long de la route East Broughton-Saint-Victor, dans le rang n° 2, à l'exception du dernier poteau qui est situé sur la propriété de M. Aimé Paré, dans le rang n° 3.

A partir d'East Broughton, en direction de Saint-Victor, la compagnie Bell a une ligne téléphonique montée sur les poteaux de la Shawinigan Water and Power Company, lesquels sont situés le long de cette route, dans le rang n° 3. La compagnie Bell a huit abonnés sur cette route. Le dernier poteau sur lequel sont montées les lignes de la compagnie Bell sur la route East Broughton-Saint-Victor, dans le rang n° 3, est situé à très peu de distance de la route Saint-Jules. Les lignes de la compagnie Bell traversent ensuite la route East Broughton-Saint-Victor, obliquement pour atteindre le côté nord-est de la route East Broughton-Saint-Victor, dans le rang n° 2; elles traversent ensuite la route Saint-Jules pour se rendre à un poteau situé sur la propriété de M. Ronaldo Paré, et de là aboutissent à la maison de M. Ronaldo Paré, laquelle, selon l'avocat de la compagnie Bell, fait face à la route Saint-Jules.

M. Donaldo Paré et le requérant sont tous deux cultivateurs et marchands d'animaux et sont domiciliés dans la paroisse de Saint-Jules de Beauce. Selon la charte de la Petite compagnie, ils se trouvent tous deux dans le territoire desservi par la Petite compagnie.

Avant que la compagnie Bell assure le service téléphonique à M. Ronaldo Paré, le dernier poteau sur lequel étaient montées les lignes de la compagnie Bell était situé dans le rang n° 3, à quelque trois cent cinquante pieds de la maison de M. Ronaldo Paré.

M. Lachance a fait à la compagnie Bell une demande de service téléphonique, mais le service lui a été refusé.

#### *Position prise par la compagnie Bell:*

Lorsque la plainte du requérant a été portée à la connaissance de la compagnie Bell pour que cette dernière soumette ses vues, la compagnie Bell, dans une de ses communications, déclarait: "Pour que notre compagnie puisse servir M. Lachance, il faudrait une entente par laquelle la Compagnie de Saint-Victor consentirait à ce que notre compagnie pénètre sur son territoire, passe devant son client, M. Aimé Paré, et il faudrait probablement aussi qu'elle permette à notre compagnie d'attacher une ligne à quatre de ses poteaux". La compagnie Bell déclarait en outre qu'elle avait discuté de la question avec la Compagnie de Téléphone de Saint-Victor, laquelle n'est disposée à abandonner aucune partie du territoire qu'elle dessert actuellement, mais elle serait prête à desservir M. Lachance.

Dans une communication ultérieure, la compagnie Bell déclarait: "Une deuxième chose à considérer est l'entrée de notre compagnie dans le territoire d'une autre compagnie en vue de desservir un requérant qui devrait être desservi par cette autre compagnie. La compagnie ne consent pas à nous laisser agir de la sorte, et nous émettons respectueusement l'opinion que nous devons respecter les limites de son territoire d'exploitation dans la même mesure que nous voudrions voir les nôtres respectées si les conditions étaient l'inverse". Dans la première position qu'elle a prise, la compagnie Bell déclarait ne pas pouvoir assurer le service au requérant parce que, pour le faire, il lui faudrait empiéter sur le territoire de la Compagnie de Téléphone de Saint-Victor; il lui faudrait une entente par laquelle la Compagnie de Téléphone de Saint-Victor consentirait à ce que la compagnie Bell pénètre sur son territoire, et il faudrait que la Compagnie de Téléphone de Saint-Victor lui accorde la permission d'attacher une ligne à quatre de ses poteaux.

Lors de l'audience, il a été établi que la compagnie qui pourrait assurer le service téléphonique au requérant dans cette région n'était pas la Compagnie de Téléphone de Saint-Victor, mais la Compagnie de Téléphone des Rangs 2 et 3 de Saint-Victor Nord. La preuve a en outre révélé que les lignes téléphoniques Bell sont montées sur les poteaux de la Shawinigan Water and Power Company et que, pour desservir M. Lachance, tout ce que la compagnie Bell aurait à faire serait de monter sa ligne sur six autres poteaux de la compagnie d'électricité, dont l'un est situé sur la propriété de M. Lachance, dans le rang n° 3. La compagnie Bell devrait alors payer deux dollars par poteau par année à la compagnie d'électricité.

La preuve a également révélé que la Petite compagnie n'avait exprimé aucune opposition à l'entrée de la compagnie Bell sur son territoire, sauf lors de l'audience elle-même. Deux résolutions adoptées par la Petite compagnie, dont l'une environ une semaine avant l'audience, portent simplement que la Petite compagnie désire garder son territoire. Les résolutions se lisent comme suit:

"Saint-Victor de Beauce,  
le 22 novembre 1956.

Une résolution a été passée par le bureau de direction pour répondre à la Régie des services publics pour l'affaire avec Eugène Lachance de Saint-Jules, Beauce. Il a été décidé par le bureau de direction de garder nos droits, tels qu'ils sont sur la charte.

(signé) ERNEST CLICHE, *gérant*  
LOUIS-PHILIPPE PARÉ, *secrétaire*  
Saint-Victor de Beauce, R.R. n° 1."

"Saint-Victor de Beauce,  
le 28 avril 1958.

Une résolution a été passée par le bureau de direction. Tous les directeurs étaient présents. Il a été proposé par Aimé Paré, secondé par Philippe Groleau que nous gardions tout notre territoire tel qu'il est sur la charte.

Adopté unanimement.

(signé) PHILIPPE DOYON, *président*  
LOUIS-PHILIPPE PARÉ, *secrétaire*  
Saint-Victor de Beauce, R.R. n° 1."

Il n'y a rien dans ces résolutions qui semble indiquer que la Petite compagnie s'oppose à ce que la compagnie Bell desserve M. Lachance, ni que la compagnie Bell n'entre dans son territoire. Il ne s'agit que d'une simple indication du désir de la Petite compagnie de n'abandonner aucune partie de son territoire.

Même si la Petite compagnie s'y était opposée, la compagnie Bell avait encore le pouvoir d'accéder à la demande de service téléphonique faite par M. Lachance.

La deuxième question soulevée par la compagnie Bell est celle soulevée par M. Munnoch, avocat général et vice-président de la Compagnie, qui, dans une lettre adressée à la Commission, en date du 24 février 1958, déclarait que, d'après les faits soumis, il paraissait évident que la Compagnie n'assurait pas de service général dans le territoire en cause, mais qu'en fait un tel service général était assuré par la Compagnie de Téléphone de St-Victor. M. Munnoch affirmait que la compagnie Bell n'a pas construit de service ou système téléphonique principal ou d'embranchement le long, au-dessus, ou au-dessous de la voie publique, rue, ruelle ou autre lieu sur lequel donne la résidence de M. Lachance.

Vu que la présente cause est jugée sur d'autres raisons, je ne crois pas avoir à décider ou juger si la compagnie Bell assure ou non un service général dans cette zone.

Le troisième point sur lequel la compagnie Bell a basé son objection ou opposition à assurer le service téléphonique à M. Lachance est que la résidence de M. Lachance est située à plus de deux cents pieds de sa ligne la plus rapprochée. Je ne suis pas prêt à accepter les allégations de la compagnie Bell sous ce rapport; cependant, passons les faits en revue:

L'article 2 du chapitre 41 des Statuts du Canada de 1902, qui impose à la compagnie Bell l'obligation d'assurer le service téléphonique, se lit ainsi:

"Sur la demande de toute personne, compagnie ou corporation dans une cité, ville ou village, ou autre territoire, où il se donne un service général et où un téléphone est demandé pour quelque objet légitime, la compagnie devra, avec toute diligence raisonnable, fournir des téléphones du dernier type amélioré dont fera alors usage la compagnie dans la localité, et un service de téléphone pour les propriétés situées sur toute voie publique, rue, ruelle ou autre lieu, sur ou sous lesquels la compagnie a établi ou pourra établir ci-après un service ou système principal ou d'embranchement de téléphone, sur l'offre ou le paiement semi-annuel et d'avance des taux légaux; pourvu que l'instrument ne soit pas placé au delà de deux cents pieds de la voie publique, rue, ruelle ou autre lieu."

En d'autres termes, l'article 2 dit que sous réserve de certaines conditions, la compagnie Bell devra, avec toute diligence raisonnable fournir des appareils téléphoniques du dernier type amélioré dont fera alors usage la compagnie dans la localité, et assurer un service téléphonique à toute personne, compagnie ou corporation qui en aura fait la demande. Les conditions sont les suivantes:

- (1) Un service général est donné dans la cité, ville ou village, ou autre territoire dans lequel une telle personne demeure ou une telle compagnie ou corporation est située;
- (2) Un appareil téléphonique est demandé pour quelque objet légitime;
- (3) Les propriétés donnent sur une voie publique, rue, ruelle ou autre lieu le long, au-dessus ou au-dessous desquels la compagnie a construit ou pourra construire par la suite un service ou système téléphonique principal ou d'embranchement;
- (4) Les taux légaux sont offerts ou payés semi-annuellement et d'avance; et
- (5) L'instrument n'est pas placé au delà de deux cents pieds de la voie publique, rue, ruelle ou autre lieu.

Si l'une quelconque de ces conditions n'est pas remplie, je crois que l'article 2 ne s'applique pas au requérant et que la compagnie Bell n'est pas tenue, aux termes de la loi, de fournir un appareil téléphonique et d'assurer le service téléphonique qui s'y rattache.

Le fait que la résidence du requérant donne sur la route East Broughton-Saint-Victor et se trouve à moins de deux cents pieds de celle-ci ne suffit pas pour que le chapitre 41 s'applique à son cas en ce qui concerne les conditions 3 et 5 mentionnées ci-dessus, même si aucun service ou système téléphonique principal ou d'embranchement n'est construit sur la partie de la voie publique sur laquelle donne sa propriété.

Dans l'interprétation de la loi, si la phraséologie est ambiguë et prête à double sens, le sens qui conduit à un inconvénient manifeste ou à une injustice et une absurdité ne doit pas être admis.

En interprétant l'article 2 du chapitre 41, je trouve que la phraséologie est ambiguë et prête à double sens pour ce qui est de "est située" et de "deux cents pieds" dont il y est fait mention. L'un de ces sens que je ne puis admettre parce qu'il mènerait à un inconvénient, à une injustice et à une absurdité est que la compagnie Bell soit tenue, aux termes de la loi, de fournir un appareil et le service téléphonique à tout requérant dont la propriété ferait face à et serait à moins de deux cents pieds d'une route sur laquelle, à une grande distance, la compagnie Bell aurait un service ou système téléphonique principal ou d'embranchement. Un tel sens, poussé à l'extrême, pourrait conduire à de pures absurdités. L'autre sens est que la Compagnie est tenue, aux termes de la loi, d'assurer le service téléphonique à un requérant qui remplit toutes les autres conditions contenues dans l'article 2 et dont la propriété fait face à et se trouve à moins de deux cents pieds de cette partie de la voie publique sur laquelle la compagnie Bell a construit un service ou système téléphonique principal ou d'embranchement. Parce qu'un service ou système téléphonique principal ou d'embranchement n'est pas construit le long, au-dessus ou au-dessous de cette partie de la route East Broughton-Saint-Victor sur laquelle donne la propriété de M. Lachance, je suis d'avis que l'article 2 du chapitre 41 ne s'applique pas à son cas et, en conséquence, la Commission ne peut ordonner à la compagnie Bell de donner au requérant l'appareil et le service téléphonique dont il a fait la demande. Ayant décidé que le requérant ne remplit pas les conditions 3 et 5, je suis d'avis qu'il n'est pas nécessaire de me prononcer sur les autres conditions.

Il n'en reste pas moins que la compagnie Bell a donné un appareil et le service téléphonique à M. Ronaldo Paré dont la propriété ne donne pas sur cette partie de la route East Broughton-Saint-Victor sur laquelle est construit un service ou système téléphonique principal ou d'embranchement de la compagnie Bell. Étant donné que le requérant et M. Paré demeurent tous deux dans la même localité, ont leur propriété donnant sur la même route, font le même genre d'affaires et, en fait, sont deux concurrents, il semble y avoir discrimination. La Commission peut-elle ordonner à la compagnie Bell de faire disparaître cette distinction? Dans la cause de Tinkess, 20 C.R.C. 249, la Commission a donné un aperçu de la portée de sa juridiction en ce qui concerne les conditions d'exploitation de la Compagnie. A la page 253, après avoir énuméré les articles qui ne s'appliquent pas à la compagnie Bell, la Commission déclare:

"A l'étude des autres articles, on trouvera que la juridiction qui a été conférée à la Commission en ce qui a trait aux compagnies téléphoniques est une juridiction concernant les taxes, englobant sous cette juridiction de taxes les dispositions de la Loi sur les chemins de fer relatives à la discrimination.

Le parlement confère à la Commission une juridiction étendue sur les compagnies de chemin de fer en ce qui concerne les conditions d'exploitation. Elle n'a pas la même juridiction étendue quant à l'exploitation des lignes téléphoniques. De plus, comme il a été démontré, le Parlement a reconnu que, même dans le cas des articles de la Loi sur les chemins de fer qui ne font pas l'objet d'une exception quant à la juridiction conférée à la Commission relativement aux compagnies téléphoniques, il peut exister un certain doute au sujet de l'application de ces articles, car il est prévu qu'ils ne devront s'appliquer "qu'en tant qu'ils sont raisonnablement applicables et non incompatibles avec la présente Partie de la loi spéciale". C'est dire que la Commission doit décider, d'après les faits particuliers, si l'article invoqué est applicable.

Il a été fait mention plus haut du nombre important d'articles traitant des conditions d'exploitation qui ne s'appliquent pas aux compagnies téléphoniques soumises à la juridiction de la Commission. L'un des articles faisant l'objet d'une exception, l'article 284, est particulièrement significatif. Il a trait aux aménagements de trafic et se rapporte aux installations matérielles que la Commission peut exiger à cet effet. L'article 317 de la Loi sur les chemins de fer qui ne fait pas l'objet d'une exception, traite aussi des facilités de transport; mais il s'agit des facilités raisonnables et convenables de transport pour "la réception, l'expédition et la livraison des marchandises à destination ou en provenance de leurs chemins de fer, et pour l'échange des transports entre leurs chemins de fer respectifs et la rentrée du matériel roulant". Cet article montre que son intention générale est de voir à ce que des facilités raisonnables et convenables soient disponibles pour le service du trafic direct, c'est-à-dire de la ligne d'une compagnie à celle d'une autre. Il n'est pas question ici d'opérations inter-lignes.

Comme il a été démontré, les pouvoirs de la Commission, en vertu de la Loi sur les chemins de fer, sont ceux qui lui ont été conférés par la législation modifiée de 1908 (ch. 61, 7-8 Édouard VII). La question de la portée de la juridiction conférée à la Commission en vertu de cette législation a été soulevée le 21 juin 1910, dans la requête des propriétaires de la Maison Russell pour une ordonnance établissant le coût à être imposé par la compagnie Bell et l'enjoignant d'installer des appareils dans les chambres. Un jugement oral, rendu à l'audience par le commissaire en chef Mabee, dit:

'On peut considérer la Loi comme boîteuse relativement à cette affaire. Par contre, c'était peut-être l'intention du Parlement de n'assujettir ces compagnies téléphoniques à la juridiction de la Commission qu'en matière de taxes, et de ne pas les obliger, comme dans le cas des compagnies de chemin de fer, à assurer des installations.

Aucune des clauses relatives aux installations de la Loi sur les chemins de fer n'est applicable aux termes de l'article assujettissant les téléphones à la juridiction de la Commission, et il en résulte qu'il est tout à fait impossible de rendre quelque ordonnance que ce soit.'

Le seul contrôle sur l'extension des installations matérielles que la Commission possède en ce qui concerne la compagnie de téléphone Bell est, en vertu des pouvoirs de la Commission, de voir à l'exécution de la loi spéciale. ....contenue dans la Loi de 1902, ch. 41 des statuts de cette année-là. ....

.....

La présente plainte n'entre pas dans le cadre de ce que peut faire la Commission relativement à l'exécution des dispositions des articles de la loi spéciale de 1902 mentionnée ci-dessus."

*Conclusions:*

Après avoir étudié attentivement tous les faits ainsi que la loi applicable dans ce cas particulier, je trouve que:

- (1) Aucun service ou système téléphonique principal ou d'embranchement de la compagnie Bell n'est construit sur cette partie de la route East Broughton-Saint-Victor sur laquelle donne la propriété du requérant;
- (2) A cause de (1)
  - a) le compagnie Bell n'est pas tenue, d'après les dispositions prévues à l'article 2 du ch. 41 des Statuts du Canada de 1902, de fournir un appareil et le service téléphonique au requérant; et
  - b) par conséquent, la Commission n'a pas le pouvoir d'ordonner à la compagnie Bell d'accéder à la demande de M. Lachance.
- (3) Malgré l'opposition, s'il en est, offerte par la Petite compagnie, la compagnie Bell peut assurer à M. Lachance un appareil et le service téléphonique.
- (4) La compagnie Bell fait preuve de discrimination envers le requérant en ne lui accordant pas l'appareil et le service téléphonique qu'elle a accordés à M. Paré, les deux parties étant dans les mêmes circonstances et conditions.
- (5) La Commission n'a pas le pouvoir d'ordonner à la compagnie Bell de faire disparaître une discrimination de cette nature.

Bien que je sois d'avis que la Compagnie devrait accéder à la demande de M. Lachance, je ne puis trouver aucun pouvoir qui puisse me permettre d'ordonner à la compagnie Bell soit de fournir au requérant le service téléphonique qu'il sollicite, soit de faire disparaître une telle discrimination, et c'est à regret que je renvoie la pétition du requérant.

Requête renvoyée.

A. SYLVESTRE.

*J'agrée:*

E. M. MACPHERSON

*J'agrée:*

H. B. CHASE

Le 26 août 1958.

## ORDER No. 95479

*In the matter of the general terms and conditions upon and under which The Bell Telephone Company of Canada, hereinafter called the "Applicant", shall furnish to the public the telephone service and equipment which it provides:*

*And in the matter of Order No. 81007, dated March 11, 1953:*

File No. 29159.699

MONDAY, the 8th day of September, A.D. 1958

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner,*

F. M. MACPHERSON, *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

1. The General Regulations of the Applicant approved and prescribed by Order of the Board No. 81007, dated March 11, 1953, as amended by Order No. 86571, dated July 14, 1955, and further amended as follows:

(1) By striking out Clause (a) of Rule 4 and substituting therefor the following:

"Rule 4.—(a) Applications for local service (i.e. Exchange and Service System Service) and for mobile telephone service or for additional service or equipment in connection with service already established may be made orally or shall be in writing if the Company so requires."

(2) By striking out Rule 5 and substituting therefor the following:

"Rule 5. The initial service period for all standard local services and for mobile telephone service and equipment furnished by the Company shall be one month, except where otherwise stipulated in the Tariffs of the Company; Provided, however, that the Company may stipulate an initial service period longer than one month

- (a) where special construction is necessary for the provision of the service, or
- (b) where special non-standard equipment or special assemblies of equipment are installed."

(3) By striking out Clause (a) of Rule 6 and substituting therefor the following:

"Rule 6.—(a) Subject to the provisions of the Company's Special Acts of Incorporation, the Company's obligation to furnish telephone service is dependent upon its ability to secure and retain without expense suitable rights-of-way, rights of access and space in buildings for the construction and maintenance of the necessary poles, conduits, plant, wiring, circuits, instruments, equipment, fixtures and facilities. Where the Company is unable to do so or when special construction work is necessary, or when the Company is required to move any of such poles, conduits, plant, wiring, circuits, instruments, equipment, fixtures and facilities, or when any unusual expense must be incurred, the Company may require the applicant or customer to pay the cost thereof."

(4) By striking out Rule 7 and substituting therefor the following:

“Rule 7.—Except where otherwise stipulated in its tariffs or by special agreement, the Company shall provide and install all poles, conduits, plant, wiring, circuits, instruments, equipment, fixtures and facilities required to furnish service and shall be and remain the owner thereof, and shall bear the expense of ordinary maintenance and repairs.”

(5) By striking out Rule 8 and substituting therefor the following:

“Rule 8.—In the case of damage to or destruction or loss of any of the Company’s poles, conduits, plant, wiring, circuits, instruments, equipment, fixtures or facilities on the premises occupied by the customer which is not due to reasonable wear and tear, the Company shall have the right to require the customer to pay the cost of restoring them to their original condition or of replacing them. Upon termination of service all such poles, conduits, plant, wiring, circuits, instruments, equipment, fixtures and facilities shall be returned to the Company in good condition, reasonable wear and tear excepted.”

(6) By striking out Rule 25 and substituting therefor the following:

“Rule 25.—At the time of application for service, the applicant shall make an advance payment covering the service charge, if any, together with one month’s charge for all service and equipment applied for; provided, however, that the Company may waive the collection of advance payments from applicants or customers whose credit is satisfactorily established with the Company.”

(7) By striking out Rule 26 and substituting therefor the following:

“Rule 26.—An applicant or customer whose credit is not satisfactorily established with the Company may be required to make a further advance payment of an amount which the Company considers sufficient to cover not more than six months’ charges for all service including anticipated message tolls and for equipment. Charges for service rendered are applied against such advance payment. If, in the opinion of the Company, the customer’s net credit balance is at any time insufficient to cover the estimated charges referred to, the Company may require a further advance payment or suspend and/or terminate service as provided in Rule 35.”

(8) By striking out Rule 27 and substituting therefor the following:

“Rule 27.—Rates and charges which are quoted on a monthly basis shall be payable by the customer monthly in advance. Charges for message toll and messenger service, public and semi-public telephone service, and local messages in excess of the number provided for under the fixed monthly rate for business message rate service, shall be payable by the customer monthly or upon demand by the Company. Service charges, construction charges and charges for coloured telephones shall be payable in accordance with these Rules and the appropriate sections in the Company’s Tariffs.”

(9) By striking out Clause (b) of Rule 34 and substituting therefor the following:

“(b) In the case of service or equipment for which the initial service period is in excess of one month at the same location, the termination charge shall be one-half the total amount of the charges

applicable thereto for the unexpired portion of the initial service period unless a different termination charge is called for in the contract covering such service or equipment.”

(10) By striking out Rule 43 and substituting therefor the following:

“Rule 43.—The Company shall not be liable for damages for any accident or injury caused by or to a vehicle, water craft or aircraft owned or operated by a customer in which a mobile telephone unit or supplementary apparatus provided in connection therewith is placed or installed.”

(11) By striking out Rule 45 and substituting therefor the following:

“Rule 45.—In the cases of data transmitting and receiving equipment, telephotograph equipment and voice recording equipment connected to the circuits or equipment of the Company, the customer shall indemnify and save the Company harmless against and from all claims for libel, slander or infringement of copyright arising from the material transmitted over its equipment and/or recorded; against and from all claims for infringement of patents arising from combining or using apparatus or systems of the customer with the equipment of the Company; and against and from all other claims arising out of any act or omission of the customer in connection with equipment provided by the Company.”

(12) By striking out Rule 46 and substituting therefor the following:

“Rule 46.—In connection with the transmission of material by data transmitting and receiving equipment or telephotograph equipment, no liability shall attach to the Company because of defects in the material transmitted, or because of the quality of the transmission, regardless of cause.”

2. The said amendments shall be incorporated in the Applicant's tariffs.

3. Leave is hereby granted to the Applicant to publish this Order in three consecutive weekly issues of *The Canada Gazette* pursuant to section 51 of the Railway Act, R.S.C. 1952, Chapter 234.

HUGH WARDROPE,

*Assistant Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

BOARD OF TRANSPORT COMMISSIONERS FOR CANADA

Examined and certified as a true copy under  
Section 23 of “The Railway Act”,

(C. W. RUMP)

*Secretary, Board of Transport Commissioners  
for Canada,*

OTTAWA, September 12, 1958.

## ORDER No. 95597

*In the matter of the application of the New York Central Railroad Company lessee of St. Lawrence and Adirondack Railway Company, and the said St. Lawrence and Adirondack Railway Company, hereinafter called the "Applicant", for an Order granting leave to wholly discontinue passenger service at present provided over the Canadian portion of the line of railway between Malone, in the State of New York, and Montreal, in the Province of Quebec:*

File No. 28420

WEDNESDAY, the 17th day of September, A.D. 1958

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner,*A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing the application at a sittings of the Board at Montreal, in the Province of Quebec, on September 11, 1958, in the presence of Counsel for the New York Central Railroad Company, Canadian Pacific Railway Company and other parties, and upon consideration of the submissions on file and for reasons which will be given in a written judgment at a later date—*

*It is hereby ordered as follows:*

1. The Applicant is authorized to wholly discontinue its passenger train service at present provided over that part in Canada of the line of railway between Malone, in the State of New York, and Montreal, in the Province of Quebec.

2. The discontinuance authorized in paragraph one hereof shall not take effect before thirty days after public notice of such discontinuance has been given by the Applicant; such notice to consist of one publication in one English newspaper and one publication in one French newspaper published in the City of Montreal, and one publication in each daily newspaper, if any, published in the municipalities presently served by the Applicant. In addition to the newspaper notices the Applicant shall post in all ticket offices and stations on the said line the following notice:

*"All passenger train service at present provided by the New York Central Railroad Company between Montreal, P.Q., and Malone, N.Y., and all intermediate points on the said line will be discontinued effective . . . . October, 1958"*

A copy of such notice shall be forwarded to the Director of Operation of the Board.

HUGH WARDROPE,

*Assistant Chief Commissioner,**The Board of Transport Commissioners for Canada.*

BOARD OF TRANSPORT COMMISSIONERS FOR CANADA

Examined and certified as a true copy under  
Section 23 of "The Railway Act",

(C. W. RUMP)

*Secretary, Board of Transport Commissioners  
for Canada,*

OTTAWA, September 17, 1958.

## ORDER No. 95743

*In the matter of the Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service:*

File No. 1717.87.55

WEDNESDAY, the 24th day of September, A.D. 1958

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*It is hereby ordered as follows:*

1. Until further Order of the Board, railway companies subject to the jurisdiction of the Board are authorized to receive for shipment and transport via rail freight in Canada, in accordance with the provisions of this Order, Soda-Amatol explosives manufactured by Canadian Industries Limited, as approved for manufacture by the Explosives Division of the Department of Mines and Technical Surveys, and consisting of a dry granular mixture of trinitrotoluene, ammonium nitrate and sodium nitrate. For Shipping purposes these explosives shall be classed as "Explosives A".

2. The inside container shall be a polyethylene bag fabricated from 8-mil thick material in seamless tube form. The bag shall be closed at one end by heat sealing. The other end shall be closed after filling by a wire tie or other means that will ensure that the closure will be absolutely sift proof under all conditions normally incident to transportation by rail. The closing device must not have any sharp edges or points that might cut or puncture the polyethylene bag.

3. The outside container shall be a B.T.C.-12H corrugated fibreboard box.

4. The complete package shall consist of one or more filled polyethylene bags enclosed in a 12H fibreboard box lined with wax paper. The lining shall comply with Specification 2L. The gross weight of the complete package must not exceed 65 pounds.

5. All bills of lading, shipping orders or other shipping papers shall make reference to the number of this Order.

6. Except as specifically provided in this Order, the shipper and carrier are not relieved of compliance with any applicable requirements of the B.T.C. regulations for the "Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service".

7. Any container failure which results in loss of contents from either the inside or the outside container, or any other unfavourable experience with the shipment must be reported promptly to the Board.

A. SYLVESTRE,

*Deputy Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

BOARD OF TRANSPORT COMMISSIONERS FOR CANADA

Examined and certified as a true copy under

Section 23 of "The Railway Act",

(C. W. RUMP)

*Secretary, Board of Transport Commissioners  
for Canada,*

OTTAWA, September 26, 1958.

## GENERAL ORDER No. 834

*In the matter of regulations governing the publication, filing and posting of passenger tariffs by railway companies:*

File No. 606

TUESDAY, the 30th day of September, A.D. 1958

C. D. SHEPARD, Q.C., *Chief Commissioner.*  
HUGH WARDROPE, Q.C., *Assistant Chief Commissioner,*  
A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
F. M. MACPHERSON, *Commissioner.*  
H. B. CHASE, C.B.E., *Commissioner.*  
L. J. KNOWLES, *Commissioner.*

*It is hereby ordered as follows:*

1. The regulations attached hereto as Tariff Circular 2, entitled "Regulations Governing the Publication, Filing and Posting of Passenger Tariffs by Railway Companies" are prescribed for the use of railway companies and authorized agents thereof, who are required to file passenger tariffs with the Board.

2. Circular 223 as approved by General Order No. 479, dated June 28, 1929, and General Order No. 26, dated February 8, 1909; General Order No. 575, dated July 14, 1938; and Circular 273, dated September 11, 1952, insofar as the said Circular is applicable to passenger tariffs are rescinded.

3. This General Order shall come into force on the date shown on the said Circular.

C. D. SHEPARD,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
JULY, 1958.

Railway Accidents .....	249	Killed	13	Injured	259
Level Crossing Accidents .....	26	Killed	13	Injured	33
	275		26		292

	<i>Killed</i>	<i>Injured</i>
Passengers .....	—	54
Employees .....	—	186
Others .....	26	52
	26	292

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

NEWFOUNDLAND

*Killed Injured*

— 1 Automobile struck by train. Licence: Nfld. 20606.

NEW BRUNSWICK

1 — Auto truck struck by train. Licence: N.B. C-23190.

QUEBEC

- 1 Tractor struck by train.
- 3 Station wagon ran into side of train. Licence: Que. 259-824.
- 2 Automobile struck by train. Licence: Que. 440-046.
- 2 Tractor trailer struck by train. Licence: Que. L-9452.
- 1 — Automobile struck by train. Licence: Que. 210-201.
- 5 2 Automobile ran into side of train. Licence: Que. 588-111.
- 1 — Pedestrian climbed between cars when train started to move.

ONTARIO

- 1 Automobile ran into side of train. Licence: Ont. 41-831-C.
- 1 Automobile struck by train. Licence: Ont. A-17696.
- 3 1 Auto truck struck by train. Licence: Ont. 452-315-D.
- 1 — Motorcycle ran into side of train. Licence: Ont. 2299.
- 1 Motorcycle ran into side of train. Licence: Ont. 5631.
- 1 Auto truck struck by train. Licence: Ont. 55-44-D.
- 1 Automobile struck by train. Licence: Ont. 933-117.
- 3 Auto truck ran into side of train. Licence: Ont. 80-223-C.
- 1 Automobile struck by train. Licence: Ont. 754-231.
- 1 Auto truck ran into side of train. Licence: Ont. 79461-A.
- 3 Auto truck struck by train. Licence: Ont. 403-91-D.

SASKATCHEWAN

- 3 Auto truck struck by train. Licence: Sask. F-45567.
- 1 Automobile struck by train. Licence: Sask. UL-66.

## ALBERTA

*Killed Injured*

- |   |   |  |
|---|---|--|
| 1 | 1 | Automobile struck by train. Licence: Alta. PK-383. |
| — | 1 | Automobile struck by train. Licence: Alta. LM-026. |
| — | 1 | Automobile struck by train. Licence: Alta. ZB-088. |

## BRITISH COLUMBIA

- |   |   |   |
|---|---|---|
| — | 1 | Tractor trailer struck by train. Licence: B.C. C-37846. |
|---|---|---|
- 

Of the 26 accidents at highway crossings, 22 occurred at unprotected crossings, 4 at protected crossings, 20 occurred after sunrise and 6 after sunset.

OTTAWA, Ontario, October 1, 1958.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 95439 Sept. 4—Relieving the C.P.R. from erecting and maintaining cattle guards on its Sutherland Subd., Sask. at the following mileages: Both sides at Mileage 108.26, West side at Mileage 109.78, and both sides at Mileages 109.98 and 110.95.
- 95440 Sept. 4—In the matter of application of the C.P.R. on behalf of Imperial Oil Limited for approval of proposed location of facilities for handling and storage of flammable liquids at Valmarie, Sask.
- 95441 Sept. 4—Approving revised Appendix and Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Munic. of the Twp. of North Easthope.
- 95442 Sept. 4—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Munic. of the Township of Dawn.
- 95443 Sept. 4—Approving Traffic Agreement between The Bell Telephone Company of Canada and The Newburgh Rural Telephone System.
- 95444 Sept. 4—Approving application of the C.P.R. on behalf of Imperial Oil Limited for proposed location of additional facilities for the handling and storage of flammable liquids at Wolseley, Sask.
- 95445 Sept. 4—Approving application of the Dept. of Highways and Transportation of the Province of Saskatchewan, to widen Highway 42 where it crosses the C.N.R. between Sections 20 and 29, Twp. 21, Rge. 4, W3M. Sask. Mileage 93.14 Central Butte Subd.
- 95446 Sept. 4—Approving application of the C.N.R. to construct a siding between Section 31-29-21-WPM and Section 6-30-21-WPM., near Ethelbert, Manitoba.
- 95447 Sept. 4—Approving application of the C.P.R. on behalf of Shell Oil Company of Canada, Limited, for additional facilities for handling and storage of flammable liquids at Lake Windermere, B.C.
- 95448 Sept. 4—Approving application of the B.C. Dept. of Highways to relocate the highway where it crosses the Esquimalt and Nanaimo Rly. at Mileage 37.9 Port Alberni Subd., B.C.
- 95449 Sept. 4—Approving application of the C.N.R. for authority to discontinue as an agency their station at St. Eloi, P.Q.
- 95450 Sept. 4—Relieving the C.P.R. from erecting cattle guards at certain highway crossings on its White Fox Subd., Sask.
- 95451 Sept. 4—Relieving the C.P.R. from erecting cattle guards at certain crossings on its Wilkie Subd., Sask.
- 95452 Sept. 4—Approving application of the C.P.R. on behalf of Imperial Oil Limited for the proposed location of facilities for handling and storage of flammable liquids at Ross Peak, B.C. Mileage 89.82 Mountain Subd.
- 95453 Sept. 4—Approving application of the C.P.R. for authority to remove the station building at Lepage, Que.
- 95454 Sept. 4—Approving application of the C.P.R. on behalf of Imperial Oil Limited for approval of proposed location of facilities for handling and storage of flammable liquids at St. Benedict, Sask.
- 95455 Sept. 4—Approving application of the Ontario Dept. of Highways for authority to extend Alta Vista Drive, Mileage 85.8 Montreal and Ottawa Subds., Ottawa, Ont.
- 95456 Sept. 4—Approving application of the B.C. Dept. of Highways for authority to construct Nanoose Beach Road across the Esquimalt and Nanaimo Rly. at Mileage 86.65 Victoria Subd., B.C.
- 95457 Sept. 4—Authorizing removal of speed limitation at Mileage 13.78 Park Avenue Subd., St. Martin Jct., P.Q.

- 95458 Sept. 4—Approving application of the C.N.R. for the proposed location of facilities for handling and storage of flammable liquids at Limoilou, Quebec.
- 95459 Sept. 4—Approving application of the Rural Munic. of Arlington No. 79, Sask., for authority to construct the highway across the C.P.R. at Mileage 15.02 Altawan Subd., Sask.
- 95460 Sept. 4—Approving application of the C.P.R. to remove the station building at La Plaine, Que.
- 95461 Sept. 4—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Munic. of the Twp. of Otonabee.
- 95462 Sept. 4—Approving application of the C.N.R. for authority to discontinue as a flag station and remove the caretaker and station building at Pinkerton, Ont.
- 95463 Sept. 4—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and the Commissioners for the Telephone System of the Munic. of the Village of Brussels, operating the Brussels, Morris and Grey Munic. Telephone System.
- 95464 Sept. 4—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Manilla Union Telephone Company Limited.
- 95465 Sept. 4—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Fenella Rural Telephone Company Limited.
- 95466 Sept. 4—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Falkirk Telephone System.
- 95467 Sept. 4—In the matter of the installation of automatic protection in lieu of existing protection by bell and wig wag at crossing of the C.P.R. at St. Patrick St. East at Magog, Que., Mileage 85.86 Sherbrooke Subdivision.
- 95468 Sept. 4—In the matter of the application of the Quebec Dept. of Roads for an order authorizing the C.P.R. to relocate one of the automatic gates at the crossing of its railway and Bas St. Martin Road, Munic. of St. Martin, County of Laval, Mileage 12.08 Park Ave. Subd.
- 95469 Sept. 4—In the matter of the Sask. Power Corporation for leave to construct an aerial electric transmission line over the company pipe line of Westspur Pipe Line Co. in SW  $\frac{1}{4}$  Sec. 29-7-30-W1M., Sask.
- 95470 Sept. 4—Permitting the removal of the caretaker at Silverton, Manitoba, by the C.N.R.
- 95471 Sept. 4—Permitting the removal of slow order at the C.P.R. crossing west of station at Provost, Alta., Mileage 76.51 Hardisty Subd.
- 95472 Sept. 4—Approving application of the Sask. Power Corporation to construct an aerial electric transmission line over company pipe line of Westspur Pipe Line Company in the SW  $\frac{1}{4}$  Sec. 28, Twp. 5, Rge. 9, W2nd Meridian, Sask.
- 95473 Sept. 4—Approving application of the Sask. Power Corporation to construct an aerial electric transmission line across the company pipe line of Westspur Pipe Line Company in NE  $\frac{1}{4}$  Sec. 22, Twp. 5, Rge. 9 West 2nd Meridian, Sask.
- 95474 Sept. 4—Approving application of the Sask. Power Corporation to construct an aerial electric transmission line over the company pipe line of Westspur Pipe Line Co. in the SE  $\frac{1}{4}$  Sec. 28, Twp. 5, Rge 9, West 2nd M., Sask.
- 95475 Sept. 4—In the matter of tariffs and supplements to tariffs filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 95476 Sept. 5—Approving application of the C.N.R. for authority to construct a private siding to serve Edmonton Associated Wholesale Limited across 158th St., between 111th and 112th Avenues, Town of Jasper Place, Alta.

- 95477 Sept. 5—Approving application of the C.N.R. for authority to close the station at Neidpath, Sask.
- 95478 Sept. 5—Approving application of Trans-Canada Pipe Lines Ltd. to open for the transportation of natural gas, a portion of its company pipe line in the Twps. of Vaughan and Oro, Ontario.
- 95479 Sept. 8—In the matter of the general terms and conditions upon and under which The Bell Telephone Co. of Canada shall furnish to the public the telephone service and equipment which it provides.
- 95480 Sept. 8—Permitting the Consumers' Gas Company to construct a gas main across and under the company pipe line of Trans-Canada Pipe Lines Limited in the Twp. of Toronto, Ont.
- 95481 Sept. 8—Permitting the Consumers' Gas Company to construct a gas main across and over the company pipe line of Trans-Canada Pipe Lines Ltd. in the Township of Elizabethtown, Ont.
- 95482 Sept. 8—Approving application of the B.C. Power Commission to construct an aerial electric transmission line across the company pipe line of Westcoast Transmission Company Limited in certain sections of the Peace River District, Province of B.C.
- 95483 Sept. 10—Approving Alternate Appendix to Traffic Agreement filed by The Bell Telephone Company of Canada, between it and Yarmouth Rural Telephone Company Limited.
- 95484 Sept. 10—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Dunsford Telephone, Light and Power Co-operative Association Ltd.
- 95485 Sept. 10—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Balderson Telephone Company Limited.
- 95486 Sept. 10—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The West Williams Rural Telephone Association Limited.
- 95487 Sept. 10—Approving application of The Bell Telephone Company of Canada for approval of revised Appendix "A" and Alternate Appendix "B" to Traffic Agreement.
- 95488 Sept. 10—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Ernestown Rural Telephone Company Limited.
- 95489 Sept. 10—Approving Alternate Appendix "B" to Traffic Agreement between The Bell Telephone Company of Canada and The Cambray Telephone Company Limited.
- 95490 Sept. 10—In the matter of application of Pacific Great Eastern Railway Company for leave to construct its railway across the company pipe lines of Westcoast Transmission Company Limited, in the SE  $\frac{1}{4}$  Sec. 23, Twp. 83, Rge. 18, West 6M., B.C.
- 95491 Sept. 10—In the matter of application of Pacific Great Eastern Railway Company for leave to construct a siding over the company pipe line of Westcoast Transmission Company Limited, in the vicinity of Taylor, B.C., to serve Pacific Petroleums.
- 95492 Sept. 10—In the matter of application of Pacific Great Eastern Railway Company for leave to construct a siding across the company pipe line of Westcoast Transmission Company Limited, in the vicinity of Taylor, B.C., to serve Pacific Petroleums.
- 95493 Sept. 10—In the matter of application of the C.N.R. for approval of clearances on the siding serving Inland Cement Company Limited at Bissell, Alberta.
- 95494 Sept. 10—In the matter of application of Federated Pipe Lines Limited, for approval of revised drawing showing a change in the crossing of its pipe line and the oil pipe line of Interprovincial Pipe Line Company in the SW  $\frac{1}{4}$  Sec. 8-53-23-W.4M., Alta.

- 95495 Sept. 10—In the matter of application of the County of Ontario for authority to reconstruct the existing grade separation carrying Liverpool Road across the C.N.R. in the Twp. of Pickering, at Mileage 313.1 Oshawa Subdivision.
- 95496 Sept. 10—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Munic. of the Township of Huron.
- 95497 Sept. 10—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The South Bruce Rural Telephone Company Limited.
- 95498 Sept. 10—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and West Garafraxa Telephone Co-operative Association Ltd.
- 95499 Sept. 10—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The East Middlesex Telephone Company Limited.
- 95500 Sept. 10—In the matter of Order No. 66295, respecting facilities of Sudbury Oil Company for the handling and storage of flammable liquids at Sudbury, Ont.
- 95501 Sept. 10—In the matter of Order No. 70386, dated March 15, 1948 respecting facilities of Thos. D. Edward Supply Limited for the handling and storage of flammable liquids at Blind River, Ont., Mileage 54.2 Thessalon Subd.
- 95502 Sept. 10—In the matter of Order No. 67906, dated Sept. 18, 1946 respecting facilities of Belanger Petroleum Products for the handling and storage of flammable liquids at Sudbury, Ont.
- 95503 Sept. 10—In the matter of Order No. 87366, dated Nov. 9, 1955, respecting facilities of Edwards Sudbury Limited for the handling and storage of flammable liquids at Coniston, Ont.
- 95504 Sept. 10—In the matter of Order No. 67173, dated March 26, 1946, respecting facilities of Edward Oil and Rubber Co. for handling and storage of flammable liquids at Warren, Ont.
- 95505 Sept. 10—In the matter of Order No. 66517, dated Sept. 28, 1945, respecting facilities of McColl-Frontenac Oil Co. Limited for the handling and storage of flammable liquids at Sault Ste. Marie, Ont.
- 95506 Sept. 10—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and McKillop, Logan and Hibbert Telephone Company Ltd.
- 95507 Sept. 10—Approving application of the C.P.R. on behalf of Anco Chemicals Limited for the handling and storage of anhydrous ammonia at Milton, Ont.
- 95508 Sept. 10—In the matter of Order No. 85541, dated Feb. 9, 1955, respecting facilities of Mr. Pierre Olivier for the handling and storage of flammable liquids at Beauharnois, P.Q.
- 95509 Sept. 10—In the matter of Order No. 67820, dated August 29, 1946, respecting facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Wiseton, Sask.
- 95510 Sept. 10—In the matter of Order No. 63887, dated August 18, 1943, respecting facilities of Sask. Co-operative Wholesale Society Ltd. for handling and storage of flammable liquids at Laporte, Sask.
- 95511 Sept. 10—In the matter of Order No. 57557, dated June 7, 1939, respecting facilities of Rosetown Co-Operative Assoc. for handling and storage of flammable liquids at Rosetown, Sask.
- 95512 Sept. 10—In the matter of Order No. 75673, dated Dec. 5, 1950, respecting facilities of North Canadian Oils Ltd. for the handling and storage of flammable liquids at Chauvin, Alta.
- 95513 Sept. 10—In the matter of Order No. 70593, dated April 29, 1948, respecting facilities of Farmers Supply Company for the handling and storage of flammable liquids at Eston, Sask.

- 95514 Sept. 10—In the matter of Order 57511, dated May 26, 1939, respecting facilities of McColl-Frontenac Oil Co. Ltd., for the handling and storage of flammable liquids at Luseland, Sask.
- 95515 Sept. 10—In the matter of Order 65702, dated Feb. 7, 1945, in respect of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Plenty, Sask.
- 95516 Sept. 10—In the matter of Order 56696, dated November 15, 1938, respecting facilities of the British American Oil Company Limited, for the handling and storage of flammable liquids at Youngstown, Alta.
- 95517 Sept. 10—Approving application of the C.N.R. for authority to close the existing level crossing between Secs. 28 and 29, Twp. 44, Rge. 12 West 2nd M., Mileage 56.7 Chelan Subd., Sask.
- 95518 Sept. 10—Approving application of the Sask. Dept. of Highways and Transportation for authority to widen Highway 22 where it crosses the C.P.R. at Mileage 108.98 Neudorf Subd., Sask.
- 95519 Sept. 10—Permitting the C.N.R. to operate under the overhead highway bridge near Savona, B.C., Mileage 26.14 Ashcroft Subd.
- 95520 Sept. 11—Authorizing the C.N.R. to provide the necessary synchronization of the highway crossing signals with the traffic light signals at the crossing of their railway and intersection of Park and McDonnell Streets, Peterborough, Ont., Mileage 64.26 Campbellford Subd.
- 95521 Sept. 11—Authorizing the removal of slow order at the crossing of the C.P.R. and the highway at Mileage 2.32 Windsor Subd., Ont.
- 95522 Sept. 11—Authorizing the C.N.R. to reconstruct the terrace over the track of the C.P.R. Co. at the Chateau Laurier Hotel, Ottawa, Ont.
- 95523 Sept. 11—Approving By-law No. 4 authorizing the C.N.R. to prepare and issue tariffs of express tolls to be charged by their company, and to specify to whom, the place where, and the manner in which such tolls shall be paid.
- 95524 Sept. 11—Approving Traffic Agreement between The Bell Telephone Company of Canada and Le Telephone Somerset Limitee.
- 95525 Sept. 11—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de Ste-Cecile de Whitton.
- 95526 Sept. 11—Authorizing the C.P.R. Co. to remove the station building at Hanover, Ont.
- 95527 Sept. 11—Authorizing the N.Y.C. Railroad Co. (Michigan Central Railroad Co.) to operate passenger trains at eighty miles an hour and freight trains at sixty miles an hour through the Attercliffe interlocker at the intersection of its railway and the T.H. & B. Rly. near Diltz, Ont., Mileage 9.46 from Smithville.
- 95528 Sept. 11—In the matter of the application of the Manitoba Dept. of Public Works for authority to construct Hwy. 23 over the C.P.R. Co. at Mileage 25.15 Carman Subd.
- 95529 Sept. 11—In the matter of the application of the C.P.R. Co. on behalf of Asamera Oil Corp. Ltd., for permission to load crude oil into tank cars from tank trucks at Barons, Alta.
- 95530 Sept. 11—Authorizing the Village of Vilna, Alta., to construct the highway over the C.N.R. at Mileage 89.83 Coronado Subd.
- 95531 Sept. 11—Approving application of Trans-Canada Pipe Lines Limited for authority to open for the transportation of natural gas certain portions of its company pipe line in the District of Thunder Bay, Ontario.
- 95532 Sept. 11—In the matter of the application of the C.N.R. for approval of location of facilities for the handling and storage of flammable liquids at Terra Nova, Nfld., Mileage 168.2 Clarendville Subd.
- 95533 Sept. 11—In the matter of tariffs filed by the C.N.R. under the provisions of the Maritime Freight Rates Act, under Sections 3 and 8.

- 95534 Sept. 11—In the matter of the applications of the N.Y.C. Railroad Company and the C.N.R. to operate their trains through the interlocker at Yarmouth, Ontario.
- 95535 Sept. 11—Approving application of the N.Y.C. Railroad Co. to operate its trains through the interlocker at the crossing of its railway and the Chesapeake & Ohio Rly, at Pelton, Ont.
- 95536 Sept. 11—Approving application of the Twp. of North York to construct a sewer main across and under the pipe line of Trans-Northern Pipe Line Co. in Lot 11, Con. 3 east of Yonge St., in the Twp. of North York, Ont.
- 95537 Sept. 11—Approving application of the C.P.R. Co. for authority to remove the caretaker and close the station at Eastman, Que.
- 95538 Sept. 12—Approving application of the C.P.R. Co. for authority to remove the caretaker-agent at Inkerman, Ont.
- 95539 Sept. 12—Approving application of the Sask. Dept. of Highways and Transportation for authority to widen Highway No. 6 where it crosses the C.N.R. at Mileage 83.5 Touchwood Subd.
- 95540 Sept. 12—Approving application of the C.P.R. Co. for authority to remove the station agent and appoint a caretaker at Rutland, Sask.
- 95541 Sept. 12—Approving application of the C.P.R. Co. for authority to remove the station agent and appoint a caretaker at Penzance, Sask.
- 95542 Sept. 12—Permitting the removal of slow order at the C.N.R. first public crossing east of the station at Ste. Louise, Que., Mileage 48.51 Montmagny Subd.
- 95543 Sept. 12—In the matter of the apportionment of cost of reconstruction of the overhead bridge across the C.P.R. Co. at Mileage 25.59 Boundary Subd., B.C.
- 95544 Sept. 12—Approving application of the C.P.R. Co. for authority to remove the station agent and appoint a caretaker at Fleet, Alta.
- 95545 Sept. 12—Approving application of the Dept. of Public Works for Quebec, for authority to construct Highway No. 46 over the C.P.R. Co. by means of an overhead bridge in the Twp. of Gendreau, P.Q., Mileage 43.4 Temiskaming Subd.
- 95546 Sept. 12—Approving application of the C.P.R. Co. for authority to remove the station agent and appoint a caretaker at Westbourne, Manitoba.
- 95547 Sept. 12—Approving application of the C.P.R. Co. for authority to remove the Agent-Operator and appoint a caretaker at Fordwich, Ont.
- 95548 Sept. 12—Permitting the removal of slow order at the crossing of Highway No. 18 and the Chesapeake & Ohio Rly. Company about one mile east of the station at Kingsville, Ont.
- 95549 Sept. 12—Permitting the removal of slow order at the crossing of Crescent Road and the C.P.R. Co. at St. Vital, Man., Mileage 6.2 Emerson Subdivision.
- 95550 Sept. 12—Permitting the removal of slow order at crossing of St. Charles Garnier St. and the C.N.R., being the second public crossing west of the station at Roberval, P.Q., Mileage 12.52 Roverbal Subd.
- 95551 Sept. 12—Permitting the removal of slow order at crossing of the Highway and the C.N.R. at St. Georges, Nfld., Mileage 458.97. Port aux Basques Subd.
- 95552 Sept. 12—Permitting the removal of slow order at crossing of the highway and the C.P.R. Co. at Marquette, Man., Mileage 28.6 Carberry Subd.
- 95553 Sept. 12—Permitting the removal of slow order at crossing of MacDonald Street and the Chesapeake & Ohio Rly. Company at Mooretown, Ont.
- 95554 Sept. 12—Approving application of the C.N.R. for approval of proposed location of facilities for the handling and storage of flammable liquids at Chambord, Que., Mileage 64.48 Jonquieres Subd.
- 95555 Sept. 15—In the matter of tariffs filed by the Dominion Atlantic Railway Company under section 8 of the Maritime Freight Rates Act.

- 95556 Sept. 15—Permitting the N.Y.C. Railroad Company to operate its trains over the interlocker at the crossing of the C.N.R. and its railway at Hagersville, Ont.
- 95557 Sept. 15—Exempting the C.N.R. from complying with the terms of G.O. 707 with regard to trains operated in commuter service between Toronto and Hamilton.
- 95558 Sept. 15—Approving application of the C.P.R. Co. for authority to remove the agent and appoint a caretaker-agent at Robertson, Que.
- 95559 Sept. 15—Granting the C.P.R. Co. extended time within which it is required to install protection at the crossing of Evans Ave., Township of Etobicoke, Ont., Mileage 1.56 Canpa Subd.
- 95560 Sept. 15—Approving application of Westcoast Transmission Company Limited, for authority to open for the transportation of natural gas a portion of its company pipe line in the Province of B.C.
- 95561 Sept. 15—Approving application of the C.P.R. Co. for authority to install automatic protection at the crossing of its railway and Front St., Mileage 92.09 Belleville Subd., and Pinnacle St., Mileage 92.03 Belleville Subd.
- 95562 Sept. 15—Permitting the Interprovincial Pipe Line Company to open for the transportation of oil a portion of its company pipe line in the Province of Alta.
- 95563 Sept. 15—Extending the time within which the C.N.R. is required to install automatic protection at the crossing of its railway and Highway No. 2 at Mileage 46.43 Chatham Subd., Ont.
- 95564 Sept. 15—Authorizing the N.Y.C. Railroad Company to operate under the overhead bridge at Mileage 219.05 Main Line Subd., Ont.
- 95565 Sept. 15—Approving Traffic Agreement between The Bell Telephone Company of Canada and The Aylmer and Malahide Telephone Company Limited.
- 95566 Sept. 15—In the matter of improved protection at the crossing of Regent St. and the C.P.R. Co. in the City of Sudbury, Mileage 0.96 Webbwood Subdivision.
- 95567 Sept. 15—Authorizing the Chesapeake & Ohio Rly. Company to operate under the overhead bridge in Sandwich South Twp., Ontario, Mileage 6.26 Subd. 1.
- 95568 Sept. 15—Permitting the removal of slow order at crossing of the C.N.R. and 48th Avenue, being the third Public crossing east of station at Lloydminster, Sask., Mileage 84.18 Blackfoot Subd.
- 95569 Sept. 15—Authorizing the Manitoba Dept. of Public Works to widen the highway where it crosses the C.N.R. at Mileage 54.33 Oakland Subd., Man.
- 95570 Sept. 15—Authorizing the Quebec Department of Roads to widen Lawrenceville Road where it crosses the C.P.R. Co. in the County of Shefford, Que., Mileage 15.04 Orford Subd.
- 95571 Sept. 16—In the matter of facilities of Edwards Sudbury Limited for the handling and storage of flammable liquids at Chelmsford, Ont.
- 95572 Sept. 16—In the matter of facilities of Home Oil Distributors Limited for the handling and storage of flammable liquids at South Westminster, B.C.
- 95573 Sept. 16—Approving application of the C.N.R. on behalf of Grant Packaging Limited, for approval of proposed location of facilities for handling and storage of flammable liquids at Toronto, Mileage 1.59 Leaside Branch, Bala Subd.
- 95574 Sept. 16—In the matter of facilities of Standard Oil Company of B.C. Limited for handling and storage of flammable liquids at Port Alberni, B.C.
- 95575 Sept. 16—In the matter of facilities of Shell Oil Company of British Columbia Limited for the handling and storage of flammable liquids at Port Alberni, B.C.

- 95576 Sept. 16—In the matter of facilities of Canapini Brothers for the handling and storage of flammable liquids Class II at Copper Cliff, Ont.
- 95577 Sept. 16—Authorizing Trans-Canada Pipe Lines Limited, to open for the transportation of natural gas certain portion of its line in the Townships of Oro and Perry, Ont.
- 95578 Sept. 16—Approving Supplement to tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 95579 Sept. 16—Approving tariffs filed by The Bell Telephone Company of Canada.
- 95580 Sept. 16—Authorizing the Quebec Dept. of Roads to construct Highway 19 over the C.N.R. by means of an overhead bridge in the Village of St. Georges, P.Q., Mileage 40.75 Grand'Mere Subd.
- 95581 Sept. 16—Authorizing the C.N.R. to operate over the private siding serving Camille Richard at Mileage 42.49 Kiask Falls Subd., Twp. of Laas, Co. of Abitibi East, Que.
- 95582 Sept. 16—Authorizing the C.N.R. to make changes in the protection at the crossing of its railway and Burrard Ave. in Vanderhoof, B.C., Mileage 69.3 Nechako Subd.
- 95583 Sept. 16—Authorizing the B.C. Dept. of Highways to construct the highway across the C.P.R. Co. by means of an overhead bridge at Mileage 9.7 Shuswap Subd., B.C.
- 95584 Sept. 17—Approving application of the Saskatchewan Power Corporation to construct an aerial transmission line across the company pipe line of Trans-Canada Pipe Lines Limited in Sec. 15-16-14-W2M., Sask.
- 95585 Sept. 17—Approving application of the Saskatchewan Power Corporation to construct an aerial transmission line across the company pipe line of Trans-Canada Pipe Lines Limited in Sec. 4-15-33-W1M., Sask.
- 95586 Sept. 17—Approving application of the Saskatchewan Power Corporation to construct an aerial transmission line across the company pipe line of Trans-Canada Pipe Lines Limited in Sec. 19-18-8-W3M., Sask.
- 95587 Sept. 17—In the matter of facilities of Pacific Oil & Refinery Company of Alberta Limited for the handling and storage of flammable liquids at Lexion, Alta.
- 95588 Sept. 17—In the matter of facilities of J. E. Smith for the handling and storage of flammable liquids at Coaldale, Alta.
- 95589 Sept. 17—Approving application of the Ontario Department of Highways for authority to construct Highway No. 17 across the C.P.R. Co. by means of an overhead bridge, Twp. 86, District of Thunder Bay, Mileage 14.11 Nipigon Subd., Ont.
- 95590 Sept. 17—Approving application of the N.S. Dept. of Highways for the installation of automatic protection at the crossing of the Dominion Atlantic Rly. Company and Aylesford Road, King's Co., N.S., Mileage 17.35 Kentville Subd.
- 95591 Sept. 17—Approving application of the C.N.R. for authority to install automatic protection in lieu of the existing protection at crossing of its railway and Hwy. No. 4 (Nicholas Crossing) east of James River, Mileage 75.74 Hopewell Subd., N.S.
- 95592 Sept. 17—Permitting the C.N.R. to remove the caretaker at Rosebank, Manitoba.
- 95593 Sept. 17—Permitting the C.N.R. to remove the agent at Upsalquitch, N.S.
- 95594 Sept. 17—Approving application of the C.N.R. for authority to install automatic protection in lieu of existing protection at crossing of its railway and the highway west of James River Station, Mileage 73.04 Hopewell Subd., N.S.
- 95595 Sept. 17—Approving application of the N.B. Dept. of Public Works for authority to install automatic protection at the crossing of Highway 28 and the C.P.R. Co. near Blissville, N.B., Mileage 40.21 St. John Subdivision.

- 95596 Sept. 17—Approving application of the N.B. Dept. of Public Works for installation of automatic protection at crossing of the C.P.R. Co. and the junction of Highways 9 and 10 at Barkers Point, N.B., Mileage 0.43 Minto Subd.
- 95597 Sept. 17—Granting leave to the New York Central Railroad Company, lessee of St. Lawrence and Adirondack Railway Company to wholly discontinue passenger service at present provided over the Canadian portion of the railway between Malone, N.Y. and Montreal, Que.
- 95598 Sept. 17—Permitting the removal of slow order at crossing of the highway and the C.N.R. at the first public crossing east of the station at Lapointe, Que., Mileage 19.88 Montmorency Subd.
- 95599 Sept. 17—Authorizing the Department of Public Works of Canada to construct a culvert across and under the tracks of the C.P.R. Co. near Banff, Alta., Mileage 81.4 Laggan Subd.



The Board of  
**Transport Commissioners for Canada**

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**Judgments, Orders, Regulations, and Rulings**

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OTTAWA, NOVEMBER 1, 1958

No. 15

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ORDER No. 95896

*In the matter of the Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service:*

File No. 1717.12.4

MONDAY, the 6th day of October, A.D. 1958

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

Until November 1, 1958, member carriers of the Express Traffic Association of Canada, subject to the jurisdiction of the Board, are authorized to receive for shipment in Canada and transport via rail express, subject to the provisions of this Order, samples of flammable liquids offered for shipment by Federal Electric Corporation at Montreal, P.Q.

The provisions of section 75.655(d) of the Board's Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service, insofar as they apply to flammable liquids, loaded, transported or stored in cars equipped with lighted heaters or where open flame lights or stoves are used, shall not apply to shipments referred to in paragraph 1 hereof, but the following regulations shall be observed:

(a) The sample (or samples) shall be packaged by the shipper in a metal can or cans of not more than one gallon capacity, not more than three such metal cans to be enclosed in a wooden box made to one of the following B.T.C. specifications: 15A, 15B, 15C, 16A or 19A.

(b) The prescribed "red label" shall be attached by the shipper to the outside wooden box which shall also be plainly marked B.T.C. Permit No. A-42. The top of the box shall be marked "This Side Up", and the words "Gasoline" or "Crude Oil" as appropriate, shall be stencilled on the side.

(c) All bills of lading, shipping orders or shipping papers issued in lieu thereof shall make reference to the B.T.C. Permit Number.

(d) Such samples shall be loaded in the express car in a place that will permit their ready removal in the case of fire or wreck, and, if practicable, near the car door.

(e) The express company shall take adequate precautions to keep such samples as far away from any source of ignition as possible.

(f) Emptied containers returned for re-use shall bear the "Empty" label (see section 73.413 of Board's Regulations) to indicate they have been satisfactorily emptied of liquid and/or gas so that no possible hazard exists in the handling thereof.

HUGH WARDROPE,  
*Assistant Chief Commissioner.*

## ORDER No. 95995

In the matter of the application of the Canadian Pacific Railway Company, hereinafter called the "Applicant Company", under section 353 of the Railway Act, for authority to publish a proportional rate of seventy-five cents (75c) per 100 pounds, including Ex Parte 212 increase, from Chalk River, Ontario, to Ogdensburg (Ferry Slip), New York, applicable only on Spent Fuel Elements, Radioactive, destined to Dunbarton, North Carolina, subject to a released valuation not exceeding ten cents (10c) per pound:

File No. 40615

FRIDAY, the 17th day of October, A.D. 1958

A. SYLVESTRE, Q.C., Deputy Chief Commissioner.

F. M. MACPHERSON, Commissioner.

Upon reading the submissions filed—

It is hereby ordered as follows:

The Applicant Company is authorized to publish a proportional rate of seventy-five cents (75c) per 100 pounds, including Ex Parte 212 increase, from Chalk River, Ontario, to Ogdensburg (Ferry Slip), New York, applicable only on Spent Fuel Elements, Radioactive, destined to Dunbarton, North Carolina, subject to a released valuation not exceeding ten cents (10c) per pound.

A. SYLVESTRE,

Deputy Chief Commissioner.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
AUGUST, 1958.

Railway Accidents .....	265	Killed	17	Injured	282
Level Crossing Accidents ...	36	Killed	19	Injured	42
Total .....	<u>301</u>		<u>36</u>		<u>324</u>

	Killed	Injured
Passengers .....	1	72
Employees .....	6	196
Others .....	29	56
Total .....	<u>36</u>	<u>324</u>

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS  
AUGUST, 1958

## NEWFOUNDLAND

Killed Injured

1 8 Auto bus struck by train. Licence: Nfld. C-4587.

## NOVA SCOTIA

*Killed Injured*

3 2 Automobile ran into side of RDC Unit. Licence: N.S. 63-106.

## NEW BRUNSWICK

— 1 Automobile struck by train. Licence: Ont. B-92951.

## QUEBEC

1 1 Automobile struck by train. Licence: Que. 77-469.  
 1 2 Automobile struck by train. Licence: Que. 206-336.  
 — 1 Automobile struck by train. Licence: Que. 256-32.  
 1 — Bicycle struck by train.  
 — 2 Automobile struck by train. Licence: Que. 492-771.  
 — 1 Automobile struck by train. Licence: Que. 186-727.  
 — 3 Automobile struck by train. Licence: Que. 72-165.  
 1 — Automobile struck by train. Licence: Que. 97-990.  
 1 1 Auto truck ran into side of train. Licence: Que. N-27697.  
 — 1 Automobile struck by train. Licence: Que. 480-421.

## ONTARIO

— 1 Automobile ran into side of train. Licence: Ont. 958-242.  
 — 2 Auto truck ran into side of engine. Licence: Ont. 66-228-A.  
 — 1 Automobile struck by train. Licence: Ont. 17420-X.  
 1 — Automobile struck by train. Licence: Ont. F-48783.  
 — 1 Auto truck struck by train. Licence: Ont. 65-324-C.  
 1 — Farm tractor struck by train.  
 1 — Pedestrian struck by train.  
 — 2 Automobile struck by train. Licence not given.  
 — 1 Automobile ran into side of train. Licence: Ont. 483-013.  
 — 2 Automobile struck by train. Licence: Ont. A-26889.  
 — 2 Automobile ran into side of train. Licence: Ont. 205-659.  
 — 1 Automobile struck by train. Licence: Ont. 966-422.  
 — 1 Automobile ran into side of train. Licence not given.  
 1 — Automobile struck by train. Licence: Ont. 654-171.  
 1 — Child struck by train.  
 — 1 Automobile struck by train. Licence: Mich. DK-2809.

## MANITOBA

1 — Automobile ran into side of train. Licence: Man. 7-S-955.  
 — 2 Passengers injured when emergency brakes applied to avoid striking cyclist.  
 — 1 Track motor car struck by auto truck. Licence: Man. T-82.  
 1 — Auto truck struck by train. Licence: Man. PSV-1311.

## ALBERTA

2 — Automobile struck by train. Licence: Alta. NR-219.  
 1 — Automobile struck by train. Licence: Alta. NW-316.  
 — 1 Road grader struck by train.

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Of the 36 accidents at highway crossings, 30 occurred at unprotected crossings, 6 at protected crossings, 25 occurred after sunrise and 11 after sunset.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 95600 Sept. 17—Approving application of Trans-Canada Pipe Lines Limited to construct a water and gas main across its company pipe line in Sec. 36-17-29-W2M., Sask.
- 95601 Sept. 17—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Beatty Telephone System.
- 95602 Sept. 17—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Belmont Telephone Co-operative Association Limited.
- 95603 Sept. 17—Permitting the removal of slow order at crossing of the N.Y.C. Railroad company and Lake St. at Huntingdon, Que., Mileage 47 Adirondack Subd.
- 95604 Sept. 18—In the matter of application of the C.P.R. Co. for approval of plan showing stop signs proposed to be erected at the non-interlocked grade crossing of the C.N.R. and the C.P.R. Co. at Fredericton, N.B.
- 95605 Sept. 18—Approving application of the N.S. Department of Highways for the installation of automatic protection at Alder Point Road and the C.N.R., Mileage 92.11 Sydney Subd., N.S.
- 95606 Sept. 18—Approving application of the Sask. Department of Highways and Transportation for the installation of automatic protection at the crossing of Highway No. 7 and the C.N.R. near Grandora, Sask., Mileage 72.8 Asquith Subd.
- 95607 Sept. 18—Approving application of the New Brunswick Department of Public Works for installation of automatic protection at crossing of Highway 27 and the C.P.R. Co. at Mileage 4.33 Mattawamkeag Subd., N.B.
- 95608 Sept. 18—Authorizing the C.N.R. to install automatic protection in lieu of the existing danger sign and bell at crossing of St. Isidore St., Cassleman, Ont., Mileage 104.48 Alexandria Subd.
- 95609 Sept. 18—Approving application of the Alberta Dept. of Highways for installation of automatic protection at crossing of Highway 2 and the C.N.R. near Red Deer, Alta., Mileage 0.4 Red Deer Subd.
- 95610 Sept. 18—Approving application of the Sask. Department of Highways and Transportation for the installation of automatic protection at Highway No. 14 and the C.N.R. near Juniata, Sask., Mileage 87.8 Asquith Subd.
- 95611 Sept. 18—Authorizing the Quebec Department of Roads to re-align and widen the highway and raise the approach grades at crossing of the C.P.R. Co. in the Parish of St. Henri de Mascouche, Que., at Mileage 16.34 Trois Rivieres Subd.
- 95612 Sept. 18—Authorizing the C.P.R. Co. to reconstruct the easterly end of the Dominion Atlantic Rly. Company's bridge over the St. Croix River at Mileage 3.71 Truro Subd., N.S. and remove existing lift span and replace it with a fixed span.
- 95613 Sept. 18—Exempting the C.P.R. Co. from erecting and maintaining right of way fencing on north side of its Estevan Subd. between Mileages 73.82 and 77.57, Sask.
- 95614 Sept. 18—Approving application of the C.N.R. for the location of the station proposed to be erected at Porcupine Plain, Sask.
- 95615 Sept. 18—Approving application of the N.B. Department of Public Works to install automatic protection at crossing of the highway and the C.N.R., at first crossing west of station at Upper Caraquet, Mileage 42.49 Caraquet Subd.
- 95616 Sept. 18—Approving application of the City of Granby, P.Q. for the installation of automatic protection at Cowie St. and the C.N.R. Granby, Mileage 46.31 Granby Subd.
- 95617 Sept. 18—Approving application of the N.B. Department of Public Works for installation of automatic protection at Highway No. 41 and the C.P.R. Co. at Mileage 15.29 St. Stephen Subd.
- 95618 Sept. 18—Approving application of the N.B. Dept. of Public Works for the installation of automatic protection at crossing of Route 11 and the C.N.R. in the Village of Upper Caraquet, N.B., Mileage 44.31 Caraquet Subd.

- 95619 Sept. 18—Permitting the B.C. Power Commission to construct an aerial electric transmission line over the company pipe line of Trans Mountain Oil Pipe Line Co. in the Kamloops District of B.C.
- 95620 Sept. 18—Approving application of Provincial Gas Company Limited to construct a gas main to replace the existing crossing over the pipe line of the Western Pipe Line Company in the Township of Pelham, Ontario.
- 95621 Sept. 18—Approving application of the N.B. Department of Public Works for the installation of automatic protection at crossing of Highway No. 8 and the C.N.R. at East Bathurst, N.B., Mileage 4.11 Caraquet Subd.
- 95622 Sept. 18—Authorizing the Ontario Department of Highways to carry Highway No. 7 over the C.P.R. Co. by means of an overhead bridge in the Township of Monaghan, Ont., Mileage 27.14 Peterborough Subd.
- 95623 Sept. 18—Approving application of the C.P.R. Co. for approval of clearances at its diesel shop track in Alyth Yard, Calgary, Alta.
- 95624 Sept. 18—Approving application of the Ontario Department of Highways for authority to construct Highway 15 across the C.P.R. Co. in the Township of Beckwith, Ont., Mileage 16.29 Chalk River Subd.
- 95625 Sept. 18—Authorizing the B.C. Power Commission to construct an aerial transmission line over the company pipe line of Trans Mountain Oil Pipe Line Company in the Kamloops District of B.C.
- 95626 Sept. 18—In the matter of facilities of Sudbury Oil Company for the handling and storage of flammable liquids at Sudbury, Ont.
- 95627 Sept. 19—Approving application of the C.N.R. for an extension of time within which to install automatic protection at the crossing of Main Street and the C.N.R. in Maxville, Ont., Mileage 91.3 Alexandria Subd.
- 95628 Sept. 19—Approving application of the C.N.R. for an extension of time within which to install automatic protection at crossing of its railway and Route de la Station, Village of Ste. Justine, P.Q., Mileage 68.1 Alexandria Subd.
- 95629 Sept. 19—Approving application of the N.S. Department of Highways to construct Yankee-town Road across the C.N.R. by means of a subway at Mileage 16.4 Chester Subd., near French Village, N.S.
- 95630 Sept. 19—Approving application of the C.N.R. to construct a wye track connection between their Lewvan and Lampman Subds. at Minard Junction, near Lampman, Sask., Mileage 68.2 Lampman Subd.
- 95631 Sept. 19—Authorizing the Interprovincial Pipe Line Company to open for the transportation of oil a portion of its company pipe line in the Township of Trafalgar, County of Halton, Ontario.
- 95632 Sept. 19—Amending Order No. 93754 re apportionment of cost of installing protection at crossing of the C.N.R. and the highway at first public crossing east of Premont, P.Q., Mileage 71.03 Grand'Mere Subd.
- 95633 Sept. 19—In the matter of installation of automatic protection at crossing of the highway and the C.N.R. at Auld's Cove, N.S., Mileage 7.06 Sydney Subd.
- 95634 Sept. 19—Amending Order No. 93611 re apportionment of cost of installing protection at crossing of the C.N.R. and Dewdney Ave., Regina Sask., Regina Terminal Subd.
- 95635 Sept. 19—Amending Order No. 94205 re apportionment of cost of installing protection at the crossing of the C.P.R. and the Trans-Canada Highway between Mileages 19.32 and 24.23 Cascade Subd., B.C.
- 95636 Sept. 19—Amending Order No. 93584 re apportionment of cost of installing protection at the crossing of the C.N.R. and St. Francois St., Town of Victoriaville, P.Q., Mileage 54.9 Danville Subd.
- 95637 Sept. 19—Amending Order No. 94236 re apportionment of cost of installing protection at crossing of the C.P.R. and Trans-Canada Highway by means of an overhead bridge at Mileage 14.7 Cascade Subd., B.C.
- 95638 Sept. 19—Amending Order 93811 re apportionment of cost of installing protection at crossing of the C.P.R. and St. Laurent Blvd., Ottawa, Ont. Mileage 84.51 Montreal and Ottawa Subds.

- 95639 Sept. 19—Amending Order 93693 re apportionment of cost of installing protection at crossing of Highway No. 39 (Tecumseh Road) and Chrysler spur in the Twp. of Sandwich East, Ont. in lieu of existing protection.
- 95640 Sept. 19—Amending Order 93642 re apportionment of cost of installing protection at crossing of C.N.R. and Wallace Ave., Toronto, Ont.
- 95641 Sept. 19—Amending Order 95350 re apportionment of cost of installing protection at crossing of the C.N.R. and the highway near Clinton, Ont., Mileage 42.66 Goderich Subd.
- 95642 Sept. 19—Approving supplement to Service Station Contract between The Bell Telephone Company of Canada and Tuckersmith Municipal Telephone System.
- 95643 Sept. 19—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Munic. of the Township of Wilmot.
- 95644 Sept. 19—Authorizing the C.N.R. to operate their trains under the overhead bridge at Mileage 92.7 Cornwall Subd., Ont.
- 95645 Sept. 19—Authorizing the C.P.R. Co. to operate over the subway at Mileage 87.03 Thompson Subd., B.C.
- 95646 Sept. 19—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Corporation of the Township of North Gosfield.
- 95647 Sept. 19—Authorizing the C.N.R. to remove the caretaker at Fairmount, Sask.
- 95648 Sept. 19—Authorizing the City of Montreal to construct Western Avenue over the C.P.R. Co. by means of a subway in the City of Montreal, P.Q.
- 95649 Sept. 19—Authorizing the City of Victoria, B.C. to construct a pedestrian crossing across the spur track of the C.N.R. in the vicinity of Ogden Point, near Dock St., Victoria, B.C.
- 95650 Sept. 19—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Port Hope Telephone Company Limited.
- 95651 Sept. 19—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Municipality of the Township of Tiny.
- 95652 Sept. 19—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and the Commissioners for the Telephone System of the Municipality of the Village of Coldwater.
- 95653 Sept. 19—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Howland Municipal Telephone System.
- 95654 Sept. 19—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and The Monk Rural Telephone Company Limited.
- 95655 Sept. 19—Authorizing the C.N.R. to operate its engines, cars and trains under the overhead bridge at Mileage 100.4 Cornwall Subd., Ont.
- 95656 Sept. 23—Authorizing the C.N.R. to operate under the overhead bridge at Mileage 83.66 Nechako Subd., B.C.
- 95657 Sept. 23—Permitting the removal of slow order at C.N.R. crossing of Beaugrand St., Montreal, P.Q., Mileage 6.39 Longue Pointe Subd.
- 95658 Sept. 23—Authorizing the C.N.R. to deviate and relocate their Jacques Cartier connection in the Town of St. Laurent and in the City of Montreal, P.Q., etc.
- 95659 Sept. 23—Relieving the C.N.R. from erecting right of way fences on both sides of their right of way between Mileage 53.57 and Mileage 55.01 Avonlea Subd., Sask.
- 95660 Sept. 23—Exempting the C.N.R. from erecting and maintaining right of way fences between certain mileages on its Gladstone Subd., Man.
- 95661 Sept. 23—Approving tolls filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 95662 Sept. 23—Authorizing the C.P.R. to operate over the subway over Broad Street, Regina, Sask.

- 95663 Sept. 23—Authorizing the C.N.R. to operate under the overhead bridge in the Twp. of Ops, Ont., Mileage 1.90 Midland Subd.
- 95664 Sept. 23—Exempting the C.P.R. from erecting and maintaining right of way fencing between certain mileages on its Emerson Subd., Man.
- 95665 Sept. 24—Amending Order No. 94626 re apportionment of cost of installing protection at crossing of the C.N.R. and Highway No. 22 (Craig St.) Richmond, P.Q., Mileage 70.93 Sherbrooke Subd.
- 95666 Sept. 24—Amending Order No. 94312 re apportionment of cost of installing protection at crossing of the C.N.R. west of station at Norval, Ont., Mileage 27.01 Brampton Subd.
- 95667 Sept. 24—Amending Order No. 94590 re apportionment of cost of installing protection at the crossing of the C.N.R. and Chamberlain St., Amherst, N.S., Mileage 75.92 Springhill Subd.
- 95668 Sept. 24—Amending Order No. 94409 re apportionment of cost of installing protection at crossing of the C.N.R. and Barrydowne Road, Mileage 2.55 Sudbury Terminals Subd., Ontario.
- 95669 Sept. 24—Amending Order 94275 re apportionment of cost of installing protection at crossing of the C.P.R. and the highway near Indian River, Ontario, Mileage 15.34 Peterborough Subd.
- 95670 Sept. 24—Authorizing the N.S. Department of Highways to install automatic protection at the crossing of Highway No. 3 and the C.N.R. at Mileage 42.88 Yarmouth Subd., N.S.
- 95671 Sept. 24—Permitting the removal of slow order at the C.N.R. crossing of Metcalfe St., Strathroy, Ontario, Mileage 20 Strathroy Subd.
- 95672 Sept. 24—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at Heward, Sask.
- 95673 Sept. 24—Authorizing the N.S. Department of Highways to install automatic protection at crossing of the C.N.R. and Point Tupper Road, N.S., Mileage 13.11 Sydney Subd.
- 95674 Sept. 24—Amending Order No. 94620 re apportionment of cost of installing protection at crossing of the C.P.R. and the railway of the Midland Railway Company of Manitoba at St. Matthews Ave., Winnipeg, Manitoba.
- 95675 Sept. 24—Authorizing the N.S. Department of Highways to install automatic protection at Lockerby's Crossing and the C.N.R. at Mileage 35.7 Oxford Subd.
- 95676 Sept. 24—Amending Order No. 94223 re apportionment of cost of installing protection at crossing of the Chesapeake and Ohio Railway Company at Erie St., Leamington, Ontario, Mileage 38 No. 1 Subd.
- 95677 Sept. 24—Authorizing the N.S. Department of Highways to install automatic protection at the crossing of Highway No. 12 and the C.N.R. at Mileage 53.7 Chester Subd.
- 95678 Sept. 24—Permitting the removal of slow order at crossing of the London & Port Stanley Railway and Concession 9, one mile south of Glanworth, Ontario.
- 95679 Sept. 24—Amending Order No. 94363 re apportionment of cost of installing protection at crossing of Great Northern Railway Company and Powell St., City of Vancouver, B.C.
- 95680 Sept. 24—Amending Order No. 94625 re apportionment of cost of installing protection at crossing of C.N.R. and County Road just east of station at Kerrwood, Ontario, Mileage 26.15 Strathroy Subd.
- 95681 Sept. 24—Amending Order No. 94359 re apportionment of cost of installing protection at crossing of the C.P.R. and Moonlight Bay Road, Mileage 74.31 Cartier Subd., Ontario.
- 95682 Sept. 24—Amending Order No. 93614 re apportionment of cost of installing protection at crossing of the C.N.R. and Highway No. 15, Mileage 113.4 Minaki Subd., Manitoba.
- 95683 Sept. 24—Amending Order No. 94069 re apportionment of cost of installing protection at crossing of the C.N.R. in the Twp. of Vaughan, Mileage 19.6 Newmarket Subd., Ontario.

- 95684 Sept. 24—Amending Order No. 93813 re apportionment of cost of installing protection at crossing of the C.N.R. and Provincial Highway No. 3 at Brooklyn, N.S., Mileage 107.52 Chester Subd.
- 95685 Sept. 24—Amending Order No. 93674 re apportionment of cost of installing protection at crossing of the C.P.R. and Horner Avenue, Twp. of Etobicoke, Ontario, Mileage 2.21 Canpa Subd.
- 95686 Sept. 24—Amending Order No. 93812 re apportionment of cost of installing protection at crossing of the C.N.R. in the Township of Otonabee, Mileage 59.5 Campbellford Subd., Ontario.
- 95687 Sept. 24—Amending Order No. 93766 re apportionment of cost of installing protection at crossing of the C.N.R. and Erin Street, Saint John, N.B., Mileage 0.3 Courtenay Bay Branch, Sussex Subd.
- 95688 Sept. 24—Amending Order No. 93974 re apportionment of cost of installing protection at crossing of the C.P.R. and relocated Highway No. 43, Township of Roxborough, Ontario, Mileage 63.02 Winchester Subd.
- 95689 Sept. 24—Permitting the removal of the speed limitation at crossing of the highway and the C.P.R. at Cavignac, P.Q., Mileage 40.88 St. Guillaume Subd.
- 95690 Sept. 24—Amending Order No. 93904 re apportionment of cost of installing protection at crossing of the C.N.R. and the highway at Mileage 67.51 Clearwater Subd., B.C.
- 95691 Sept. 24—Amending Order No. 94508 re apportionment of cost of installing protection at crossing of the C.P.R. and Finch Ave., Mileage 7.81, and Main Street, Mileage 8.0 both in MacTier Subd., Township of North York, Ontario.
- 95692 Sept. 24—Amending Order No. 93848 re apportionment of cost of installing protection at crossing of the C.N.R. and Barton St., Hamilton, Ontario, Mileage 0.29 Hagersville Subd.
- 95693 Sept. 24—Amending Order No. 93888 re apportionment of cost of installing protection at crossing of the C.N.R. at Finch Avenue, Twp. of North York, Ontario, Mileage 13.88 Bala Subd.
- 95694 Sept. 24—Amending Order No. 94192 re apportionment of cost of installing protection at crossing of the C.N.R. and the highway of Mileage 111.7 Vegreville Subd., Alberta.
- 95695 Sept. 24—Authorizing the C.N.R. to install automatic protection at the crossing of Brookdale Avenue (Highway No. 2) in the City of Cornwall, Ontario, Mileage 68.53 Cornwall Subd.
- 95696 Sept. 24—Amending Order No. 94155 re apportionment of cost of installing protection at crossing of the C.N.R. and the highway west of the station at St. Apollinaire, P.Q., Mileage 21.5 Drummondville Subd.
- 95697 Sept. 24—Amending Order No. 93935 re apportionment of cost of installing protection at crossing of the C.N.R. and Highway No. 54C in the Parish of Charlesbourg, P.Q., Mileage 3.34 Batiscan Subd.
- 95698 Sept. 24—Amending Order No. 94097 re apportionment of cost of installing protection at crossing of the C.N.R. and French River Road (Forbes Road) at Merigomish, Pictou Co., N.S., Mileage 56.25 Hopewell Subd.
- 95699 Sept. 24—Amending Order No. 94070 re apportionment of cost of installing protection at crossing of the C.P.R. and Dyke St. in Warren, Ontario, Mileage 43.09 Cartier Subd.
- 95700 Sept. 24—Amending Order No. 94206 re apportionment of cost of installing protection at crossing of the C.N.R. and Mutual Street, Ingersoll, Ontario, Mileage 58.7 Dundas Subd.
- 95701 Sept. 24—Authorizing the B.C. Department of Highways to construct the Trans-Canada Highway over the C.P.R. by means of an overhead bridge at Mileage 81.47 Thompson Subd.
- 95702 Sept. 24—Amending Order No. 94046 re apportionment of cost of improving the sight lines at Mount Pearl crossing near St. John's, Newfoundland, Mileage 3.37 St. John's Subd.
- 95703 Sept. 24—Amending Order No. 94108 re apportionment of cost of installing protection at crossing of the Chesapeake & Ohio Railway and Queen Street, Kingsville, Ontario.

- 95704 Sept. 24—Amending Order No. 94083 re apportionment of cost of installing protection at crossing of the C.P.R. and Dundas St., Woodstock, Ontario, Mileage 0.44 St. Thomas Subd.
- 95705 Sept. 24—Approving application of the C.N.R. on behalf of North Star Oil Limited, for approval of location of facilities for handling and storage of flammable liquids at Alvena, Sask., Mileage 71.15 Meskanaw Subd.
- 95706 Sept. 24—Amending Order No. 93705 re apportionment of cost of installing protection at crossing of the C.P.R. and Centre St. Chatham, Ontario, Mileage 64.41 Windsor Subd.
- 95707 Sept. 24—Amending Order No. 94849 re apportionment of cost in the reconstruction and improvement to overhead bridge carrying Merritt St. across the C.N.R. in Merriton, Ontario, Mileage 9.63 Grimsby Subd.
- 95708 Sept. 24—Amending Order No. 94071 re apportionment of cost of installing protection at crossing of the C.N.R. and the highway in Lot 7, Conc. 2 and 3, Twp. of King, Ontario, Mileage 24.6 Newmarket Subd.
- 95709 Sept. 24—Amending Order No. 93955 re apportionment of cost of installing protection at crossing of the C.N.R. and Highway No. 60 at Val d'Or, P.Q., Mileage 38.24 Val d'Or Subd.
- 95710 Sept. 24—Permitting the removal of statutory speed limitation at crossing of the C.P.R. at Mileage 8.35 Galt Subd., Toronto, Ontario.
- 95711 Sept. 24—Permitting the removal of statutory speed limitation at Public Crossing No. 32 (Side Road) and the C.P.R. near Cheltenham, Ontario, Mileage 18.40 Orangeville Subd.
- 95712 Sept. 24—Permitting the removal of statutory speed limitation at crossing of the C.P.R. and the highway at Meadowvale, Ontario, Mileage 2.11 Orangeville Subd.
- 95713 Sept. 24—Permitting the removal of statutory speed limitation at crossing of the C.N.R. and John Street, Weston, Ontario, Mileage 8.63 Brampton Subd.
- 95714 Sept. 24—Amending Order No. 93641 re apportionment of cost of installing protection at crossing of the C.N.R. and County Road No. 18, west of station at Port Robinson, Ontario, Mileage 10.82 Welland Subd.
- 95715 Sept. 24—Amending Order No. 93977 re apportionment of cost of installing protection at crossing of the C.N.R. and Metabetchouan Road, south of Blackburn, P.Q., Mileage 57.15 Jonquiere Subd.
- 95716 Sept. 24—In the matter of facilities of The British American Oil Company Limited, for handling and storage of flammable liquids at Morse, Saskatchewan.
- 95717 Sept. 24—Authorizing the installation of automatic protection at crossing of the C.N.R. and Aird Avenue, Montreal, P.Q., Mileage 9.04 Longue Pointe Subd.
- 95718 Sept. 24—Permitting the removal of statutory speed limitation at crossing of the C.N.R. and Highway Avenue, London, Ontario, Mileage 75.63 Dundas Subd.
- 95719 Sept. 24—Authorizing the C.N.R. to make changes in the interlocking at crossing of their railway and the C.P.R. at St. Augustin, P.Q., Mileage 20.5 Montfort Subd. of the C.N.R. and 28.5 Lachute Subd. of the C.P.R.
- 95720 Sept. 24—In the matter of application of the C.N.R. on behalf of Kenebec Propane Gas Limited, for approval of liquefied petroleum gas at St. Romuald, P.Q., Mileage 5.63 Drummondville Subd.
- 95721 Sept. 24—In the matter of facilities of McColl-Frontenac Oil Company, Limited, for handling and storage of flammable liquids at Kitchener, Ontario.
- 95722 Sept. 24—Amending Order No. 94153 re apportionment of cost of installing protection at crossing of the C.P.R. and the highway at Canmore, Alberta, Mileage 67.05 Laggan Subd.
- 95723 Sept. 24—Approving application of the Nova Scotia Department of Highways for installation of automatic protection at crossing of Highway No. 3 and the C.N.R. (Fresh Brook Crossing) at Mileage 87.90 Yarmouth Subd.

- 95724 Sept. 24—Permitting the removal of statutory speed limitation at crossing of the highway and the C.P.R. at Mileage 16.49 St. Gabriel Subd., P.Q.
- 95725 Sept. 24—In the matter of tariffs filed by The Bell Telephone Company of Canada.
- 95726 Sept. 24—Amending Order No. 94889 re apportionment of cost of installing protection at crossing of Highway No. 3 and the C.N.R. at St. Francois du Lac, P.Q., Mileage 11.35 Yamaska Subd.
- 95727 Sept. 24—Amending Order No. 94821 re apportionment of cost of installing protection at crossing of the Quebec Central Railway and Highway No. 53 at Ste. Germaine, P.Q., Mileage 45.4 Chaudiere Subd.
- 95728 Sept. 24—Amending Order No. 94757 re apportionment of cost of making changes in the track circuits at crossing of the C.P.R. and Regent Street in Sudbury, Ontario, Mileage 0.96 Webbwood Subd.
- 95729 Sept. 24—Amending Order No. 94699 re apportionment of cost of making changes in the protection at crossing of the C.N.R. and Davis Drive, Newmarket, Ontario, Mileage 34.12 Newmarket Subd.
- 95730 Sept. 24—Amending Order No. 94747 re apportionment of cost of installing protection at crossing of the C.P.R. and the highway at Champlain, P.Q., Mileage 94.8 Quebec Subd.
- 95731 Sept. 24—Amending Order No. 94936 re apportionment of cost of installing protection at crossing of the C.N.R. and St. Pierre Sud range road, Parish of St. Constant, P.Q., Mileage 18.77 Massena Subd.
- 95732 Sept. 24—Amending Order No. 94320 re apportionment of cost of installing protection at the crossing of the C.N.R. and the highway west of the station at La Durantaye, P.Q., Mileage 94.79 Montmagny Subd.
- 95733 Sept. 24—Amending Order No. 94767 re apportionment of cost of improving the approach grades at the crossing of the C.P.R. and the highway in the Twp. of Lobo, Ontario, Mileage 7.30 Windsor Subd.
- 95734 Sept. 24—Amending Order No. 94723 re apportionment of cost of installing protection at the crossing of the New York Central Railroad Company and Highway No. 20 at St. Stanislas, P.Q.
- 95735 Sept. 24—Authorizing the C.N.R. to make changes in the crossing protection of their railway and Highway No. 16 near Edmonton, Alberta, Mileage 2.28 Camrose Subd.
- 95736 Sept. 24—Amending Order No. 94782 re apportionment of cost of installing protection at the crossing of the C.P.R. and Highway 33, Mileage 23.65 Trois Rivieres Subd., P.Q.
- 95737 Sept. 24—Amending Order No. 94754 re apportionment of cost of installing protection at crossing of the C.N.R. and Highway No. 3 at Mileage 29.41 Yamaska Subd., P.Q.
- 95738 Sept. 24—Amending Order No. 94724 re apportionment of cost of installing protection at crossing of the C.N.R. and the highway south of the station at Falding, Ontario, Mileage 141.16 Bala Subd.
- 95739 Sept. 24—Amending Order No. 94763 re apportionment of cost of installing protection at crossing of the C.P.R. and Highway No. 29 at Terrebonne, P.Q., Mileage 10.28 Trois Rivieres Subd.
- 95740 Sept. 24—Amending Order No. 94310 re apportionment of cost of installing protection at crossing of the C.N.R. and Chambord Road, at Lac Bouchette, P.Q., Mileage 47.64 Jonquiere Subd.
- 95741 Sept. 24—Amending Order No. 94748 re apportionment of cost of installing protection at crossing of the C.N.R. and County Road No. 27 near Paris, Ontario, Mileage 27.66 Dundas Subd.
- 95742 Sept. 24—Amending Order No. 94822 re apportionment of cost of installing protection at crossing of the C.N.R. and Highway No. 6 at Escuminac, P.Q., Mileage 25.42 Cascapedia Subd.
- 95743 Sept. 24—In the matter of the Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Services.
- 95744 Sept. 24—Amending Order No. 94672 re apportionment of cost of installing protection at crossing of the C.N.R. and Steeles Avenue at Mileage 15.17 Bala Subd., Ontario.

- 95745 Sept. 24—Amending Order No. 94781 re apportionment of cost of installing protection at crossing of the C.P.R. and Highway No. 36 at Taber, Alberta, Mileage 75.67 Taber Subd.
- 95746 Sept. 25—In the matter of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Prelate, Sask.
- 95747 Sept. 25—Amending Order No. 94640 re apportionment of cost of installing protection at the crossing of the C.N.R. and Smythe Street, Fredericton, N.B., Mileage 70.34 Centreville Subd.
- 95748 Sept. 25—Amending Order No. 94532 re apportionment of cost of installing protection at the crossing of the C.N.R. and Victoria Road, Guelph, Ontario, Mileage 47.80 Brampton Subd.
- 95749 Sept. 25—Amending Order No. 94698 re apportionment of cost of installing protection at the crossing of the C.P.R. and Front Avenue in Brockville, Ontario.
- 95750 Sept. 25—Amending Order No. 94500 re apportionment of cost of installing protection at the crossing of the C.P.R. and County Road No. 4, Mileage 61.69 Belleville Subd., Ontario.
- 95751 Sept. 25—Amending Order No. 94725 re apportionment of cost of making changes in protection at the crossing of the C.N.R. at Wellington Street in Aurora, Ontario, Mileage 30.04 Newmarket Subd.
- 95752 Sept. 25—In the matter of facilities of North Star Oil Company for the handling and storage of flammable liquids at Lancer, Sask.
- 95753 Sept. 25—In the matter of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Buffalo, Alberta.
- 95754 Sept. 25—Approving application of the C.P.R. for approval of location of additional facilities for the handling and storage of diesel fuel oil at Winnipeg, Manitoba, Winnipeg Terminals.
- 95755 Sept. 25—Amending Order No. 94416 re apportionment of cost of improving sight lines in the Township of Otonabee where the C.P.R. crosses the Township Road at Mileage 21.64 Peterboro Subd., Ontario.
- 95756 Sept. 25—In the matter of facilities of Farmers Oil and Supply Company Limited for the handling and storage of flammable liquids at Sceptre, Sask.
- 95757 Sept. 25—In the matter of facilities of Standard Oil Company of British Columbia Limited for the handling and storage of flammable liquids at Princess, Alta.
- 95758 Sept. 25—In the matter of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Portreeve, Sask.
- 95759 Sept. 25—Amending Order No. 94854 re apportionment of cost of installing protection at the crossing of the C.N.R. and the highway at the first crossing east of station at Lac aux Sables, P.Q., Mileage 16.65 Grand'Mere Subd.
- 95760 Sept. 25—Amending Order No. 94628 re apportionment of cost of installing protection at the crossing of the C.N.R. and Highway No. 6 at Mileage 6.19 Cascapedia Subd., P.Q.
- 95761 Sept. 25—Amending Order No. 94634 re apportionment of cost of installing protection at the crossing of the C.N.R. and the highway at Rosseau Road Station, Mileage 138.7 Bala Subd., Ontario.
- 95762 Sept. 25—Amending Order No. 94722 re apportionment of cost of installing protection at the crossing of the C.P.R. and Nairn Ave. in Winnipeg, Man., Mileage 64.86 Lac du Bonnet Subd.
- 95763 Sept. 25—Amending Order No. 94830 re apportionment of cost of installing protection at the crossing of the C.P.R. and Highway No. 13 at Mileage 25.9 Newport Subd., P.Q.
- 95764 Sept. 25—Approving application of the C.N.R. re location and design of its station to be erected at Vanderhoof, B.C.
- 95765 Sept. 25—Amending Order No. 94800 re apportionment of cost of installing protection at crossing of the C.N.R. and the highway at Mileage 280.28 Bishop's Falls Subd., Nfld.
- 95766 Sept. 25—Amending Order No. 94635 re apportionment of cost of installing protection at the crossing of the C.P.R. and the highway at Mileage 12.51 Parry Sound Subd., Ontario.

- 95767 Sept. 25—Authorizing the City of Swift Current to construct Second Avenue East over the C.P.R. by means of an overhead bridge at Mileage 110.34 Swift Current Subd., Sask.
- 95768 Sept. 25—Amending Order No. 94783 re apportionment of cost of improving the protection at crossing of the C.P.R. and Centre Street, in Richmond Hill, Ontario, Mileage 21.11 Bala Subd.
- 95769 Sept. 25—Amending Order No. 94719 re apportionment of cost of installing protection at crossing of the New York Central Railroad Company and Primeau Road in Primeau, P.Q.
- 95770 Sept. 25—Approving tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 95771 Sept. 25—Amending Order No. 95110 re apportionment of cost of installing protection at crossing of the C.N.R. and Highway 43 at St. Norbert, Co. of Berthier, P.Q., Mileage 90.61 Grand'Mere Subd.
- 95772 Sept. 25—Authorizing the removal of the statutory speed limitation at crossing of the C.N.R. and the highway west of the station at Macamic, Mileage 15.82 Macamic Subd., P.Q.
- 95773 Sept. 25—Amending Order No. 95112 re apportionment of cost of installing protection at crossing of the C.N.R. and 7th Street (Lake Bouin Road) in Val d'Or, P.Q.
- 95774 Sept. 25—Amending Order No. 95383 re apportionment of cost of installing protection at the crossing of the C.N.R. and the second crossing east of the station at Senneterre, P.Q., Mileage 137.9 Oskelaneo Subd.
- 95775 Sept. 25—Amending Order No. 94944 re apportionment of cost of installing protection at crossing of the C.P.R. and Main Street, Gatineau, P.Q., Mileage 111.91 Lachute Subd.
- 95776 Sept. 25—Amending Order No. 95154 re apportionment of cost of improving the sight lines at crossing of the highway and the C.N.R. in the Township of Goderich, Ontario, Mileage 42.51 Goderich Subd.
- 95777 Sept. 25—Amending Order No. 95060 re apportionment of cost of installing protection at crossing of the C.P.R. and Highway No. 50 (Merry Street) Magog, P.Q.
- 95778 Sept. 25—Amending Order No. 95437 re apportionment of cost of installing protection at the crossing of the C.N.R. and Third Avenue, Owen Sound, Ontario, Mileage 70.28 Owen Sound Subd.
- 95779 Sept. 25—Amending Order No. 95333 re apportionment of cost of installing protection at the crossing of the C.N.R., the C.P.R. and Barker Street, Fredericton, N.B., Mileage 108.99 Nashwaak Subd.
- 95780 Sept. 25—Amending Order No. 95108 re apportionment of cost of installing protection at the crossing of the C.P.R. and Highway No. 2 near Belleville, Ontario, Mileage 94.31 Belleville Subd.
- 95781 Sept. 25—Amending Order No. 95205 re apportionment of cost of installing protection at the crossing of the C.N.R. and Highway No. 45 west of Villemontel, P.Q., Mileage 57.08 Amos Subd.
- 95782 Sept. 25—Amending Order No. 95059 re apportionment of cost of installing protection at the crossing of the C.P.R. and Gibson Street, Fredericton, N.B., Mileage 58.70 Gibson Subd.
- 95783 Sept. 25—Authorizing the removal of the statutory speed limitation at crossing of the C.P.R. and the highway at Springside, Sask., Mileage 41.3 Wynyard Subd.
- 95784 Sept. 25—Amending Order No. 94997 re apportionment of cost of installing protection at the crossing of the C.N.R. and First Street (Grand Ligne) Co. of St. Jean, P.Q., Mileage 31.45 Rouses Point Subd.
- 95785 Sept. 26—Amending Order No. 95115 re apportionment of cost of installing protection at crossing of the C.P.R. and Highway No. 6 near Dafoe, Sask., Mileage 15.1 Sutherland Subd.
- 95786 Sept. 26—Amending Order No. 95035 re apportionment of cost of installing protection at crossing of the C.P.R. and Highway No. 2 east of Port Hope, Ontario, Mileage 36.78 Oshawa Subd.
- 95787 Sept. 26—Amending Order No. 95030 re apportionment of cost of installing protection at crossing of the C.P.R. and the Highway at first crossing north of station at Lacadie, P.Q., Mileage 24.55 Adirondack Subd.

- 95788 Sept. 26—Amending Order No. 95223 re apportionment of cost of installing protection at crossing of the C.N.R. and Belmont Road in Baker Brook, N.B., Mileage 12.38 Glendyne Subd.
- 95789 Sept. 26—Directing the C.P.R. to install automatic protection at the crossing of its railway and West Street, Trenton, Ontario, Mileage 0.19 Oshawa Subd.
- 95790 Sept. 26—In the matter of the facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Minburn, Alta.
- 95791 Sept. 26—In the matter of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Ranfurly, Alta.
- 95792 Sept. 26—Amending Order No. 95111 re apportionment of cost of installing protection at crossing of the C.N.R. and Highway No. 45 at Colom-bourg, P.Q., Mileage 22.06 Macamic Subd.
- 95793 Sept. 26—Amending Order No. 95201 re apportionment of cost of installing protection at crossing of the C.N.R. and the highway at first crossing east of the station at Drummond, N.B., Mileage 71.19 Grand Falls Subd.
- 95794 Sept. 26—Amending Order No. 95203 re apportionment of cost of installing protection at crossing of the C.N.R. and Neuville-St. Raymond Road, Parish of Pointe-aux-Trembles, Co. Portneuf, P.Q., Mileage 16.25 La Tuque Subd.
- 95795 Sept. 26—In the matter of facilities of McColl-Frontenac Oil Company Limited for the handling and storage of flammable liquids at Lloydminster, Sask.
- 95796 Sept. 26—In the matter of facilities of Radisson Cooperative Association Limited for the handling and storage of flammable liquids at Radisson, Sask.
- 95797 Sept. 26—Amending Order No. 95152 re apportionment of cost of installing protection at crossing of the C.P.R. and Highway No. 3 west of Grand Forks, B.C., Mileage 94.48 Boundary Subd.
- 95798 Sept. 26—Approving application of the British Columbia Electric Company Limited for leave to construct gas mains across and under the company pipe line of Trans Mountain Oil Pipe Line Company on Poirier Street, near King Albert Avenue, District of Coquitlam, B.C.
- 95799 Sept. 26—Approving application of the C.P.R. to operate its engines, cars and trains over a private siding serving Ocean Steel and Construction Company Limited, at Chesley St., Saint John, N.B., Mileage 1.59 St. John Subd.

# Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

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*In the matter of freight rates between Canada and the United States; between points in the United States passing through Canada, applicable jointly over the lines of Canadian and United States railways; and export and import rates between Canadian points and Canadian ports which are related to similar rates to or from United States ports.*

File No. 18540.99

### JUDGMENT

BY THE BOARD:

On November 4th 1957 we issued a notice in respect of this matter, which read as follows:

"The Board has had under consideration the procedure it should follow in respect of rates stated in the subject heading hereof when such rates are the subject of applications from Canadian and United States railways seeking authority to increase the same in conformity with decisions rendered by the Interstate Commerce Commission upon applications to that body by United States railroads.

"Since the termination of hostilities in world war II six 'Ex-Parte' cases have been dealt with by the Interstate Commerce Commission involving some sixteen applications of the railways and upon which some nineteen authorizations have been given by this Board of which 15 have been for the main purpose of allowing increased rate tariffs to be filed on less than statutory notice (30 days).

"The abridged periods of notice have ranged from 1 to 15 days and have been so granted in order to maintain the continuity of joint international rates and other rate relationships in the belief that the public interest would thus be best served.

"The procedure followed in presenting the matter to the Board is that the United States railroads submit an application which outlines the basis of their application to the United States tribunal, to which they attach a copy of the application made to such body, and seek from the Board authority to make international and other related rates 'effective on the same date as the increases in interstate and international rates which may be authorized by the Interstate Commerce Commission'.

"Following the submission of the application by the United States lines the Canadian railways then submit to the Board an application in support of the same, requesting similar authority, and additionally that the same authorization be given in respect of related export and import rates.

"International rate tariffs, like all other tariffs filed with the Board, are susceptible of attack by formal complaint within the provisions of the Railway Act and thus are subject to determination by the Board within the scope of its jurisdiction. The degree to which the Board may assert its jurisdiction over a joint rate between Canada and a foreign country is dependent upon the particular facts and circumstances involved in each case and the nature of the relief sought.

"The Board is concerned whether the publication of increased rates on less than 30 days' notice will detrimentally affect any interested shipper or consignee in respect of his right, under the provisions of the Railway Act, to seek relief from any alleged condition of unreasonableness or unjust discrimination before such increased rates go into effect.

"Earlier in this year the Board made oral representations to the Interstate Commerce Commission concerning the matter above stated and requested consideration be given by that body to requiring that any general increase allowed in respect of international rates be only upon 30 days' notice. The views thus expressed were made public in both Washington and Ottawa on Monday, June 3rd, 1957.

"At the time this proposal was made public the United States railroads had completed the presentation of evidence in the Ex Parte 206 case and were at the stage of argument. It was represented to the Board by these railroads that the Board's request to the Interstate Commerce Commission could not then be contested in that case and that they would be precluded from making any representations concerning it in their argument. It was considered by the said railroads that lacking opportunity to place their views before their Commission and for the Commission to act upon the Board's proposal would be unfair and involve the United States railroads in very material loss of the revenue increase they believed they had shown to be necessary to them.

"The United States railroads asserted to the Board that they would oppose any difference in effective date of international rate increase from that authorized within the United States. They cited examples of where any delay in establishing international rate increases would compel them to forego necessary increases within the United States, such as on Lumber from the Canadian Pacific Coast to United States destinations where the Canadian origin points basically were accorded a competitive level of rates with those from the North Pacific Coast of the United States.

"The Board did not consider it would be justified in pressing for observance of its proposal in the light of the explanations given to it by the United States lines and consequently has temporarily held its request to the Interstate Commerce Commission in abeyance.

"Many, if not perhaps all, international joint rates accord to Canadian shippers and consignees total charges less than would accrue if rates were made on international border combinations. This fact alone warrants careful consideration by all interested parties. The Board does not wish to create any condition which would be detrimental to both carriers and shippers but desires to obtain an expression of views of those interested upon which to formulate a firm procedure for the future.

"The Board desires to obtain the view of all parties as to the following questions:

1. Should the Board continue to grant short notice permission to rail lines to permit uniform application of increased rates on the same effective date as granted by the Interstate Commerce Commission? or,
2. Should international rate changes be initiated only by the filing of tariff schedules on thirty days' notice insofar as the Board is concerned?
3. What other method of dealing with such matters is suggested?

"In order to accomplish this purpose the Board will grant sufficient time for any interested party to prepare and file with it a brief responding to the questions aforesaid. Upon consideration of such briefs the Board will, if necessary, set a date for oral argument of the matter.

"Those desiring to file briefs are requested to do so on or before the 31st, December 1957 by forwarding fifteen (15) copies to the Secretary, Board of Transport Commissioners for Canada, Ottawa, Canada. If it is desired to orally argue the matter, and if good grounds are advanced therefor, the Board will give due notice of the date, place and time for oral argument and will, therein, state the names and addresses of those from whom briefs have been received. Parties who desire to obtain a copy of any brief are requested to secure them from the person who prepared and submitted it to the Board. The real necessity for oral argument will arise only if diametrically opposed viewpoints are expressed hence it may be helpful to all parties, including the Board, if briefs are supplied to those requesting the same."

#### SUMMARY OF THE CIRCUMSTANCES AND CONDITIONS INVOLVED

Copies of the notice were forwarded to Trade Associations, Boards of Trade, Chambers of Commerce as named in our General Order No. 695; to Canadian railways and their Associations; to representative United States railroads; the Press, and to a number of individuals representing commercial establishments, government agencies and others to whom copies of material issued by the Board is routinely forwarded. Our desire was that the subject matter involved be brought to the attention of interested parties to the greatest possible extent. A certain number of submissions have been made in response to the notice which are summarized, later herein. In general, the types of freight traffic movement involved in the subject matter of the notice, are:

1. Traffic originating in Canada and terminating in the United States, or vice versa, which moves under joint through published rates.
2. Traffic originating and terminating in the United States which passes through Canada.
3. Export and import traffic to or from Canadian ports from or to Canadian points where the rates thereon are on a parity with rates to or from United States ports.

Insofar as the movement takes place within Canada freight rates applicable thereto are subject to the provisions of the Railway Act and thus to the jurisdiction of this Board.

Substantially all of the first two named movements within the United States are also subject to the Interstate Commerce Act and thus to the jurisdiction of the Interstate Commerce Commission.

In the publication of tariffs naming increases in freight rates the normal period of notice is thirty days from the date the tariff schedule is filed. Within this time an opportunity is afforded to interested parties to seek suspension, postponement or disallowance of the increased rates.

Both the Interstate Commerce Commission and this Board have power under appropriate statute, to abridge the period of notice and do so upon good cause being shown.

The predominant influence upon the level of the international and related export-import rates is the structure of rates within the United States. As that structure has been changed from time to time in the post-war II era, it has resulted in comparable change in the rates here involved.

Changes in the international rate structure have been initiated by United States carriers simultaneously with their applications to the Interstate Commerce Commission respecting other interstate traffic. Such increases in rate level which have been authorized by that Commission have applied to traffic moving within the United States and in respect of its foreign trade through its ports. An authorization to increase the foregoing type of rate is usually accompanied by similar authorization in respect of international traffic.

Usually the proceedings before the Interstate Commerce Commission concerning general rate increases are of some considerable duration and are given publicity sufficient to acquaint all concerned within the United States with what is at issue. Little if any publicity occurs in Canada respecting the same.

An application by United States carriers to the Interstate Commerce Commission is generally followed by a like application to this Board for authority to make applicable to international and related traffic the increases allowed in the same amount and upon the same effective date. Authorizations by the Interstate Commerce Commission have been, in the main, upon less than 30 days' notice.

It is understandable that when United States carriers are authorized to increase rates, predicated upon proven revenue need, they suffer considerable financial loss for each day of delay in implementing the authorization through tariff publication.

Many of the internal United States rates are the basis for international traffic and apply to goods entering into competition as between suppliers in both countries. It has been represented to us by representatives of United States railroads that unless international rates are simultaneously adjusted with domestic United States rates, the latter cannot precede the former in the date of becoming effective.

It is a generally accepted fact that joint international rates modify the charges which would otherwise apply if rates were charged on the boundary combinations. The existence of joint international rates is dependent upon the willingness of the carriers in both countries to agree thereto. To jeopardize the continuance of these beneficial rates by rigidly applying the normal notice period thereto, in the circumstances stated, would tend to sacrifice a practical necessity for the sake of preserving regulatory control. No such procedure has ever been the intention of this Board.

The present practice of the Board in such cases has been to accept the application of the United States railroads, which is always supported by similar application on behalf of Canadian railways, and await the outcome of the proceedings before the Interstate Commerce Commission. When such outcome is known the Board is subjected to the strongest possible pressure from United States railroads to render decision upon the pending application.

With a limited time in which to prepare tariffs, file and give notice thereof, due to short notice permission having been granted in the United States there is little opportunity for interested Canadian shippers and receivers to become aware of impending changes in rates vital to them. Similarly should it be desired to object to the proposed tariff changes little time to do so is thus afforded; apart from the making of objections the short time of notice gives little opportunity for interested parties to become familiar with the changes involved—in fact it has been stated to the Board that some shippers or receivers become aware of changes in rates only when presented with freight bills for payment.

The procedure which has been outlined above, as followed at present by this Board, is founded upon the firm conviction that short notice is preferable to what might otherwise resolve into border combinations. We have felt, in general, that continuity of joint international rates and related export-import rates was in the public interest and outweighed other considerations.

It must be noted that the bringing into force of increased rates without or with little opportunity to object does not preclude anyone from complaining that a given rate is either unreasonable per se or unjustly discriminatory and to have such complaint heard and determined by this Board. Jurisdiction limitations apply to the prescribing of future rates of this kind, but this Judgment is not concerned with discussion of such limitations.

It was only after much consideration had been given to the problem of adequate notice and after we had informally approached the Interstate Commerce Commission to ascertain if a uniform pattern of thirty days' notice could be given in respect of international rate structure changes, that we decided to solicit the views of parties interested.

#### SUMMARY OF SUBMISSIONS RECEIVED

From the submissions made in response to our notice we have prepared the following summary:

In response to our notice eleven submissions were received, seven of which were filed by Canadian shippers and organizations representing them. The other four came from the Canadian Freight Association; the Canadian Transport Tariff Bureau; the New York Central System, New York; and the KVP Company, Kalamazoo, Michigan.

On December 31, 1957, the Chairman and Counsel of the Executive Committee, Western Tariff Association, Chicago, wired the Board for an extension of time for filing of submissions to January 20, 1958, as counsel for the United States' railroads had been unable to meet for final consideration of their submissions. The request was granted but to date no such submissions have been received.

#### THE GENERAL POSITION

Most submissions urge that no action should be taken which would in any way prejudice the continuation of the present system of joint international rates and related rates but only three submissions suggest another method of dealing with international rate changes. Six submissions refer to the desirability of a thirty-day notice period. The Regina Chamber of Commerce would make it mandatory; the Canadian Industrial Traffic League regards it as an objective to be achieved through discussions with the Interstate Commerce Commission; and the other four would prefer it, but not at the expense of jeopardizing the present system of joint rates.

Only two submissions deal with the question of opposition to carriers' proposals for increases in joint international rates. The KVP Company takes the view that Canadian railways do not appear to have substantiated the need for such increases in the past and some arrangement should be made whereby they submit supporting data to the Board or the Interstate Commerce Commission, thus permitting shippers the opportunity of examining it, cross-examining witnesses, or submitting their own case to the Board. The Canadian Manufacturers' Association refers to the abridgment, by publication of increases on short notice, of the rights of shippers to seek relief from any alleged condition of unreasonableness or unjust discrimination before the increases go into effect, and suggests, as a solution to this problem, a requirement on the railways to serve copies of applications for increases.

#### THE DANGER OF DIFFERING EFFECTIVE DATES

The Canadian Manufacturers' Association points out that denial of permission to file tariffs on short notice, to permit uniform application of general increases on the same effective date as permitted by the Interstate Commerce Commission, and insistence by the Board on the initiation of such changes on thirty days' notice, could result in: (a) the application of such increases so as to accrue entirely to United States lines, or (b) withdrawal by United States lines from participation in joint, through international rates. The Maritimes Transportation Commission makes the same points and adds that, as a considerable volume of international traffic does not currently move under joint rates, but under border combinations of rates, the insistence on a thirty day period of notice would not benefit such traffic and this might tend to accentuate any existing disparity between international traffic moving under the two types of rate.

The Canadian Freight Association states that the entire structure of international rates between Canada and the United States is so closely inter-related with rates published between United States' points that any attempt to treat them differently as to increases could lead to complete disruption of the entire international rate structure. The Association agrees entirely with the Chief Commissioner's statement, in his letter of May 30, 1957 to the Chairman of the Interstate Commerce Commission, that it was not the Board's suggestion that the application of general increases to United States' overhead traffic through Canada, and to Canadian export and import traffic moving on rates related to those through United States ports, should be subject to statutory notice.

#### THE POSITION OF THE CARRIERS

The Canadian Freight Association states that the present method of dealing with the problem of increases in such rates has worked in a satisfactory manner for a long time; that it is the most desirable method; and that the railways have received no complaints from shippers concerning the present method. The submission of the New York Central System endorses these views.

The Canadian Transport Tariff Bureau appears to be solely concerned about increases in export and import rates, as the very few tariffs it prepares for filing with the Interstate Commerce Commission are not generally filed at the same time as the increases in railway rates. It feels that thirty days' notice of filing is fair and points out that its rates must be filed with the Province of Quebec on a thirty-day notice basis.

## THE POSITION OF THE SHIPPERS

In general, these submissions stress the importance of giving the widest publicity to carriers' proposals for general increases in joint international and related rates. The great difficulty in obtaining authentic information sufficiently in advance of the effective date of an increase seems to be the major grievance.

*Copies of applications to be served:* The Maritimes Transportation Commission recommends that the Board require the railways to serve copies of their applications with respect to increases in joint international and other related rates on all parties now served with applications involving intra-Canadian rates. The Canadian Manufacturers' Association suggests a similar procedure, with the addition of a notice to the effect that objections to the application should be filed with the Board within a fixed time. In the event of any protests being received, a hearing could then be held, if deemed necessary by the Board, and any authority issued by the Board permitting a general increase could, if necessary, be qualified as to its scope. The Association feels that, if this procedure were followed, the filing of an increase on less than statutory notice would be of relatively less significance.

*A thirty-day notice period:* The position of the Canadian Industrial Traffic League is that while its members are aware of the hearings of applications for general increases in international rates, they do not know the actual extent of the increase and the effective date until these are announced by the Board and the Interstate Commerce Commission. The League feels that permission to publish such increases on short notice is a distinct handicap to its members and it would appreciate a thirty-day notice requirement on international rate changes. A similar position is adopted by the Canadian Pulp and Paper Association; the Toronto Board of Trade; and Bennett Limited, Fort Chambly, P.Q.

The Regina Chamber of Commerce is the only body which supports the initiation of international rate changes only on thirty days' notice.

*Further discussion with the I.C.C.* Both the Canadian Industrial Traffic League and the Maritimes Transportation Commission suggest that this matter be discussed once more by the Board and the Interstate Commerce Commission. The objective of such a discussion, in the view of the Maritimes Transportation Commission, would be an understanding between the two bodies to ensure that no general rate advances would be made effective on less than an agreed period of notice. The League, on the other hand, considers that the desirable goal would be thirty days' notice for increases, with the same effective date for both Canada and the United States.

*An International Joint Commission:* The Canadian Manufacturers' Association thinks it is feasible to arrange some *modus vivendi* by consultation between the two bodies with a view to simultaneous release of particulars of the authorized increases but submits that joint international rates can be only effectively regulated by an international joint commission functioning under complementary legislation enacted in both countries.

## CONCLUSIONS

It is evident that most parties who made submissions are aware of the difficulties inherent in the present method of dealing with joint international and related rates. It is also apparent that they would be unwilling to jeopardize the maintenance of such rates to gain a fixed or longer period of notice in the filing of increased rates by the carrier.

While the railways are content with the present method, the dominant note of the other submissions from the shipping public is that steps be taken to provide wider publicity of carriers' proposals for rate increases than has heretofore obtained. Apart from this, the majority of opinion appears to support the method the Board has followed in the past.

To establish a list of persons, industries or associations to whom copies of any future applications be sent is feasible but apt to be the cause of some dissatisfaction if, inadvertently, some person or organization is overlooked. Associations having national memberships such as the Canadian Industrial Traffic League and the Canadian Manufacturers' Association would appear to be the most useful medium of disseminating such information. Others of more local character, such as the Maritimes Transportation Commission would undoubtedly afford a medium of distribution of impending rate changes. We consider that, for the present at least, the views expressed in our summary of these submissions should be commended to the interested railways and that they should be able, with their more intimate knowledge of affected parties, to work out a more comprehensive coverage of advance information. We are prepared to give definite instructions in this regard if it should appear necessary.

This Judgment has afforded the Board an opportunity to set forth some of the problems involved in this type of rate and its ramifications. We are of the opinion, upon what has been received and commented upon, that our procedure should continue as heretofore and will terminate these proceedings herewith. In the circumstances, no order is necessary.

The decision as herein stated was made some time prior to the date of the issuance of this Judgment. Since it was made there has come before the Board requests for authority to publish revised rates on short notice under Ex Parte 212 proceedings of the Interstate Commerce Commission upon which an order dated September 9th 1958 has issued. An examination of the facts and circumstances in respect of the said order does not disclose any grounds for departure from the procedure outlined herein.

OTTAWA, Canada  
September 15, 1958.

(Sgd.) C. D. SHEPARD  
H. WARDROPE  
A. SYLVESTRE  
F. M. MacPHERSON  
H. B. CHASE  
L. J. KNOWLES

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 95800 Sept. 26—Amending Order No. 95405 re apportionment of cost of installing protection at crossing of the C.N.R. and County Road No. 28 west of the station at Kinburn, Ont. Mileage 28.34 Renfrew Subd.
- 95801 Sept. 26—Amending Order No. 95202 re apportionment of cost of installing protection at the crossing of the C.N.R. and Welland Street in Port Colborne, Ont., Mileage 18.92 Dunnville Subd.
- 95802 Sept. 26—Amending Order No. 95416 re apportionment of cost of installing protection at the crossing of the C.N.R. and Ste. Croix Boulevard in St. Laurent, P.Q., Mileage 40.84 l'Assomption Subd.
- 95803 Sept. 26—Amending Order No. 95204 re apportionment of cost of installing protection at crossing of the C.N.R. and Highway No. 25 at St. Valier, P.Q., Mileage 91.41 Montmagny Subd.
- 95804 Sept. 26—Amending Order No. 95316 re apportionment of cost of installing protection at the crossing of the C.N.R. and Highway No. 10 in Bic, P.Q., Mileage 28.58 Rimouski Subd.
- 95805 Sept. 26—Amending Order No. 95426 re apportionment of cost of installing protection at the crossing of the C.N.R. and Burnham Street in Cobourg, Ont., Mileage 265.05 Oshawa Subd.
- 95806 Sept. 26—Amending Order No. 95235 re apportionment of cost of improving the crossing of the C.P.R. and the highway at Mileage 4.49 Teeswater Subd., Ont.
- 95807 Sept. 26—Amending Order No. 95251 re apportionment of cost of installing protection at the crossing of the C.N.R. and Munroe's Side Road at Beachville, Ont., Mileage 56.24 Dundas Subd.
- 95808 Sept. 26—Authorizing the C.N.R. to remove the caretaker at Beaver, Manitoba.
- 95809 Sept. 26—Amending Order No. 95233 re apportionment of cost of raising the approaches at the crossing of the highway and the C.P.R. in the Township of Lobo, County of Middlesex, Ontario.
- 95810 Sept. 26—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Iron Bridge Telephone Company Limited.
- 95811 Sept. 26—Amending Order No. 95206 re apportionment of cost of installing protection at the crossing of the C.N.R. and Highway No. 10 at Rosedale, Alta., Mileage 57.2 Drumheller Subd.
- 95812 Sept. 26—Amending Order No. 95438 re apportionment of cost of installing protection at the crossing of the C.N.R. and Highway No. 6 near Rowatt, Sask., Mileage 107.9 Lewvan Subd.
- 95813 Sept. 26—Amending Order No. 95220 re apportionment of cost of installing protection at the crossing of the C.N.R. and Highway No. 8 near Doaktown, N.B., Mileage 47.28 Nashwaak Subd.
- 95814 Sept. 26—Amending Order No. 95425 re apportionment of cost of installing protection at the crossing of the C.N.R. and Highway No. 4 at Ayrnes, P.Q., Mileage 37.95 Alexandria Subd.
- 95815 Sept. 26—Amending Order No. 95219 re apportionment of cost of installing protection at the crossing of the C.N.R. and Porter Cove Road at Ludlow, N.B., Mileage 58.47 Nashwaak Subd.
- 95816 Sept. 26—Amending Order No. 95315 re apportionment of cost of installing protection at the crossing of the C.N.R. and the highway at Mileage 17.01 Rimouski Subd., P.Q.
- 95817 Sept. 26—Approving application of the C.P.R. for authority to abandon 1.60 miles of the Carson Spur, Boundary Subd., from International Boundary to a point just before interchange with the Great Northern Rly. at Grand Forks, B.C.
- 95818 Sept. 26—Amending Order No. 95032 re apportionment of cost of installing protection at crossing of the C.N.R. and Highway No. 5 at Mileage 19.8 Danville Subd. P.Q.

- 95819 Sept. 26—Amending Order No. 95374 re apportionment of cost of installing protection at the crossing of the C.N.R. and St. Esprit Road, Parish of L'Epiphanie, P.Q., Mileage 11.35 l'Assomption Subd.
- 95820 Sept. 26—Amending Order No. 95402 re apportionment of cost of improving the crossing of the C.N.R. and the highway at Mileage 26.10 Newmarket Subd., Ont.
- 95821 Sept. 26—Amending Order No. 95250 re apportionment of cost of improving the crossing of the C.P.R. and the highway in the Township of Amaranth, near Orangeville, Ont., Mileage 3.93 Owen Sound Subd.
- 95822 Sept. 26—Authorizing the C.P.R. to make changes in the interlocking at crossing of its spur track and the C.N.R. at Neebing Ave. in West Fort William, Ont.
- 95823 Sept. 26—Amending Order No. 95435 re apportionment of cost of installing protection at crossing of the C.N.R. and Highway No. 2 near Chamberlain, Sask., Mileage 53.6 Craik Subd.
- 95824 Sept. 26—Amending Order No. 95417 re apportionment of cost of installing protection at the crossing of the Dominion Atlantic Railway and Beaver Bank Road, N.S., Mileage 2.91 Halifax Subd.
- 95825 Sept. 26—Amending Order No. 95246 re apportionment of cost of installing protection at crossing of the Dominion Atlantic Railway and Highway No. 1 in Lawrencetown, Annapolis Co., N.S., Mileage 37.18 Kentville Subd.
- 95826 Sept. 26—Amending Order No. 95245 re apportionment of cost of improving the approach grades and sight lines at the crossing of the C.P.R. and the highway near Orangeville, Ont., Mileage 7.36 Teeswater Subd.
- 95827 Sept. 26—In the matter of the application of the St. Lawrence Seaway Authority and the C.N.R. for authority to remove two fixed spans and replace them with a vertical lift span in the St. Louis Bridge over the Beauharnois Canal, Soulanges Section of the St. Lawrence Seaway, P.Q.
- 95828 Sept. 29—In the matter of facilities of Pacific Petroleum Ltd. for the handling and storage of flammable liquids at Bruderheim, Alta.
- 95829 Sept. 29—Approving the application of the Sask. Department of Highways and Transportation for the installation of protection at the crossing of the C.N.R. and Highway No. 6 near Raymore, Sask., Mileage 83.5 Touchwood Subd.
- 95830 Sept. 29—Approving application of the Town of Burlington, Ont., for the installation of protection at crossing of the C.N.R. and Walker's Line Road, two miles east of Burlington, Mileage 29.53 Oakville Subd.
- 95831 Sept. 29—Approving application of the Town of New Glasgow, N.S. for the installation of improved protection at crossing of the C.N.R. and St. John Street, New Glasgow, N.S.
- 95832 Sept. 29—Approving Revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Tuque Telephone Company.
- 95833 Sept. 29—In the matter of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Vegreville, Alta.
- 95834 Sept. 29—In the matter of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Chipman, Alta.
- 95835 Sept. 29—In the matter of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Blackfoot, Alta.
- 95836 Sept. 29—In the matter of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Islay, Alta.
- 95837 Sept. 29—In the matter of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Waseca, Sask.
- 95838 Sept. 29—Authorizing the C.P.R. to remove the station at Westboro, Ont.
- 95839 Sept. 29—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at first public crossing west of the station at Riviere Ouelle, Mileage 35.08 Montmagny Subd., P.Q.

- 95840 Sept. 29—Authorizing the St. Lawrence Seaway Authority and the New York Central Railroad Company to remove two fixed spans and replace them with a vertical lift span in the Valleyfield Bridge crossing the Beauharnois Canal, Soulanges Section of the St. Lawrence Seaway, P.Q.
- 95841 Sept. 29—Authorizing Union Gas Company of Canada Limited to construct a gas main across and under the company pipe line of Interprovincial Pipe Line Company in the Township of North Dumfries, Co. of Waterloo, Ont.
- 95842 Sept. 29—Approving application of the C.N.R. for rescission of the speed restriction of ten miles per hour at crossing of its railway and the St. Albert Trail between 126th and 127th Avenues, Edmonton, Alberta, Mileage 4.9 Edmonton Terminal Subd., and a speed of 20 miles an hour be authorized over the said crossing.
- 95843 Sept. 29—Authorizing the C.P.R. to remove the agent and appoint a caretaker at its station at Burwash, Ont.
- 95844 Sept. 29—Authorizing Amerada Petroleum Corporation to construct private roads at two locations across and over the pipe lines of Westspur Pipe Line Company in the Prov. of Sask.
- 95845 Sept. 30—Amending Order No. 95136 re apportionment of cost of installing protection at the crossing of the C.P.R. and Highway No. 2 near Belleville, Ont., Mileage 90.05 Belleville Subd.
- 95846 Sept. 30—Amending Order No. 93867 re apportionment of cost of installing protection at the crossing of the C.N.R. and Main Street in Alexandria, Ont., Mileage 80.15 Alexandria Subd.
- 95847 Sept. 30—Amending Order No. 94126 re apportionment of cost of installing protection at the crossing of the C.N.R. and Notre Dame St. in Victoriaville, P.Q., Mileage 55.32 Danville Subd.
- 95848 Sept. 30—Authorizing the C.N.R. to operate over the pedestrian underpass in the Twp. of Scarborough, Co. of York, Ont., Mileage 59.73 Uxbridge Subd.
- 95849 Sept. 30—Amending Order No. 93911 re apportionment of cost of installing protection at the crossing of the C.P.R. and Evans Ave., Twp. of Etobicoke, Ont., Mileage 1.56 Canpa Subd.
- 95850 Sept. 30—Amending Order No. 95431 re apportionment of cost of installing protection at the crossing of the C.N.R. and Highway No. 7 near Pym, Sask., Mileage 61.9 Rosetown Subd.
- 95851 Sept. 30—Amending Order No. 94733 re apportionment of cost of installing protection at the crossing of the C.N.R. and Rosseau Road, Township of Foley, Ont., Mileage 145.1 Bala Subd.
- 95852 Sept. 30—Authorizing the C.P.R. to operate over the northerly half of the subway at Masson St., Montreal, P.Q., Mileage 3.56 Park Ave. Subd.
- 95853 Sept. 30—Amending Order No. 94591 re apportionment of cost of installing protection at the crossing of the C.N.R. and St. Laurent Boulevard and the industrial lead track in the City of Ottawa, Ont.
- 95854 Sept. 30—Amending Order No. 94253 re apportionment of cost of installing protection at the crossing of the C.P.R. and Keewatin St. in Winnipeg, Man., Mileage 3.1 Carberry Subd.
- 95855 Sept. 30—Approving application of the C.N.R. for authority to operate over the private siding serving R.C.A. Victor Company Limited, commencing at Mileage 2.51 Lairet Subd., near Hedley, P.Q.
- 95856 Sept. 30—Authorizing the C.P.R. to construct an industrial spur to serve the Texas Gulf Sulphur Company at Mileage 26.83 MacLeod Subd., at Okotoks, Alta.
- 95857 Sept. 30—Amending Order No. 95074 re apportionment of cost of installing protection at crossing of the C.P.R. and Don Mills Road, Mileage 101.88 Oshawa Subd., Munic. of Metropolitan Toronto, Ont.

- 95858 Sept. 30—Amending Order No. 94403 re apportionment of cost of installing protection at crossing of the C.N.R. and Peppett St. in North Sydney, N.S., Mileage 99.10 Sydney Subd.
- 95859 Sept. 30—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de St. Charles de Richelieu.
- 95860 Sept. 30—Approving plan of Consumers' Gas Company for a gas main to be constructed across and under the pipe line of Trans-Canada Pipe Lines Limited at Harmony Road, Twp. of East Whitby, Ont.
- 95861 Sept. 30—In the matter of facilities of Supertest Petroleum Corporation Limited for the handling and storage of flammable liquids at Kitchener, Ont., Mileage 11.4 Waterloo Subd., Grand River Railway.
- 95862 Sept. 30—In the matter of facilities of Trinidad Leaseholds (Canada) Limited for the handling and storage of flammable liquids at Owen Sound, Ont.
- 95863 Sept. 30—Approving C.P.R. plan showing the protection as installed at crossing of its railway and Brassard St., Magog, P.Q., Mileage 85.6 Sherbrooke Subd.
- 95864 Sept. 30—Approving application of the Sask. Dept. of Highways & Transportation to widen Highway No. 42 where it crosses the C.N.R. at Mileage 1.06 Riverhurst Subd.
- 95865 Sept. 30—Amending Order No. 94609 re apportionment of cost of improving the protection at crossing of the C.N.R. and Lazard Avenue in the Town of Mount Royal, P.Q.
- 95866 Sept. 30—Authorizing the removal of the speed restriction at the crossing of the C.N.R. and the highway at Hillman, N.B., Mileage 123.49 Centreville Subd.
- 95867 Oct. 1—Amending Order No. 93635 re apportionment of cost of installing protection at crossing of the C.N.R. and Highway No. 6 at Mileage 39.45 Chandler Subd., P.Q.
- 95868 Oct. 1—Amending Order No. 94085 re apportionment of cost of installing protection at the crossing of the C.N.R. and Townsend St., Sydney, Cape Breton County, N.S., Mileage 113.52 Sydney Subd.
- 95869 Oct. 1—Authorizing the Municipal District of Kneehill, Alta., to use as a temporary public crossing the farm crossing over the C.P.R. at Mileage 62.45 Langdon Subd., Alta.
- 95870 Oct. 2—Amending Order 94627 re apportionment of cost of constructing an overhead bridge over the C.N.R. at Mileage 85.19 Campbellford Subd., Twp. of Ops, Ontario.
- 95871 Oct. 2—Amending Order No. 94968 re apportionment of cost of installing protection at the crossing of the C.N.R. and St. Marc-St. Casimir Road, Munic. of St. Casimir, P.Q., Mileage 42.33 LaTuque Subd.
- 95872 Oct. 2—Authorizing the C.N.R. to install automatic protection at the crossing of its railway and Bridge St. in the Town of St. Leonard, N.B., Mileage 87.61 Grand Falls Subd.
- 95873 Oct. 2—Approving application of the C.P.R. on behalf of The British American Oil Company Limited, for approval of additional facilities for the handling and storage of flammable liquids at North Bay, Ont.
- 95874 Oct. 2—Amending Order No. 92442 re apportionment of cost of installing protection at the crossing of the C.P.R. and Highway No. 15 at Stittsville, Ont., Mileage 14.27 Carleton Place Subd.
- 95875 Oct. 2—Amending Order No. 94882 re apportionment of cost of installing protection at crossing of the C.N.R. and Main St. in Maxville, Ont., Mileage 91.3 Alexandria Subd.
- 95876 Oct. 2—Amending Order No. 94805 re apportionment of cost of installing protection at crossing of the C.N.R. and Highway 30 at Kapasiwin, Alta., Mileage 42.88 Wabamun Subd.
- 95877 Oct. 2—Authorizing the removal of the statutory speed limitation at crossing of the highway and the Quebec Central Railway north of Ste. Marie, P.Q., Mileage 108.88 Quebec Subd.

- 95878 Oct. 2—Authorizing the C.P.R. as lessee exercising the franchises of the Ontario & Quebec Railway Company, to construct a siding to serve Volkswagen of Canada Limited across Ashtonbee Road, Scarborough Industrial Spur near Warden Ave., Twp. of Scarborough, Ont.
- 95879 Oct. 2—Authorizing the Montreal-Laurentian Autoroute Board to extend the existing subway at the intersection of Persillier Blvd. and the right of way of the C.N.R. l'Assomption Subd. in the City of Montreal, P.Q. and authorizing the C.N.R. to construct their right of way across Persillier Blvd. by means of a temporary overhead trestle south of the existing subway, City of Montreal, P.Q.
- 95880 Oct. 2—Approving tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 95881 Oct. 2—Approving application of the Quebec Department of Roads for authority to widen the highway where it crosses the C.N.R. in the Munic. of Grande Cascapedia, Co. of Bonaventure, P.Q., Mileage 60.58 Cascapedia Subd.
- 95882 Oct. 2—Amending Order No. 88437 re construction of subway C.N.R. and Greenwood Ave. in the City of Toronto, Ont., Mileage 330.27 Oshawa Subd.
- 95883 Oct. 2—In the matter of the application of the C.N.R. for approval of plan showing the protection as installed at crossing of their railway and Front St. and John St., Toronto, Ont.
- 95884 Oct. 2—Amending Order No. 93841 re apportionment of cost of installing protection at the crossing of the C.N.R. and Highway No. 2 at Mileage 46.43 Chatham Subd., Ont.
- 95885 Oct. 2—Approving application of the C.P.R. to operate its trains over a private siding serving the Maple Leaf Veneer Company, in the Township of Bentinck, Ont.
- 95886 Oct. 3—Amending Order No. 93806 re apportionment of cost of installing protection at the crossing of the C.P.R. and Kilborn Ave., Ottawa, Ont., Mileage 1.53 Sussex Street Subd.
- 95887 Oct. 3—Approving City of Winnipeg By-Law prohibiting the sounding of engine whistles in respect of any highway crossing within the limits of the said City.
- 95888 Oct. 3—Authorizing the City of London, to construct a sewer main across and under the right of way of the C.P.R. at Pall Mall Street, London, Ont.
- 95889 Oct. 6—Authorizing the removal of the statutory speed limitation at the crossing of Highway No. 47 and the C.N.R. at Stouffville, Ont., Mileage 38.94 Uxbridge Subd.
- 95890 Oct. 6—Authorizing the C.N.R. to operate under the overhead bridge in the Parish of St. Louis de Chambord, Co. of Roberval, P.Q., Mileage 60.56 Jonquiere Subd.
- 95891 Oct. 6—Approving application of the City of Winnipeg authorizing the C.N.R. to synchronize the traffic signals at the intersection of Ellice Ave. and James St. with the highway crossing signals at Ellice Ave., Winnipeg, Man.
- 95892 Oct. 6—Authorizing the C.N.R. to discontinue their agency at Valley, N.S.
- 95893 Oct. 6—Extending the time within which the C.P.R. is required to construct an industrial spur track at Mileage 35.76 Adirondack Subd., etc., in the County of Laprairie, Parish of St. Constant, P.Q.
- 95894 Oct. 6—Authorizing the C.N.R. to construct a timber bridge over Grass River at Mileage 12.6 Section A of their Optic Lake to Chisle Lake branch line, Man.
- 95895 Oct. 6—In the matter of Order No. 92554, authorizing the installation of automatic protection at crossing of the C.P.R. and Ste. Anne St., St. Clet, P.Q., Mileage 29.73 Winchester Subd.
- 95896 Oct. 6—In the matter of Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service.

- 95897 Oct. 6—Approving application of the C.N.R. on behalf of The British American Oil Company Limited, for approval of location of facilities for the handling and storage of flammable liquids at Sioux Lookout, Ont.
- 95898 Oct. 6—Approving tariffs filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 95899 Oct. 6—Approving tariffs filed by the Canadian Freight Assoc., under Sections 3 and 8 of the Maritime Freight Rates Act.
- 95900 Oct. 6—Permitting the removal of the statutory speed limitation at the crossing of the C.P.R. and the highway at Mileage 93.7 Cartier Subd., Ont.
- 95901 Oct. 6—In the matter of the application of the C.P.R. on behalf of The British American Oil Company Limited, for approval of location of additional facilities for the handling and storage of flammable liquids at Altona, Man., Mileage 6.8 Gretna Subd.
- 95902 Oct. 6—In the matter of the application of the C.P.R. for approval of the location of facilities for the handling and storage of flammable liquids at Alyth, Alta.
- 95903 Oct. 6—Amending Order No. 94890 re apportionment of cost of installing protection at the crossing of the C.N.R. and Route de la Station, in the Village of Ste. Justine, P.Q. Mileage 88.1 Alexandria Subd.
- 95904 Oct. 6—Authorizing the Sask. Department of Highways and Transportation to widen Highway No. 16 where it crosses the C.N.R. at Mileage 14.1 Glenavon Subd.
- 95905 Oct. 6—Permitting the removal of the statutory speed limitation at crossing of the C.N.R. and Wilson Townline, Mileage 103.5 Yale Subd., B.C.
- 95906 Oct. 6—In the matter of the application of the C.N.R. and C.P.R. for approval of clearances on the track of The Toronto Harbour Commissioners serving the Toronto Elevators Limited, in the vicinity of Queen Quay West and Rees Street, Toronto, Ont.
- 95907 Oct. 6—Authorizing the C.N.R. to construct an industrial spur across and under Bayside Drive, and a highway bridge over the said spur in East St. John, N.B.
- 95908 Oct. 6—Exempting the C.N.R. from erecting and maintaining right of way fences along the east side of their right of way between Mileage 27.6 and Mileage 31.9 Victoria Beach Subd., Man.
- 95909 Oct. 6—Authorizing the C.N.R. to remove the station agent at Long Sault, Ont.
- 95910 Oct. 6—In the matter of item 220-A of Tariff of Increased Rates and Charges X212, increasing export and import rates.
- 95911 Oct. 7—Authorizing the C.N.R. to make changes in the signal system of the lift span on Victoria bridge at Montreal, P.Q.
- 95912 Oct. 7—In the matter of application of the C.N.R. for approval of facilities for the handling and storage of flammable liquids at Fitzpatrick, P.Q., Mileage 125.37 La Tuque Subd.
- 95913 Oct. 7—In the matter of tariffs filed by The Bell Telephone Company of Canada.
- 95914 Oct. 7—Authorizing the removal of the statutory speed limitation at crossing of the C.P.R. and the highway at Mileage 54.72 Thessalon Subd., Ont.
- 95915 Oct. 7—In the matter of tariffs filed by the C.N.R. under the Maritime Freight Rates Act.
- 95916 Oct. 7—Amending Order No. 94764 re apportionment of cost of installing protection at the crossing of the C.N.R. and Highway No. 38 in the Munic. of the Parish of Ste. Dorothee, Co. of Laval, P.Q.
- 95917 Oct. 7—Authorizing the New York Central Railroad Company to operate its trains over the crossing of its railway and the C.N.R. at certain speeds, at Canfield Junction, Ont. and authorizing the C.N.R. to operate their trains at 50 m.p.h. over the said crossing.
- 95918 Oct. 7—Authorizing the New York Central Railroad Company to operate its trains over the diamond crossing of its railway and the Chesapeake and Ohio Railway Company at Fargo, Ont.

- 95919 Oct. 7—Authorizing the removal of the statutory speed limitation at the crossing of the C.P.R. and the highway at Mileage 55.2 Outlook Subd., Sask.
- 95920 Oct. 7—Authorizing the removal of the statutory speed limitation at crossing of The Toronto, Hamilton & Buffalo Rly. Co., and the highway west of Smithville, Ont., Mileage 17.97 Welland Subd.
- 95921 Oct. 7—Authorizing the New York Central Railroad Co. and the St. Lawrence Seaway Authority to construct a swing span to replace a fixed span of the Melocheville Bridge over the Beauharnois Canal, Soulanges Section of the St. Lawrence Seaway at Melocheville, P.Q.
- 95922 Oct. 7—Amending Order No. 94942 re apportionment of cost of installing protection at the crossing of the C.N.R. and Highway No. 20, Twp. of Thorold, Ont., Mileage 2.46 Thorold Subd.
- 95923 Oct. 7—Approving protection as now installed at the crossing of the C.N.R. and Highway No. 11 near Nipissing, Ont., Mileage 57.39 Alderdale Subd.
- 95924 Oct. 7—Amending Order 91318 authorizing the C.N.R. to install automatic protection at the crossing of their railway and St. Charles St. in Dorion, P.Q.
- 95925 Oct. 8—In the matter of facilities of Standard Oil Company of B.C. Limited for the handling and storage of flammable liquids at Princeton, B.C.
- 95926 Oct. 8—In the matter of the application of the C.N.R. on behalf of Imperial Oil Limited for approval of facilities for the handling and storage of flammable liquids at Shellbrook, Sask., Mileage 28.5 Blaine Lake Subd.
- 95927 Oct. 8—Authorizing the C.N.R. to remove the station agent at Sperling, Man.
- 95928 Oct. 8—In the matter of the application of the C.P.R. for approval of clearances on the track of the Lake Erie and Northern Railway Company at Brantford, Ont., Mileage 21.10.
- 95929 Oct. 8—Authorizing the C.N.R. to replace the existing stone arch culvert with a 3 span bridge at Mileage 1.0 Drumbo Subd., Ont.
- 95930 Oct. 10—In the matter of the application of The Bell Telephone Company of Canada for approval of revisions of Tariffs for Exchange and Long Distance Services and Equipment.
- 95931 Oct. 8—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Tuckersmith Municipal Telephone System.
- 95932 Oct. 8—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Municipality of the Twp. of Tarbutt and Tarbutt Additional.
- 95933 Oct. 8—Authorizing the C.P.R. to remove the station shelter at Talon, P.Q.
- 95934 Oct. 9—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and the Prescott Rural Telephone Company.
- 95935 Oct. 9—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Drummond Centre Telephone Company Limited.
- 95936 Oct. 9—In the matter of the application of the C.N.R. on behalf of the British American Oil Company Limited, for approval of facilities for the handling and storage of flammable liquids at Weyburn, Sask.
- 95937 Oct. 9—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Munic. of the Twp. of Erin.
- 95938 Oct. 9—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The New Union Telephone Company Limited.
- 95939 Oct. 9—Amending Order No. 93721 re apportionment of cost of installing protection at the crossing of the C.N.R. and Adelaide Street at Mount Brydges, Ont., Mileage 4.8 Longwood Subd.

- 95940 Oct. 9—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Perth and Christie's Lake Telephone Co. Limited.
- 95941 Oct. 9—Rescinding Order No. 80589 respecting facilities of Marmoraton Mining Company Limited (Bethlehem Mines Corporation) for the handling and storage of flammable liquids at Marmora, Ont.
- 95942 Oct. 9—Authorizing the removal of the statutory speed limitation at the crossing of the C.N.R. and the highway at Mileage 43.73 Bedford Subd., N.S.
- 95943 Oct. 9—Approving application of the C.N.R. on behalf of Imperial Oil Limited for the approval of facilities for the storage of flammable liquids and liquefied petroleum gas at Montreal East, P.Q., Mileage 0.19 Longue Pointe Subd.
- 95944 Oct. 9—Amending Order No. 95434 re apportionment of cost of installing protection at the crossing of the C.N.R. and the township road in the Township of Pittsburg, near Rideau Station, Ont., Mileage 168.96 Gananoque Subd.
- 95945 Oct. 9—Amending Order No. 93714 re apportionment of cost of installing protection at the crossing of the C.N.R. and Clarke Side Road at Mileage 73.97 Dundas Subd., Ont.
- 95946 Oct. 9—Amending Order No. 93676 re apportionment of cost of installing protection at the crossing of the C.P.R. and County Road No. A60, at Manvers' Station, Ont., Mileage 41.83 Peterborough Subd.
- 95947 Oct. 9—Approving tariffs filed by the British Columbia Telephone Company.
- 95948 Oct. 9—Amending Order No. 94045 re apportionment of cost of installing protection at the crossing of the C.N.R. and Highway No. 5 at Little Bras d'Or, N.S., Mileage 91.9 Sydney Subd.
- 95949 Oct. 9—Authorizing the Parish of Notre-Dame des Anges, P.Q., to construct the highway over the C.N.R. in the Co. of Portneuf, P.Q., at Mileage 10.78 Grand'Mere Subd.
- 95950 Oct. 9—Authorizing the removal of the statutory speed limitation at the crossing of the Dominion Atlantic Railway Company and the highway west of the station at Little Brook, N.S., Mileage 51.42 Yarmouth Subd.
- 95951 Oct. 9—Approving revised plan submitted by the C.N.R. showing the protection as installed at the crossing of their railway and Clarke Sideroad, east of Oxford Street, at Mileage 28.3 Thorndale Subd. Twp. of London, Ont.
- 95952 Oct. 9—Authorizing the C.N.R. to remove the station agent at Lowe Farm, Man.
- 95953 Oct. 9—Authorizing the British Columbia Power Commission to construct an aerial transmission line over the right of way and pipe line of Trans Mountain Oil Pipe Line Company in District Lot 79 north of Louis Creek in the Kamloops Land District of B.C.
- 95954 Oct. 9—Authorizing Trans-Canada Pipe Lines Limited to open for the transportation of natural gas, that portion of its pipe line from a point in Lot 15, Con. 9, Twp. of Perry, District of Parry Sound, to a point in the NE $\frac{1}{4}$  of Lot O, Twp. of Hanna, District of Cochrane, Ont.
- 95955 Oct. 9—Authorizing Trans-Canada Pipe Lines Limited to open for the transportation of natural gas certain portions of the company pipe line of the Northern Ontario Pipe Lines Crown Corporation in the Districts of Thunder Bay and Cochrane, Ontario.
- 95956 Oct. 9—Authorizing the C.P.R. to make changes to the signals at the crossing of its railway at Mileage 32.29 St. Thomas Subd., and the C.N.R. at the crossing of its railway at Mileage 117.8 Cayuga Subd., at St. Thomas, Ont.
- 95957 Oct. 9—Amending Order No. 95395 re apportionment of cost of installing protection at the crossing of the C.N.R. and the highway in Burlington, Ont., Mileage 29.53 Oakville Subd.

- 95958 Oct. 9—Amending Order No. 95340 re apportionment of cost of installing protection at the crossing of the C.P.R. and the highway in the Town of Kenora, Ont., at Mileage 1.95 and Mileage 1.75 Keewatin Subds.
- 95959 Oct. 9—Approving plan submitted by the C.P.R. showing the relocation of signal protection at the crossing of its railway and Highway No. 48 at Mileage 7.7 St. Gabriel Subd., P.Q.
- 95960 Oct. 9—Approving location of facilities of Imperial Oil Limited, for the handling and storage of flammable liquids at Lewisporte, Nfld., Mileage 9.34 Lewisporte Subd.
- 95961 Oct. 9—Approving application of the N.S. Department of Highways to reconstruct the overhead bridge carrying the highway over the C.N.R. in Gloucester Co., N.S., at Mileage 20.1 Springhill Subd.
- 95962 Oct. 9—Approving application of the C.N.R. to install protection at the crossing of its railway and Brant Street, in Burlington, Ont. and the apportionment of cost in connection therewith.
- 95963 Oct. 10—Approving tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 95964 Oct. 10—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone St. Felix de Kingsey.
- 95965 Oct. 10—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Wollaston Rural Telephone System.
- 95966 Oct. 10—Rescinding Order 80480 respecting facilities of Western Uranium Cobalt Mines Limited for the handling and storage of flammable liquids at Skeena Crossing, B.C.
- 95967 Oct. 10—Rescinding Order 63043 respecting facilities of Good Rich Refining Company Ltd., for the handling and storage of flammable liquids at Allandale, Ont.
- 95968 Oct. 10—Rescinding Order 68604 respecting facilities of Shell Oil Company of Canada Limited, for the handling and storage of flammable liquids at Newmarket, Ont.
- 95969 Oct. 10—Rescinding Order 74043 respecting facilities of Imperial Oil Limited for the handling and storage of flammable liquids at St. Remi, P.Q.
- 95970 Oct. 10—Authorizing The Bell Telephone Company of Canada to construct buried telephone cables across the pipe line of Trans Northern Pipe Line Company in Lot 11, East of Chemin St. Emmanuel, Parish of St. Clet, County of Soulanges, P.Q., and in Lot 1839 northeast of Highway 17 in the Munic. of Vaudreuil, County of Vaudreuil, P.Q.
- 95971 Oct. 10—Rescinding Order No. 67711 respecting facilities of The Sun Oil Company Limited for the handling and storage of flammable liquids at Barrie, Ont.
- 95972 Oct. 10—In the matter of the application of the C.N.R. for authority to remove the caretaker at Woodnorth Stn., Man.
- 95973 Oct. 10—Authorizing the C.N.R. to remove the caretaker at Pascalis, P.Q.
- 95974 Oct. 10—Approving application of the C.N.R. on behalf of Steelman Gas, Limited, respecting facilities for the handling and storage of flammable liquids at Steelman, Sask., Mileage 31.51 Northgate Subd.
- 95975 Oct. 10—Authorizing the C.P.R. to remove the agent and appoint a caretaker at Bonfield, Ont.
- 95976 Oct. 14—Approving application of the Township of Oro for the installation of protection at the crossing of the C.N.R. and the town line between the Twp. of Oro and the Twp. of Orillia north of Carthew, Ont., Mileage 80.83 Newmarket Subd.
- 95977 Oct. 14—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and the highway near Abbotsford, P.Q., Mileage 11.88 St. Guillaume Subd.

- 95978 Oct. 14—Authorizing the removal of the speed limitation at the crossing of Lincoln Street and the Niagara, St. Catherines and Toronto Railway, Welland, Ont., Mileage 16.56 Welland Subd.
- 95979 Oct. 14—Authorizing the removal of the speed limitation at the crossing of the Chesapeake and Ohio Railway Company (Pere Marquette District) and the Second Concession at Chatham, Ont.
- 95980 Oct. 14—Authorizing the removal of the speed limitation at crossing of the highway and the C.N.R. east of Bothwell, Ont., Mileage 38.65 Chatham Subd.
- 95981 Oct. 14—Authorizing the removal of the speed limitation at crossing of the highway and C.P.R. at Mileage 57.04 Laggan Subd., Alta.
- 95982 Oct. 14—Exempting the C.P.R. from erecting and maintaining right of way fencing between Mileages 77.57 & 78.91 Estevan Subd., Sask.
- 95983 Oct. 14—Authorizing the Quebec Dept. of Roads to construct Highway No. 45 over the C.N.R. in the Twp. of Landrienne, P.Q., Mileage 33.82 Amos Subd.
- 95984 Oct. 14—In the matter of application of the C.P.R. for a recommendation by the Board to the Governor in Council for sanction of an agreement providing for the joint use by the parties thereto, of a portion of the railway over and adjacent to the bridge across the St. John River, connecting Fredericton and South Devon, N.B.
- 95985 Oct. 14—Authorizing the removal of the speed limitation at crossing of Prov. Highway No. 85 and the C.N.R., two miles south of St. Jacobs, Ont., Mileage 5.83 Waterloo Subd.
- 95986 Oct. 14—Authorizing the C.N.R. to remove the station agent at Marieapolis, Man.
- 95987 Oct. 16—Approving application of the C.P.R. on behalf of Edwards Sudbury Limited, for the proposed location of facilities for handling and storage of flammable liquids at Whitefish, Ont., Mileage 18.34 Webbwood Subd.
- 95988 Oct. 16—Authorizing the removal of the speed limitation at the crossing of Sidney Road and the C.N.R. at Trenton, Ont., Mileage 231.57 Oshawa Subd.
- 95989 Oct. 16—In the matter of changes in the protection at the crossing of Harris Road and the C.P.R. at Pitt Meadows, B.C., Mileage 107.35 Cascade Subd.
- 95990 Oct. 16—Approving application of the Interprovincial Pipe Line Company under Section 31 of the Pipe Lines Act, for leave to carry a second line of pipe across all highways, railways, etc., as listed in its application.
- 95991 Oct. 16—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Bethesda and Stouffville Telephone Company Limited.
- 95992 Oct. 16—Authorizing the C.N.R. to remove the station agent at Cedars, P.Q.
- 95993 Oct. 16—Rescinding Order No. 64095 in the matter of facilities of the Department of National Defence, Naval Services, for the handling and storage of flammable liquids at Morse Creek, Prince Rupert, B.C.
- 95994 Oct. 17—Authorizing the Department of Agriculture of Canada to construct an access road over the company pipe line of the Interprovincial Pipe Line Company on the north boundary of Section 4, Twp. 27, Rge 6, W3M., Sask.
- 95995 Oct. 17—Authorizing the C.P.R. to publish a proportional rate from Chalk River, Ont., to Ogdensburg (Ferry Slip) N.Y., on Spent Fuel Elements, Radioactive, destined to Dunbarton, North Carolina.
- 95996 Oct. 17—Authorizing the C.N.R. to operate over the lift span in the St. Louis Bridge over the Beauharnois Canal, Soulanges Section of the St. Lawrence Seaway, P.Q.

- 95997 Oct. 17—In the matter of the application of the C.P.R. for authority to construct an industrial spur track to serve Meridian Investments Limited, at Mileage 2.0 Red Deer Subd. and Highway No. 2 and certain unopened streets in the City of Calgary, Alta.
- 95998 Oct. 20—Authorizing the C.P.R. to relocate its railway at the crossing of the highway between Mileages 0.94 and 1.15 Tobique Subd., Parish of Perth, Co. of Victoria, N.B.
- 95999 Oct. 20—Authorizing The Bell Telephone Company to construct a buried cable across and under the pipe line of Trans-Canada Pipe Lines Limited in the Twp. of Markham, Ont.





# BOARD OF TRANSPORT COMMISSIONERS FOR CANADA

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## JUDGMENT AND ORDER

In the matter of the application of the Railway Association of Canada and certain of the member companies, dated the 16th day of September, 1958, under Section 328 of the Railway Act, and all other relevant sections thereof and under Sections 3 and 8 of the Maritime Freight Rates Act for authority to make immediate interim increases in their tolls or rates for the carriage of freight traffic on their lines in Canada,

and

In the matter of the application of the Canada Steamship Lines dated the 2nd day of October, 1958, for authority to issue revised tariffs on short notice covering such changes in its rates as any authorized change in the rail rates will require.

File No. 48771

NOVEMBER 17, 1958



# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations, and Rulings

Vol. XLVIII

OTTAWA, NOVEMBER 15, 1958

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*In the matter of the application of the Railway Association of Canada and certain of the member companies, dated the 16th day of September, 1958, under Section 328 of the Railway Act, and all other relevant sections thereof and under Sections 3 and 8 of the Maritime Freight Rates Act for authority to make immediate interim increases in their tolls or rates for the carriage of freight traffic on their lines in Canada,*

and

*In the matter of the application of the Canada Steamship Lines dated the 2nd day of October, 1958, for authority to issue revised tariffs on short notice covering such changes in its rates as any authorized change in the rail rates will require.*

File No. 48771

Before:

ROD KERR, Q.C., Assistant Chief Commissioner  
 A. SYLVESTRE, Q.C., Deputy Chief Commissioner  
 F. M. MACPHERSON, Commissioner  
 H. B. CHASE, C.B.E., Commissioner  
 L. J. KNOWLES, Commissioner.

Appearances:

GORDON W. FORD, Q.C.  
 and  
 H. C. FRIEL, Q.C. } for the Railway Association of  
 Canada.

GORDON W. FORD, Q.C.  
 H. C. FRIEL, Q.C.  
 J. W. G. MACDOUGALL, Q.C.  
 and  
 W. G. BOYD } for Canadian National Railways.

I. D. SINCLAIR, for the Railway Association of Canada.

I. D. SINCLAIR,  
 and  
 G. P. MILLER } for Canadian Pacific Railway  
 Company.

C. W. BRAZIER, Q.C., for the Province of British Columbia.

J. J. FRAWLEY, Q.C., for the Province of Alberta.

D. K. MACPHERSON, for the Province of Saskatchewan.

A. V. MAURO,  
 and  
 V. M. STECHISHIN } for the Province of Manitoba.

F. D. SMITH, Q.C.  
 and  
 H. A. MANN } for the Maritimes Transportation  
 Commission on behalf of Nova Scotia,  
 New Brunswick, Prince Edward Is-  
 land and Newfoundland.

D. GORDON BLAIR, for Great West Coal Company and Manitoba and  
 Saskatchewan Coal Company.

RAND H. MATHESON, representing Dominion Steel and Coal  
 Corporation.

- R. W. KEYES, representing Manitoba Hydro-Electric Board.  
 A. R. TRELOAR, representing Canadian Manufacturers' Association.  
 C. A. WILSON, representing Canada and Dominion Sugar Company.  
 R. G. HUTCHINSON, representing Gypsum, Lime and Alabastine  
 (Canada) Limited.  
 J. H. WILLIAMS, representing Canadian Lumbermen's Association.  
 J. P. MOLLOY, representing Anglo-Newfoundland Development  
 Company.  
 R. I. WALLACE, representing Canadian Transport Tariff Bureau.  
 T. E. LANG, representing Carnation Company Limited.  
 R. W. CARBERT, representing Canadian Federation of Agriculture.  
 JAMES PATTERSON, representing Interprovincial Farm Union  
 Council.  
 Evan McCORMICK, representing Winnipeg Chamber of Commerce.  
 W. S. CAMPBELL, representing British Columbia Lumber Manu-  
 facturers' Association and Plywood Manufacturers' Associa-  
 tion of British Columbia.

Heard at Ottawa on October 6, 7, 8 and 9, 1958.

## JUDGMENT

BY THE BOARD:

### THE APPLICATION

The application, dated September 16, 1958, was made by the Railway Association of Canada and its member companies listed in Part I of Schedule "A" to the application, including the Canadian Pacific Railway Company and Canadian National Railways. The Association and member companies are herein sometimes referred to as the "Applicant"; the companies are sometimes referred to as the "railways".

The application stated, *inter alia*, that

(1) In November 1957 the Unions representing the non-operating employees of the railways served demands to amend their Collective Agreements to provide, effective January 1, 1958, increased wages, improved fringe benefits and certain changes in working rules.

(2) Early in 1958, the Unions representing the operating employees served demands for increased wages, improved fringe benefits and rule changes which would bring about increases in the compensation of the operating employees at least as great as those involved in the demands of the non-operating employees.

(3) Negotiations in respect of the demands of the operating employees were awaiting the outcome of those of the non-operating employees.

(4) Negotiations with the non-operating employees failed to bring about an agreement and a Conciliation Board under the Industrial Relations and Disputes Investigation Act (R.S.C. 1952, c. 152) was established in February 1958 under the Chairmanship of the Hon. Mr. Justice H. F. Thomson of the Court of Queen's Bench of Saskatchewan.

(5) The Conciliation Board, after extensive hearings, issued its Report containing the recommendations of the Chairman and the nominee of the Unions, which recommended that the Collective Agreements of the non-operating employees be amended by making provision for increases in the wages or salaries of the non-operating employees as follows:

- (a) An increase of 4c per hour, retroactive to January 1, 1958.
- (b) A further increase of 3% to be effective on September 1, 1958, calculated on the wage rates which were in force at December 31, 1957.
- (c) A further increase of 3% to be effective on April 1, 1959, calculated on the wage rates which were in force at December 31, 1957.

The Report further recommended four weeks' vacation with pay after thirty-five years' service and noted that two weeks' vacation with pay after two years' service was provided under the Annual Vacations Act which would come into force on October 1, 1958, and which sets the minimum standard for vacations for employees of all works, undertakings or businesses under the jurisdiction of Parliament. Demands of the Unions respecting improved health and welfare benefits were withdrawn from consideration by the Conciliation Board by virtue of a settlement which provides that increased costs to be incurred in 1959 to maintain the present general level of benefits will be shared equally by the railways and their employees.

(6) The Unions representing the non-operating employees advised the Department of Labour that the recommendations in the Report were accepted and that they desired to have their dispute with the railways adjusted accordingly.

(7) The railways informed the Department of Labour that they could neither accept nor reject the Report until they had fully explored sources of additional revenue.

(8) The non-operating Unions then advised the Department of Labour that in the circumstances preparations were being made to take a strike vote.

(9) The railways then informed the Department of Labour on September 11, 1958, that the necessary revenues to meet the additional cost consequent upon applying the recommendations of the Report to all railway employees could only be realized through an increase in freight rates and that when freight rates were increased to meet such costs the railways would be prepared to settle their dispute with the non-operating employees in accordance with the recommendations of the Conciliation Board and to offer on the same basis increased compensation in respect of the work performed by their operating employees.

(10) The cost of applying the recommendations of the Report to all railway employees in the period January 1, 1958 to December 31, 1959, would add to rail expenses for Canadian National \$41.5 million and for Canadian Pacific \$26.5 million.

(11) The financial plight of Canadian National is such that it must be assured a full requirement of the additional cost consequent upon acceptance of the said Report before it can negotiate agreements with its non-operating employees and offer similar adjustments to its other employees. Full requirement of Canadian National for such cost would, when applied to Canadian Pacific, leave Canadian Pacific far short of earning the level of net rail income on the basis the Board of Transport Commissioners has adjudged to be just and reasonable. Such a basis is accepted for the purposes of the application.

The relief requested by way of interim increase would not provide Canadian National or Canadian Pacific with sufficient net earnings to meet their financial needs based on any test. Such relief by way of an interim increase is proposed only to eliminate controversy between the Applicant and those who may appear in opposition to the application, and to enable the Board to deal expeditiously with the application.

(12) To enable Canadian National to secure full requirement of the said additional labour cost would require a general increase in freight rates of 19% (25c per ton on coal and coke).

The Applicant accordingly by way of interim relief requested the Board to grant an immediate interim increase of 19% (25c per ton on coal and coke), such increases to be applied as set forth in Schedule "B" to the application.

The application also stated that the estimated net rail income of Canadian Pacific in 1958 will be \$38.5 million after applying the proposed rate increases as and from November 1, 1958, and upon implementation of the undertaking of Canadian Pacific respecting payment of the additional wages; and that the estimated net rail income of Canadian Pacific in 1959 on the said basis will be \$47.4 million, and accordingly the Applicant by way of final relief on the application further requested authority to increase the then existing level of freight rates by such a percentage and by such an increase on coal and coke in addition to the requested interim increase, as would enable Canadian Pacific to earn the permissive level of earnings under the "requirements formula"; and for such further and other relief as changes in conditions and circumstances after filing of the application warrant.

The Board directed that the Applicant file with the Board on or before September 29, 1958, copies of precis of evidence to be adduced in support of the requested interim increase and deliver copies of such precis to any person requesting same.

#### MOTION FOR DISMISSAL OF THE APPLICATION

At the commencement of the hearing Counsel for the Provinces made a motion that the application for an interim increase be dismissed, upon the following grounds:

(1) that the application was premature and anticipatory in that the railways as of the date of the application had neither paid out nor contracted to pay any increase in wages resulting from the majority award of the Conciliation Board referred to in Paragraph 5 of the Application;

(2) that the application in effect sought from the Board of Transport Commissioners a declaratory judgment and that the said Board unlike a Superior Court possessed no power to pronounce a declaratory judgment of the kind sought by the Applicant;

(3) alternatively, that if the said Board had power to pronounce a declaratory judgment in the premises it should exercise its discretion against the Applicant;

(4) that the Applicant in effect is attempting to place the Board in the de facto position of a Conciliation Board and is requesting the Board in effect to accept the majority award of the Conciliation Board referred to in paragraph 5 of the application;

(5) that in effect the application for a freight rate increase based upon anticipated increased wage costs improperly seeks to transfer to the Board of Transport Commissioners a function of railway management.

The Board dismissed the motion in the following words as appears in the transcript of evidence p. 8230:

"We consider that the Board has jurisdiction to hear the application and to grant such relief as to the Board may seem just and proper. We are, of course, not deciding now whether any relief or what relief is just and proper. We have concluded that we should allow the railways to present evidence to show their present and prospective condition, such evidence as will be helpful to the Board in determining just and reasonable rates for the next year or so. Five members of the Board are available here and now to hear this major case. Time has been allotted for that purpose, time which may not be available again in the near future because of the very considerable other matters requiring the Board's attention. Notice of the hearing has gone out throughout Canada, interested parties, numerous witnesses and counsel are here now. In the circumstances the Board has concluded that it will hear the evidence at this time. The motion is therefore dismissed."

#### EVIDENCE

Evidence adduced by the railways confirmed the correctness of the statements in the application respecting the demands made by their employees, the negotiations in respect of such demands, the Report and recommendations of the Conciliation Board, the acceptance by the non-operating Unions of such recommendations, and the decision of the railways respecting the recommendations as communicated to the Department of Labour.

Other evidence for the railways was that operating employees have invariably received wage increases no less favourable to them than those granted to the non-operating employees and that the outcome of the dispute with the non-operating employees will be the determining factor in obtaining settlements with the operating employees; that the cost of applying the recommendations is extended to cover unorganized clerical employees, as it is necessary that they be given similar treatment to that afforded to the organized non-operating employees; also that Canadian Pacific has approximately 79,000 rail employees (excluding divisional and executive officers and assistants), of which approximately 61,800 are non-operating employees.

A copy of a letter (Exhibit 58-6) dated September 4, 1958, from the Chairman of the Negotiating Committee to the Minister of Labour was filed and the last paragraph is as follows:

"I have to advise you, with extreme regret, that in the circumstance of the railways' failure to accept the Report of the Board, there appears to the representatives of the employees no alternative than to submit the matter to the employees for an expression of their desire, or otherwise, to withdraw from service."

A strike ballot (Exhibit 58-19A) was distributed to the non-operating employees of both Canadian Pacific and Canadian National, returnable not later than November 1, 1958.

Considerable evidence, with exhibits, was given for both Canadian National and Canadian Pacific respecting wage costs, volume of traffic, rail revenues and expenses, net rail income and other matters. Only certain portions of the evidence and exhibits will be referred to particularly herein.

Exhibits 58-17 and 58-27 show for Canadian National and for Canadian Pacific respectively details of the estimated additional labour costs referred to in the application. These Exhibits are reproduced on pages i and ii of the Appendix to this Judgment.

Canadian National's Exhibit 58-14 shows details of the estimated revenue which it will obtain from the various types of traffic if the requested freight increases were effective commencing November 1, 1958. Exhibit 58-22 filed by Canadian Pacific shows similar information for that railway. These Exhibits are reproduced on pages iii and iv of the Appendix to this Judgment.

The following statements, compiled by the Board from exhibits filed by the railways, show for the two railway systems the estimated net rail income before fixed charges under present wage rates and freight rates as well as the effect of the proposed increases in labour costs and the increases in freight rates requested in the application if these were authorized effective November 1, 1958.

CANADIAN NATIONAL RAILWAYS  
(Canadian Lines)

	<i>Estimated</i> (000 omitted)	
	1958	1959
Rail income under present freight rates .....	\$619,700	\$634,600
Rail expense under present wage rates .....	632,100	636,900
<hr/>		
NET RAIL INCOME (BEFORE FIXED CHARGES) UNDER PRESENT WAGE RATES AND FREIGHT RATES .....	12,400*	2,300*
Add: Cost of proposed increases in labour costs .....	11,500	30,000
Deduct: Additional revenue if requested increased freight rates effective November 1, 1958 .....	5,500	35,300
<hr/>		
NET RAIL INCOME (BEFORE FIXED CHARGES) WITH INCREASED LABOUR COSTS AND INCREASED FREIGHT RATES .....	\$ 18,400*	\$ 3,000
<hr/>		

\* Deficit

CANADIAN PACIFIC RAILWAY

	<i>Estimated</i> (000 omitted)	
	1958	1959
Rail income under present freight rates .....	\$511,706	\$523,512
Rail expense under present wage rates .....	471,486	480,279
<hr/>		
NET RAIL INCOME (BEFORE FIXED CHARGES) UNDER PRESENT WAGE RATES AND FREIGHT RATES .....	40,220	43,233
Deduct: Cost of proposed increases in labour costs .....	7,096	19,224
Add: Additional revenue if requested increased freight rates effective November 1, 1958 .....	4,282	27,724
Add (or deduct ‡): Applicable Income Tax .....	1,305	3,921‡
<hr/>		
NET RAIL INCOME (BEFORE FIXED CHARGES) WITH INCREASED LABOUR COSTS AND INCREASED FREIGHT RATES .....	\$ 38,711	\$ 47,812
<hr/>		

Canadian Pacific's Exhibit 58-30 shows that, on comparing the Company's net rail income (with adjustments for additional labour costs and the rate increases applied for) with the permissive level computed under the financial requirements formula on the basis heretofore determined by the Board, the estimated deficiency in Canadian Pacific's net rail income for 1958 would be \$15,125,000 and for 1959 \$7,413,000. These figures are computed on the basis that only the amount of depreciation charged in the Company's books would be claimed as capital cost allowance for income tax purposes. Exhibit 58-31, filed by the Company, shows that even if maximum capital cost allowance were to be claimed for income tax purposes and rail income received the benefit of any tax reduction the adjustments for additional labour costs and the rate increases applied for would still leave Canadian Pacific with a deficiency in net rail income estimated at \$6,336,000 for 1958 and \$222,000 for 1959. Exhibits 58-30 and 58-31 appear on pages v and vi of the Appendix to this Judgment.

Canadian Pacific also gave detailed evidence respecting maintenance and operating efficiency. It showed among other things that Canadian Pacific's operating efficiency, measured by gross ton miles per freight train hour, increased from 36,136 in 1956 to 36,682 in 1957, is currently running at approximately 42,000 for 1958 and is estimated to increase in 1959.

The only witnesses who gave evidence or submissions *viva voce*, other than witnesses for the railways, were Mr. McCormick for the Winnipeg Chamber of Commerce, Mr. Keyes for Manitoba Hydro-Electric Board, Mr. Patterson for Interprovincial Farm Union Council and Mr. Carbert for the Canadian Federation of Agriculture. Their opposition to the application is referred to later herein under the heading "OTHER OBJECTIONS TO PROPOSED INCREASES". Counsel for Alberta filed exhibits respecting agreed charges.

#### ARGUMENT BY COUNSEL FOR RAILWAYS

Summarizing briefly and generally the argument of Counsel for the railways, on the merits of the application, they argued that changing conditions and cost of transportation make necessary an increase in the general level of freight rates; immediate relief is urgently needed by the railways to meet the crisis of the existing labour situation; the present level of freight rates is inadequate judged by any reasonable standard; the requested increases would provide a general level of freight rates that would yield revenues below the level adjudged to be just and reasonable by the Board on the basis of the requirements formula and would not be unjust or unreasonable to the public; Canadian National for the first time in twenty years has a deficit before fixed charges; and that the determining factor must be the amount required to enable Canadian National to meet its additional labour costs, and the interim increases should be granted on the basis of the immediate requirement needs of Canadian National.

#### ARGUMENT BY COUNSEL FOR THE PROVINCES

Counsel for the Provinces reiterated the arguments made by them on the motion to dismiss the application and submitted that the application should be dismissed on a number of grounds, including the following, which to some extent are repetitive of their earlier argument: that the application is premature because no wage agreement has been signed and no increased wages contracted for or incurred; conciliation proceedings have not been completed; the railways have neither accepted nor rejected the recommendations of the Conciliation Board; the present freight rate structure contains distortions and is discriminatory and an increase in freight rates applied to only a segment

of the rate structure will increase the distortions and discriminations; a uniform percentage increase will be unfair to long haul traffic; the railways have not shown that the requested rates will be just and reasonable to shippers; the requirement of Canadian National's increased wage cost should not be the measure of any freight rate increase; the railways have not shown a financial deficiency; the railways are refusing to discharge their management duties and are asking this Board to make a management decision; and that granting the application would create a dangerous precedent and make this Board a conciliation board. They referred to the statutory grain rates, passenger rates and international rates, which are excluded from the requested rate increases, and to competitive rates and agreed charges which will take less than the full increase.

## LAW AND METHOD FOLLOWED BY THE BOARD IN GENERAL FREIGHT RATE APPLICATIONS

The Board considers it advisable to outline in a general way the law and method that it has followed in determining applications for general freight rate increases during the period 1946-58.

### *The Board's Legal Duty*

The law is that the Board has a duty, upon application, "to fix, determine and enforce just and reasonable rates, and to change and alter rates as changing conditions or costs of transportation may from time to time require." This duty has been declared by the Supreme Court of Canada in recent years, as the following excerpts from decisions show:

"I have jurisdiction to grant leave to appeal to the full Court under section 53(2) of the Railway Act upon a question of law or a question of jurisdiction. I am fully aware that it is the duty of the Board upon application, to fix, determine and enforce just and reasonable rates for the railways, and that the Board is bound to exercise its jurisdiction. If a case for relief has been made out, the proper remedy must be applied. . . . The obligation to act is a question of law, but the choice of the method to be adopted is a question of discretion with which, under the statute, no court of law may interfere. . . .;" (Taschereau, J.S.C., in an unreported decision on a motion by the railways for leave to appeal to the Supreme Court of Canada from the Board's Judgment dated February 15, 1954,—This was the Judgment in which the Board refused Canadian Pacific's request that the Board abandon the use of the "requirements" method and adopt the "rate base-rate of return" method of determining a permissive level of rates).

"There is thus a duty cast upon the Board to "fix, determine and enforce just and reasonable rates and to change and alter rates as changing conditions or cost of transportation may from time to time require" under s-s. 5 of s. 328 upon the application of any such party. C.P.R. v. Province of Alberta et al, 64 C.R.T.C. 129, (1950), 2 D.L.R. 405, S.C.R. 25.

The statute, however, does not prescribe the methods to be adopted by the Board in discharging these duties and it is for the Board, and not for this Court, to decide what are just and reasonable rates and what changes or alterations are required by reason of changing conditions or cost". (Locke, J.S.C., 76 C.R.T.C. 195, on motion by the railways for leave to appeal to the Supreme Court of Canada from the Board's Judgment dated December 27, 1957).

In *C.P.R. v. Alberta, et al*, 64 C.R.T.C. 129, *supra*, the Supreme Court of Canada also held that it is the duty of the Board, upon application, to determine whether and to what extent an increase in freight rates should be authorized because of changing conditions or cost of transportation; that the Board is bound to exercise the jurisdiction conferred on it by section 33(1) (b) of the Railway Act; and that the Board erred in failing to proceed to determine the extent to which the relief granted (8% increase) was adequate or inadequate on the basis of the case made.

*Method of determining permissive level of rates*

In the past ten years the Board has permitted successive general rate increases of 21, 20, 17, 9, 7 and 11 per cent. Two applications for increases were dismissed by the Board. Another increase which substituted 15% for the above mentioned 11% was also permitted but it was disallowed by the Governor in Council by P.C. 1958-601, dated April 29, 1958. In those cases the Board used a "requirements" method or formula to determine the annual financial requirements of Canadian Pacific's rail enterprise, and, having determined them at a certain amount, the Board then authorized a permissive level of freight rates that would, in its opinion, afford Canadian Pacific an opportunity to earn the said amount annually if events adverse to such opportunity did not occur. Canadian Pacific was used as the yardstick for rate making and the rates so permitted for Canadian Pacific were also permitted for Canadian National and other railways.

The formula, as applied for the first time in the Board's 21% Judgment in 1948, provided for a permissive level of Net Rail Income for Canadian Pacific made up as follows:

Fixed charges .....	\$18,000,000
Dividends (5% on paid-up common stock, 4% on preference stock) .....	21,310,000
	<hr/>
Surplus .....	\$15,235,000

The 21% Judgment was appealed by the Provinces to the Governor in Council who directed the Board to apportion the fixed charges as between Canadian Pacific's rail and non-rail enterprise. The Board did so and since then a part only of the company's fixed charges has been included as rail requirements.

The amounts for fixed charges and dividends have varied from time to time because of changes in the financial structure and fluctuations in exchange rates. In the 20% Judgment of May 11, 1950, the corresponding amounts were as follows:

Fixed charges .....	\$11,718,579
Dividends (5% on common stock, 4% on preference stock) .....	20,623,000
Surplus .....	15,235,000
	<hr/>
Total .....	\$47,576,579

In the Judgment of December 27, 1957, the amounts were:

Fixed charges .....	\$13,038,000
Dividends on preference stock .....	3,012,130 (4%)
Dividends on ordinary stock .....	17,567,870 (5%)
Surplus .....	15,235,000
Additional allowance .....	2,400,000
	<hr/>
Total .....	\$51,203,000

It may also be observed here that due to increases in wage and material costs, time lag between such increases and related rate increases, competition, and other causes, the level of earnings that the Board from time to time found just and reasonable has never been attained.

Several of the Judgments were appealed to the Governor in Council by the objecting Provinces. The appeal from the 21% Judgment has been referred to above. The 20% Judgment of May 11, 1950, and the 7% Judgment of March 6, 1953, were also appealed, but the appeals were dismissed by P.C. 5652 of November 29, 1950, and P.C. 1953-1457 of September 17, 1953. The Governor in Council stated that the petitioners had not shown that the Board had erred or acted upon any wrong principle. The 11% Judgment of December 28, 1956, and the subsequent Judgment of December 27, 1957, which increased the 11% to 15%, were likewise appealed to the Governor in Council. The last mentioned increase was disallowed by P.C. 1958-601 of April 29, 1958, with a direction that credits to tax equalization reserves should not be regarded as necessary expenses or requirements for determining rates, but the rate increases authorized by the 11% Judgment were confirmed.

While the Provinces were appealing to the Governor in Council, the railways and Canadian Pacific in particular were appealing, as noted above, to the Supreme Court of Canada with the object of obtaining an opinion, binding on the Board, which would result in greater permissive net rail earnings than the amounts the Board had determined as just and reasonable.

Except as noted respecting the direction of the Governor in Council to apportion fixed charges and the direction respecting credits to tax equalization reserves, the Governor in Council did not find that the Board had erred or followed any wrong principle; and the Supreme Court of Canada found that the Board had not erred in law except in the one case (8% interim increase) where the Board had failed to determine the relief to which the railways were entitled.

The Board also invited the parties to suggest improvements in the requirements formula, with the result indicated in the following extracts from its December 27, 1957, Judgment:

“Counsel for the Canadian Pacific Railway indicated that, in the view of that company, the requirements formula developed in 1948 was proper for the capital then invested in the rail enterprise, and under the conditions which existed at the time the 21 per cent Judgment was rendered, but that an additional amount of permissive earnings should be allowed on the increase in the equity capital of Canadian Pacific’s rail investment since 1947 resulting from the transfer of certain assets from non-rail to rail and the additional investment in the rail enterprise through reinvestment of retained earnings or otherwise. He submitted that a permissive return of 10 per cent should be allowed on such additional equity capital.”

“Counsel for the Provinces considered that no change was necessary in the requirements formula as used in the Interim Judgment of December 28, 1956, except that the allowance of \$2,400,000 related to the transfer of assets from the non-rail to the rail investment category should be eliminated.”

#### *Uniform percentage increases*

Except in respect of coal and coke, freight increases have been permitted on a uniform percentage basis in all cases except in the 17% Judgment of January 25, 1952, where several exceptions were made.

On every application for a general increase in freight rates the matter of a uniform percentage increase has been spoken to by the parties and considered by the Board. The most recent expression of the Board's views is contained in its 11% Judgment, and in the determination of this application for interim relief the Board adopts those views, which are set forth as follows:

"The representations which have been made as to increased "spreads" between long and short haul rates is by no means new. There are many critics who point up the undesirability of horizontal increases, particularly stressing the amounts in cents per one hundred pounds by which such "spreads" increase, but it has not been shown in what way this feature can be avoided without either placing a higher rate burden on short haul traffic or reducing the earning power of the carriers by granting them rate levels too low to produce the revenue they should be entitled to seek for the service they provide.

In the so-called 17 per cent case (68 C.R.T.C. 273) the railways had proposed a flat percentage increase without exceptions, or an increase of one per cent higher if certain exceptions were included. We experimented at that time with "exceptions" by holding the rates on potatoes down to the level of the previous 12 per cent interim increase, only to find immediately thereafter that the market price of the goods rose to extraordinary heights. We became aware that the increase in price was due to shortage of goods; however, such modification as was there effected in the rate level has remained in effect.

We also established a maximum increase of 10 cents per 2,000 lbs. on Building Sand and Gravel and 20 cents per ton on Crushed Stone and Stone Screenings, only to be assailed immediately by the crushed stone producers that their product was competitive with gravel. We promptly cancelled these exceptions so that a uniform increase applied thereto, evidently to the satisfaction of those concerned as no further complaint was made.

The Board has adequate power to fix reasonable and non-discriminatory rates but is of the opinion that, except in respect of coal and coke where the usual practice of special treatment has been followed, justification has not been shown for excluding or excepting from the application of the interim increase herein authorized any of the traffic or rates in respect of which special pleadings were put forward. Moreover, although the Board heard and considered in these proceedings all that the parties said in respect of these special pleas, the Board is convinced that it is extremely difficult to deal in a general revenue case with claims for relief based on individual circumstances without incurring the risk of creating unreasonable rates for some and preferential rates for others, and the Board feels that claims of this kind, with all their implications, are capable of being dealt with more satisfactorily to all concerned in separate proceedings rather than in a general revenue case. The way is open at all times for any aggrieved party to attack any individual rate which he may consider is unreasonable or unjustly discriminatory.

Spreads in rates as between different shippers' traffic are mainly due to difference in the distance which the traffic must be hauled by the carrier. In general, rate scales or specific rates for longer distances reflect a lower revenue yield per ton-mile, or in other words the tapering of the rates favours the longer distances. Tests which have been made do not indicate any undue distortion of the taper by applying a uniform percentage increase. On the other hand if we establish maximum "hold downs" considerable distortion takes place. It must be remembered that

in every revenue case the objective has been to permit recovery of increased cost of performing the service. This increase in cost prevails in equal measure to the so-called "spread" as to the short-haul rate.

It is within the power of a railway, subject to not creating unjust discrimination, to modify its rates to meet adverse conditions affecting shippers when it is convinced that such conditions will militate against its ability to earn revenue from the carriage of the traffic. This might be regarded as being within the field of "assistance" rates which the Board has time and again stated it does not possess the power to direct."

The factual situation which must be noted, also, is that payments are made out of public funds under the terms of the Maritime Freight Rates Act whereby a reduction in rates of 20% is accorded to shippers within Maritime territory and of 30% on traffic moving westbound from that area. In 1957 the payments made for this purpose totalled over \$12.5 millions. Under the trackage maintenance subsidy in Section 468 of the Railway Act an annual sum of \$7 million is applied in reducing freight rates on certain traffic between eastern and western Canada. This total sum of almost \$20 million annually measurably assists in relieving shippers of the geographical burden of the longer hauls.

### CONSIDERATION OF FUTURE LABOUR COSTS

When the Board fixes rates it fixes them for the future, and when the question of what are reasonable rates for the future is before the Board it may consider not only what may be established on the basis of past transactions but also may form a judgment and opinion as to what will be reasonable rates for the future under conditions which have not occurred and consequently must be estimated. The Board accordingly may look to the future and relying on experience and known facts, and using its best judgment may reach conclusions as to what will probably occur. In fixing freight rates for the future it has on previous occasions considered future traffic volume, what the state of the economy would be, what savings and economies were likely to result from, for instance, dieselization and other technological improvements, and what the effect of freight rates would be, to enumerate only some of the future happenings and results that the Board looked to. If the Board may look to such things and take them into consideration in fixing freight rates, it considers that it may also take into consideration for the same purpose the probability or otherwise that increased labour expenses will be paid by the railways in the period for which freight rates are being authorized.

The Board is satisfied that the probability of payment by Canadian National and Canadian Pacific of the increased labour expenses is so strong that it should take them into consideration and include and count them as payable expenses in appraising the financial position of the railways for the immediate future. The protracted wage negotiations, the Report of the Conciliation Board, the acceptance of the Conciliation Board's recommendations by the non-operating Unions, the qualified acceptance of such recommendations by Canadian National and Canadian Pacific, the demands of other railway employees, past experience respecting settlement of wage disputes with organized railway employees and resulting wages and salaries to those employees and other employees of the railways, impel the Board to conclude that the railways will pay the increased wages and other labour expenses in 1958 and 1959.

Counsel for the Provinces submitted that if the Board now treats the additional labour expenses as payable and authorizes freight rate increases to

requite the railways for such expenses, a dangerous precedent will be established and the Board will become involved in the determination of the wages of railway employees and with premature and unwarranted applications for freight rate increases.

The Board expects that wage demands of employees will continue to be dealt with by way of arms-length bargaining in good faith and that recourse will be had to the normal processes of collective bargaining and, in the event of failure of the parties to agree to the aids provided by statute, to assist employer and employees to settle their wage disputes. In any even, the Board has power to deal appropriately with an abuse by any party of the right to apply to the Board for relief, and it warns the parties concerned that its decision in this application has been arrived at in the particular circumstances established by the evidence and it cannot be anticipated that the Board will accede in future to applications for rate increases due wholly or partially to proposed wage increases until agreement has been reached between the employees and the railways by completion of the usual processes of labour negotiations.

#### DISTORTIONS IN THE FREIGHT RATE STRUCTURE

Under this heading is discussed briefly the contentions of Counsel for the Provinces that the granting of general freight rate increases imposes an unfair burden on the segments of the freight rate structure to which it is proposed to apply them. Before so doing it is to be noted that similar opposition has been made in previous cases of this nature. This fact was referred to in our 7% Judgment of March 6, 1953, which Judgment was confirmed by the Governor in Council by Order-in-Council P.C. 1953-1457 of September 17, 1953. The same objection was made more recently in the case in which Order No. 90447 of December 17, 1956, authorized a uniform percentage increase on a base substantially similar to that on which the present increase is proposed to be applied. That Order was also confirmed by Order-in-Council P.C. 1958-601, dated April 29, 1958, although it should be stated that the attack before the Governor in Council in that instance was directed principally to questions of income tax and capital cost allowances.

The principal contention as to distortions in the present instance is based upon the computation of the percentage of total revenue derived from the seven categories of traffic shown on Exhibits 58-14 and 58-22 (see Appendix, pages iii and iv hereto). These categories are (1) Grain & Grain Products subject to statutory and related rates; (2) International and related rates; (3) Coal & Coke; (4) Competitive rates; (5) Agreed Charges; (6) All other traffic; (7) Miscellaneous services.

In this respect it has been stressed by Counsel for the Provinces that the traffic producing approximately 35% of the total revenue of Canadian National and Canadian Pacific is expected to assume approximately 73% of the revenue increase from increased rates. This premise is, however, predicated upon the fact that the said exhibits show no increase to be secured from the Statutory and International traffic in categories (1) and (2).

While it is certainly correct to say that the railways do not propose to secure any increase in revenue by increasing statutory rates, for the obvious reason that such rates are beyond the control of either railway management or this Board, it is not correct to infer that no increase in revenue is to be obtained from International and related traffic. The latter is not now marked for general increase for the reason that general increases have been previously applied on

such traffic, even as recently as September 15, 1958. Later herein the circumstances surrounding rate increases on this category of revenue will be dealt with more fully.

The figures contained in Exhibits 58-14 and 58-22 are estimates of the revenue to be derived from the 14 month period from November 1, 1958, and the effect of imposing thereon the increases sought. For the purpose of comparison in the manner adopted by Counsel for the Provinces, a more logical approach would be to combine the two exhibits and eliminate the revenue estimate for International and related traffic. On such an approach the comparisons as proffered by the Provinces would be as follows for Canadian National and Canadian Pacific combined:

Category of rate.	Estimated revenue Nov. 1/58-Dec. 31/59		Estimated revenue increase—14 mos.	
	% of total		% of total	
	(Millions)			
(1) Statutory .....	\$ 82.5	10.95%	\$ Nil	Nil
(3) Coal and Coke .....	43.3	5.74%	3,190,600	4.4 %
(4) Competitive .....	144.5	19.16%	13,727,000	19.0 %
(5) Agreed Charges .....	121.4	16.10%	866,500	1.2 %
(6) All other traffic .....	354.5	47.02%	53,116,600	73.4 %
(7) Miscellaneous services .....	7.8	1.03%	1,482,000	2.0 %
Total .....	\$754.0	100.00%	\$72,382,700	100.00%

On this approach to the contentions of the Provinces the outstanding feature is that the revenue from statutory rates, which accounts for approximately 11% of the said total estimated revenue, incurs no increase and that this category plus the modified increase on coal and coke, and the small extent that agreed charges can be immediately increased, accounts for the greater proportion of the additional increase which falls upon what might be described as normal rated traffic.

To illustrate this feature further, the following, extracted from the Board's 1957 waybill analysis of all railways shows, for the 1% sample which such analysis provides, the revenue; percentage of total revenue; ton-miles; and the average revenue per ton mile:

Category of traffic	Revenue \$	% of total revenue %	Ton-miles	Average rev. per ton miles ¢
Normal rated traffic:				
Class rates .....	\$ 691,763	11.73%	16,505,191	4.19¢
Commodity rates .....	2,566,175	43.53	142,427,023	1.80
Total normal .....	3,257,938	55.26	158,932,214	2.05
Competitive .....	1,273,108	21.59	65,060,333	1.96
Agreed charges .....	741,492	12.58	28,166,052	2.63
Statutory grain .....	594,795	10.09	123,391,203	.48
U.S. related .....	28,241	.48	921,065	3.07
All traffic as above .....	(a) \$5,895,574	100.00%	376,470,867	1.57¢

(a) Does not include International, Overhead or Export and Import at U.S. rate relationships.

Allowing for the fact that the sample from our waybill analysis is for the year 1957, but is a portrayal of actual traffic movements, and that the figures from the exhibits are estimates only and for a fourteen month period, the percentage factors involved are reasonably close and the actual results indicate

that the revenue yield per ton mile from competitive rates, for example, is approximately the same as derived from normal rated traffic. It is also of some significance that the estimates, as shown in the exhibits referred to, indicate that the proportionate share of increased revenue expected to be derived from competitive rates is about equal to the percentage of revenue at present derived from this class of traffic.

The reasonably good showing of average revenue per ton mile from competitive rates indicates to those who have an understanding of the workings of the railway freight rate structure that while the rail lines do not receive all of the revenue formerly anticipated from the higher grade of traffic embraced therein (the ravages of competition affecting as it does mainly that class of traffic where the rate structure is designated to secure the highest level of revenue) it is nevertheless a profitable field for the railways.

### *Passenger Services*

In its 21% Judgment of March 30, 1948, the Board stated that railway passenger services and freight services are inter-related and revenue losses or deficits from passenger services on the one hand must necessarily be compensated by earnings from freight on the other if railways are to continue to operate and furnish required services, and the Board disagreed with the submissions that it could authorize no increase in freight rates, if such increase to some degree were necessary to correct deficiencies in aggregate railway earnings growing out of inability of the passenger service to meet its full share of the revenue burden. The Board confirms this previous view.

### *Grain Rates*

In its December 27, 1957 Judgment, the Board noted that it has no power to increase the statutory rates on grain and flour. This is certainly so, and it follows that no part of rate increases required by the railways to meet increased cost of operation, including such part of that cost as is incurred in the carriage of that traffic, can be placed by the Board on those statutory rates. Evidence was given to the effect that over a quarter of the revenue ton miles on Canadian Pacific are in respect of grain and grain products carried on such statutory rates.

### *Competitive rates and agreed charges*

In its 17% Judgment of January 25, 1952, the Board commented at some length on competitive rates and the control of such rates exercised by the railways. The level of competitive rates and agreed charges is compelled by competitive forces and the Board is not able to find that the Railways are unnecessarily depriving themselves of revenue from traffic carried on competitive rates and agreed charges. As already indicated the Board's 1957 waybill study shows that the average revenue per ton mile from competitive rates is 1.96 cents and from agreed charges 2.63 cents; these average revenues are higher than the average revenue per ton mile received by Canadian Pacific in 1957 from all traffic, excluding grain and grain products moving at statutory and related rates. To the extent that competitive and agreed charge rates are profitable to the railways they are in ease of the revenue needs of the railways.

### *International rates*

This heading broadly includes three types of rates, (1) joint through rates which span the international boundary without break thereat; (2) rates which are commonly called "overhead" and apply to United States traffic passing through Canada over Canadian railways; and (3) export and import rates

between Canadian points and Canadian ports applicable on traffic to or from overseas where the rates are on a parity relationship with similar rates to or from United States ports.

Because no increase is proposed in those rates at this time and they were mentioned in connection with distortions in the freight rate structure, it is deemed timely to indicate the nature of such rates and what has already transpired concerning their revenue level.

The joint international rates described in type (1) above are, on the average, applicable to longer hauls within the United States than in Canada; they must and do reflect this condition as well as relationships with like rates wholly within the United States. To maintain such relationships and also the joint rates themselves, such rates have been subjected since 1946 to substantially the same level of increase as was provided in each of seven general increase cases before the Interstate Commerce Commission in the so-called "Ex Parte" proceedings.

Overhead rates, designated type (2) above, applying as they do to United States traffic, are necessarily on the basis of rates applicable wholly within the United States; Canadian railway participation in the haulage of such traffic is purely a competitive situation in which Canadian railways have no voice in the rate level established.

The export and import type of rate, described in (3), nearly always reflects similar adjustments and competitive conditions involved in foreign trade.

The absence of any proposal in the present instance to apply increases to the three types of rates mentioned above is of necessity bound up with the underlying structure of such rates and the fact that this traffic has incurred substantial rate increases separate and apart from the general increases applied to intra-Canadian traffic. However, before the hearings of the part of the application requesting final relief take place, the railways should re-examine such rates to see whether any reasonable adjustment is called for in any of them.

It is recognized, of course, that export trade is vital to Canada's prosperity, and this is a consideration to be taken into account when dealing with export rates in particular.

#### *Rate increases applied on remainder of freight traffic*

If an increase in aggregate rail revenues is required by the railways and cannot, because of the law or otherwise, be obtained by increasing statutory grain rates, passenger rates or other rates above referred to in this respect, the increase in revenues can only be obtained, if it is to be obtained from railway services, from the remainder of the traffic. If in the circumstances it were inequitable to increase rates on that remainder, the situation will have been reached where railway services will be yielding considerably less aggregate revenue than is sufficient to provide Canadian Pacific with what the Board has heretofore determined to be its just and reasonable financial requirements respecting its rail enterprise.

The level of Canadian Pacific's financial requirements will be reviewed by the Board when considering the part of the application requesting final relief, but the Board does not think that the state of the Canadian economy is such that meanwhile users of railway services should not be called upon to pay freight rate increases designed to yield an aggregate amount approximately equivalent to the amount of the increased labour costs of Canadian Pacific or that it would be inequitable to permit the rate increases to be applied on the said remainder of freight traffic as hereinafter authorized.

## OTHER OBJECTIONS TO PROPOSED INCREASE

Apart from the general objections made by the Counsel for the eight Provinces who have appeared before us in this case to any increase in freight rates, there were a number of submissions in writing filed by various interests which, with one exception, object on various grounds to the increases proposed by the railways and request modification or rejection of the increase on their products. The exception was a submission from the Canadian Pulp and Paper Association and the Newsprint Association of Canada, which took a neutral position, i.e., their submission stated, in effect, that it was neither objecting to nor approving any freight rate increase at this time.

Only four parties, however, appeared before the Board at the hearing to substantiate their written statements and submit to cross-examination. Their objections related to differential rates via the lake-rail and rail-lake-rail routes, rates on lignite coal and rates on agricultural products.

The submissions of those parties who appeared by Counsel or presented their own case to oppose the application of the railways, either in whole or in part, and the issues raised therein, are summarized and dealt with as follows:

*Differential rates via water routes*

The Winnipeg Chamber of Commerce objects to the request of the railways in Schedule "B" of their application that recognized differentials be preserved as far as may be practicable, even though certain rates via differential routes may be lower or higher than would otherwise prevail.

The Chamber contended:

- (a) that the proposal is, in fact, a request for increases in the water portion of joint through rates, and that careful scrutiny of the railways' application indicates that no water carrier is party to the request for rate increases;
- (b) that the Chamber has consistently argued that water rates should be based on the costs and requirements of the water carriers and not be forced to bear any fixed or arbitrary relationship to rail rates;
- (c) that, especially when the reason given for the proposed increase is the need to meet demands of railway labour, any increases granted to the water carriers would seem to the Chamber to be entirely gratuitous;
- (d) that no increase should be granted in the water portion of such rates until it can be shown to be no longer just and reasonable, and any increase granted by the Board should apply only to the rail portion of joint through rates;
- (e) that the Chamber has previously presented this argument and submitted its representative to cross-examination, both in the 15% Increase Case (now known as the 11% Increase Case, Vol. XLVI, J.O.R. & R., No. 19A) and in the case of another application of the Chamber before the Board, namely, *Application of the Winnipeg Chamber of Commerce re lake and rail Class Rates between Eastern and Western Canada*, File No. 48315, in which latter case judgment is now pending. In cross-examination, the witness made it clear that the latter application is one of submissions on differentials at various points in Western Canada, and not the amount of the differential as such. The position of railway Counsel, in reply, is that their position has not changed at all, and that it is necessary that the differentials be maintained.

As to paragraphs (a) and (c), the railways' application did not indicate in specific terms that the water portions of the joint rail-water through rates were included in the application, but it was made clear that this was so on the record at the hearing. Witness Edsforth, in answer to a question from the

Board, stated that the Canadian Pacific Railway Company, owning and operating ships on the Great Lakes, was asking for an increase in both the steamship and the rail proportions of the differential rates. (Transcript Vol. 1029, page 8442). There is, therefore, a proper application before the Board with respect to the entire through rates on lake-rail and rail-lake-rail traffic via that carrier. Furthermore, since the application of the Railway Association was filed, the Canada Steamship Lines has submitted to the Board an application by telegram which relates to the entire differential rates via that water carrier, and requests that the present differential relationship be maintained.

As to paragraphs (b), (d) and (e), the issues raised are not matters which could be determined in a general revenue case, as this case is; such issues are now before the Board in the separate proceeding, which has been heard and argued, and on which our judgment is now pending. In fact, such separate case was submitted by the Winnipeg Chamber of Commerce because of reiterated statements by the Board in the several revenue cases during the past ten years that such issues are difficult to deal with in general revenue cases, and can only be given the detailed consideration they deserve by individual complaint and separate investigation thereof. Pending disposition of the said separate case, the practice respecting the said differentials as set forth in the Judgments of December 28, 1956, and December 27, 1957, will be followed in this Judgment.

#### *Lignite Coal*

The Manitoba Hydro-Electric Board registered opposition to the interim increase of 25 cents per ton insofar as the application relates to the large volume movement of lignite coal from the Saskatchewan fields to Brandon, Man. The witness submitted that the reasons for requesting a denial of the increase were the same as stated in detail in the so-called 11% Increase Case, *supra*. These reasons, as stated by the witness, basically hinged on "the potential volume and the bulk nature of this traffic". The submission on these two points was fully developed in extensive evidence, but can be readily summarized to the effect that their plants are both hydro-electric and thermal-electric; that the thermal-electric plant at Brandon could use a potentially large volume of lignite coal, depending to some extent upon the river flow through their hydro-electric plant on the Winnipeg River; that the railways had refused consideration of a lower rate on lignite coal because the volume was potential rather than actual; that lignite coal represents the most economic source of fuel for the Manitoba Hydro-Electric Board's present and projected thermal-electric generating stations, and that increased freight rates would cause greater consideration of the possibility of using natural gas instead of coal; that lignite can move in trainload lots, which is not given consideration in the present freight rates; that a flat increase of 25 cents per ton on the comparatively short haul from the Saskatchewan mines to Brandon is an unreasonable imposition compared with points further distant on which, too, the railways' proposal is to apply an increase of the same amount; and that any increase of whatever amount would have to be added to the cost of electricity to the consumer, but if anything, the witness preferred a percentage increase rather than a flat increase per ton. It was also noted by the witness that the railways appeared to be indifferent to making an agreed charge on this traffic, but it also appeared that there was some misunderstanding between the witness and the railways on this point; the railways claimed they had made an offer of an agreed charge, but the witness said it had never been received by the Manitoba Hydro-Electric Board. The railways stated they would make such an offer.

In addition to this evidence, Counsel for the Great West Coal Company and its subsidiaries and for the Manitoba and Saskatchewan Coal Company Limited, submitted legal argument in opposition to the full increase being

applied to lignite coal produced in the Province of Saskatchewan, on the basis of its low quality and value, which the Board had taken into consideration in its Judgment of December 27, 1957, Vol. XLVII, J.O.R. & R., No. 19A, which argument was replied to by Counsel for the Province of Alberta on behalf of the coal operators who produce bituminous and sub-bituminous coal in that Province and in the Crow's Nest region of the Province of British Columbia, and who are vigorously opposed to any lower increase on lignite coal than on bituminous and sub-bituminous coal. Counsel for the Province of Alberta submitted that there are several types of bituminous and sub-bituminous coal produced in Alberta that are of no more thermal value than lignite coal. He also pointed to the evidence that the companies in Saskatchewan which are producing lignite coal appear to be enjoying considerable prosperity, while the mining industry in Alberta is in a state of penury, due to coal now being replaced by oil and natural gas.

In its Judgment of December 27, 1957, the Board referred to the fact that it prescribed in 1914 rates 10% lower on lignite coal than on Alberta coal and that this base had been disturbed over the years by applying the same increases to lignite coal as to other coal and it considered that a difference in treatment of lignite coal v. other coal should be restored. The Board consequently refused to permit a further increase on lignite coal but permitted an increase of 7c per ton on other coal. However, the facts are not the same now as they were then. The increases authorized by that Judgment were disallowed by the Governor in Council; the position of the coal industry in Alberta has worsened because of economic factors; the increases in railway labour expenses apply to the carriage of all traffic and to Saskatchewan lignite as well as to Alberta coal; and increases in freight rates being authorized at this time are by way of interim relief in consequence of such labour expenses. The Board considers that there is not the same justification now that there was at the time of the last Judgment for the Board to establish lower rates on Saskatchewan lignite coal than on Alberta coal, and that, at least for the purposes of this interim Judgment, coal traffic should bear a share of the burden of the increases in labour expenses without difference of treatment as regards different kinds of coal.

### *The agricultural industry*

The representations of the witnesses for the Canadian Federation of Agriculture and Interprovincial Farm Union Council are much the same as presented to the Board in previous rate cases. It may also be mentioned that the Saskatchewan Wheat Pool filed similar representations in writing in this case, but no witness appeared for that organization.

It was contended that the agricultural industry would be required to pay a large portion of the bill; farm income is on the decline and cannot support any increased freight rates; the machines and goods with which farmers produce their living are bulky and heavy, their produce is the same; they are very dependent upon rail transportation, especially in the western provinces; competition keeps down freight rates in Eastern Canada while freight rates in Western Canada are highest where competition is least marked; increasing freight rates are in direct contradiction to the national agricultural policy of the Canadian Government; agricultural producers also have to meet increasing costs, which they are unable to recoup by increased prices for their products; the agricultural community is concerned at the application of general freight rate increases with their alleged growing inequity in the freight rate structure; and that the continued efforts of the railways to obtain a level of returns equal to those indicated by the "requirements formula" (based on Canadian Pacific results) have not succeeded.

Counsel for the Canadian Pacific, in reply to the three submissions above referred to, stated that over one-quarter of the revenue ton miles on Canadian Pacific are carved out of the rate structure by statute (i.e. grain and grain products at the Crow's Nest Pass rates) and that "in our respectful submission it is sheer effrontery for agricultural people to complain about freight rates". (Transcript pages 8767 and 8619).

All these considerations are well-known to the Board and have been considered on previous applications and again in this instance. Some of the important factors in the brief of the Canadian Federation of Agriculture were also given lengthy consideration, and dealt with by the Board, in its decision in the so-called 11% Increase Case, *supra*, at pp. 26-27. Considering again the Board's conclusions respecting the agricultural situation in previous Judgments and that the additional labour costs in this instance apply to all traffic carried by the railways, and also that such a large part of the carriage of agricultural produce is exempted by statute from rate increases, the Board concludes that no further exemptions should be made.

#### *Additional submissions*

A number of other submissions, by briefs, wires, or letters, were made by other organizations, associations, firms and individuals protesting the proposed increase in freight rates on their products.

The submissions generally relate to commodities other than those already dealt with herein, but object to the increase for the same or other reasons, i.e., that rail traffic will be driven to other forms of transportation; the increase will lead to inflation; the application of such a substantial increase on only a limited portion of the traffic is unjustly discriminatory against the objectors and unduly preferential in favour of those who ship at Crow's Nest Pass grain rates, agreed charges and competitive rates; that the "attrition" of traffic resulting from a 19% increase will be substantial; that an increase of this magnitude cannot be absorbed by the shipper; that some industries will be decentralized and in some instances the industry will go into trucking its products with its own facilities rather than pay any more freight rate increases; that a 19% increase will divert the supplying of some articles to United States sources, which have not been subjected recently to such a drastic increase in international freight rates; that where losses are incurred by the grain rates and other special arrangements, and where the maintenance of such factors is considered necessary in the interests of the economy of Canada as a whole, Canada should provide the required assistance by way of a subsidy; and that the Board should not be impelled to permit increases in freight rates resulting from the recommendations of a body, such as a Conciliation Board, which is not in any way responsible for finding means to pay the wage award that it recommends.

These submissions were considered by the Board, although no witness appeared to support them or be examined or cross-examined, and the Board's conclusion is that they are not such as to warrant a refusal to permit the general rate increases herein authorized.

#### YARDSTICK RAILWAY

In P.C, No. 2434, dated October 6th, 1920, the Governor in Council directed that what constituted a fair and reasonable rate should then be arrived at without reference to the requirements of the Canadian National System. Since then, however, Canadian National has developed into a great railway system, an essential part of Canada's railway lifeline, and consequently in general

freight rate applications since the end of World War II the Board has had some regard to Canadian National's needs, although Canadian Pacific has invariably been the yardstick railway in the determination of just and reasonable freight rates during that period and Canadian National's wages have not been used as a measure in determining expenses and requirements of Canadian Pacific, as the yardstick railway for rate making purposes. An application related specifically to increased wages is in point. In 1952 the railways incurred increased labour costs and applied for an increase in freight rates because of such costs. Although the additional labour costs were considerably greater for Canadian National than for Canadian Pacific, the railways applied for and by Order No. 80462 of December 20, 1952, were granted a rate increase determined on the basis of Canadian Pacific's additional labour costs. The Board considers that in determining the present application for interim relief it should not depart from its practice of using Canadian Pacific as the yardstick railway for rate making purposes.

### INCREASES AUTHORIZED

The application for interim relief is essentially an application for permission to increase freight rates for the purpose of obtaining necessary revenues to meet the additional labour costs and it is not for the purpose of bringing Canadian Pacific's net rail income up to the level heretofore adjudged by the Board to be just and reasonable on the basis of the requirements formula. The application is being dealt with on the basis of requirement so far as interim relief is concerned, and pending determination of the application for final relief the Board is authorizing freight rate increases that it considers will be sufficient to yield revenue in 1958-59, commencing not earlier than December 1, 1958, approximately equivalent to the amount of Canadian Pacific's additional labour costs hereinbefore indicated in those years, and Canadian Pacific is being used as the yardstick railway and Canadian Pacific's additional labour costs as the specific yardstick for the purpose of determining interim relief. That is the measure of interim relief that in our opinion is warranted in the circumstances of this particular case. If the authorized increases are in effect from December 1st until the end of 1959 they should result in net rail income for Canadian Pacific below the limits that the Board has heretofore found to be just and reasonable according to the requirements formula applied in determining the permissive level of freight rates. Such rate increases will provide Canadian National with a substantial amount of additional revenue and to that extent will help it also to meet its additional labour costs.

The Board considers that increases of 17 per cent (22 cents per ton on coal and coke), in lieu of the requested increases of 19 per cent (25 cents per ton on coal and coke) will yield the above-mentioned equivalent, and the Board hereby authorizes such increases in freight rates. They may be made effective on or after December 1, 1958.

Such adjustments of competitive rates as the railways decide to make within the discretionary powers given to them by statute may also be made effective on or after December 1, 1958.

In the Board's opinion, the increased rates herein permitted will be just and reasonable in the circumstances as appraised and foreseeable by the Board; but if because of circumstances not discernable at this time a change in any rate made pursuant to the authorization for a general increase results in an unjust or unreasonable rate, any interested party unduly affected by such rate is not precluded from applying at any time to have the maladjustment corrected.

## EFFECT OF FREIGHT RATE INCREASES

Since the end of World War II there have been six general increases in freight rates in Canada, all of which were due principally to increases in the cost of labour and materials. They were the so-called "percentage" increases, namely, the 21% increase, and the successive 20%, 17%, 9%, 7% and 11% increases in that order. Cumulatively they represent an increase of approximately 120% over the general level of freight rates in effect in 1947. The increase authorized by this Judgment will bring the total increases to seven.

The full amount of an authorized percentage increase can be effectively applied only upon the so-called "normal" traffic, which, in the sense in which it is used in this portion of the Judgment, excludes coal and coke traffic; grain and grain products at statutory and related rates; international, overhead, import-export and other related rates traffic; competitive traffic; and agreed charge traffic. Since 1953 this normal traffic has drastically shrunk in volume and now constitutes only about one-third of the total freight revenue of all railways. It is also subject to accelerating attrition with each successive increase.

Coal traffic as a whole has been subjected to only about one-half of the total authorized percentage increases.

Approximately 30% of Canadian Pacific's freight tonnage consists of grain and grain products carried at statutory and related rates, and it yields about 9% of Canadian Pacific's freight revenue.

The remainder of the railway freight revenue is obtained from (a) international, overhead, import-export and related rates traffic, on which general increases have been applied concurrently with general increases authorized by the Interstate Commerce Commission; (b) traffic carried at agreed charges, which are contract rates that are difficult to increase without cancelling the contracts; (c) competitive traffic, on which the rates are largely controlled by the competitors of the railways and on which the normal percentage increase, if applied, often results in diversion of traffic to such competitors and must be reduced or removed to retain the traffic.

The effects of the application of the percentage increases can be seen in the average freight revenue per ton mile for all traffic earned by the railways in the past decade. The revenue per ton mile is the ultimate measure of what the railways can earn from year to year and it expresses in one figure the revenue for the work performed on the goods, i.e., the weight carried and the distance the freight is hauled.

This revenue for the years 1947 to 1957, inclusive, was as follows:

Year	C.N.R. (Canadian Lines)		C.P.R.	
	Average freight revenue per ton mile (cents)	Increase % over 1947	Average freight revenue per ton mile (cents)	Increase % over 1947
1947	1.01	—	0.95	—
1948	1.16	14.9	1.13	18.9
1949	1.23	21.8	1.20	26.3
1950	1.37	35.6	1.33	40.0
1951	1.34	32.7	1.31	37.9
1952	1.37	35.6	1.30	36.8
1953	1.48	46.5	1.42	49.5
1954	1.50	48.5	1.46	53.7
1955	1.48	46.5	1.43	50.5
1956	1.43	41.6	1.39	46.3
1957	1.57	55.4	1.50	57.9

These figures show that the actual increase since 1947 in the railways' average freight revenue per ton mile was only 55.4% for Canadian National and 57.9% for Canadian Pacific.

The extent to which the revenue on normal traffic increased and then declined during the past decade is to be seen from the railways' estimates of traffic revenue as shown in exhibits filed by them during the hearings of applications for rate increases. These estimates were as follows: (Where normal, agreed charges and competitive traffic were not estimated separately, a segregation was made on the basis of evidence and waybill studies).

CANADIAN PACIFIC RAILWAY			
<i>Case</i>	<i>Year to which estimates apply</i>	<i>Exhibit No.</i>	<i>Estimated Revenue on "Normal Traffic" \$ (millions)</i>
		Revised	
21% .....	1947	47-6 Item 8	104.2
20% .....	1949	49-182 Col. 1	130.1
17% .....	1951	51-373 Col. 2	180.1
9% .....	1952	52-A3 Col. 2	190.5
7% .....	1953	52-173 Col. 2	209.2
11% .....	1957	57-9 Col. 2	157.4
Present .....	1959	58-22	136.3

CANADIAN NATIONAL RAILWAYS			
<i>Case</i>	<i>Year to which Estimates apply</i>	<i>Exhibit No.</i>	<i>Estimated Revenue on "Normal Traffic" \$ (millions)</i>
21% .....	1947	47-11 Item 8	117.2
20% .....	1949	49-207 Col. 1	168.8
17% .....	1951	51-423 Col. 2	257.1
9% .....	1952	52-A5 Col. 2	258.5
7% .....	1953	52-187 Col. 2	283.1
11% .....	1957	57-44 Col. B	212.3
Present .....	1959	58-14	178.2

It will be noted that from the peak year 1953 there has been a substantial decline in normal traffic revenue.

The rapid growth of the revenue on agreed charges contracts since 1953 is shown below, and it should be noted that much of this traffic was formerly carried at normal or competitive rates and is, therefore, not new railway traffic but has been diverted from railway traffic previously carried on other than agreed charge rates.

CANADIAN PACIFIC RAILWAY			
<i>Case</i>	<i>Year to which estimates apply</i>	<i>Exhibit No.</i>	<i>Estimated Revenue on Agreed Charges \$ (millions)</i>
		Revised	
21% .....	1947	47-6 Item 8	2.7
20% .....	1949	49-182 Col. 1	3.3
17% .....	1951	51-373 Col. 2	2.7
9% .....	1952	52-A3 Col. 2	8.5
7% .....	1953	52-173 Col. 2	7.7
11% .....	1957	57-9 Col. 2	39.5
Present .....	1959	58-22	48.4

## CANADIAN NATIONAL RAILWAYS

21% .....	1947	47-11 Item 8	4.0
20% .....	1949	49-207 Col. 1	5.2
17% .....	1951	51-423 Col. 2	6.2
9% .....	1952	52-A5 Col. 2	6.6
7% .....	1953	52-187 Col. 2	6.7
11% .....	1957	57-44 Col. B	45.8
Present .....	1959	58-14	56.4

Competitive traffic has also increased greatly since 1953, as the following figures show:

## CANADIAN PACIFIC RAILWAY

Case	Year to which estimates apply	Exhibit No.	Estimated Revenue on
			Competitive Traffic \$ (millions)
		Revised	
21% .....	1947	47-6 Item 8	29.0
20% .....	1949	49-182 Col. 1	34.8
17% .....	1951	51-373 Col. 2	24.3
9% .....	1952	52-A3 Col. 2	25.5
7% .....	1953	52-173 Col. 2	27.6
11% .....	1957	57-9 Col. 2	51.4
Present .....	1959	58-22	50.6

## CANADIAN NATIONAL RAILWAYS

21% .....	1947	47-11 Item 8	31.6
20% .....	1949	49-207 Col. 1	41.7
17% .....	1951	51-423 Col. 2	31.3
9% .....	1952	52-A5 Col. 2	30.4
7% .....	1953	52-187 Col. 2	31.0
11% .....	1957	57-44 Col. B	73.6
Present .....	1959	58-14	73.8

Much of this competitive traffic was formerly carried at normal rates.

The above information and figures show that the difficulties of dealing with the freight rates situation have increased with each successive application for a rate increase. However, the increases have been effective in providing the railways with needed revenues which have assisted them in carrying on and improving their services to the public and in meeting increased costs of labour and materials, although they have not attained the level of earnings that the Board from time to time has found to be just and reasonable.

## ORDER

An Order will be issued authorizing the rate changes herein permitted.  
November 17, 1958.

ROD KERR,  
*Assistant Chief Commissioner.*

A. SYLVESTRE,  
*Deputy Chief Commissioner.*

F. M. MacPHERSON,  
*Commissioner.*

H. B. CHASE,  
*Commissioner.*

L. J. KNOWLES,  
*Commissioner.*

## APPENDIX

page i

Exhibit No. 58-17

## CANADIAN NATIONAL RAILWAYS

(Canadian Lines)

## ESTIMATED COSTS OF PROPOSED WAGE INCREASES AND FRINGE BENEFITS

	1958	1959	Jan. 1, 1958 to Dec. 31, 1959
Wage increases chargeable to Expense ..	\$10 912 000	27 164 000	38 076 000
Additional Vacation Costs .....	—	858 000	858 000
Additional Cost of Health and Welfare Plan .....	—	547 000	547 000
Additional Pension Costs .....	558 000	1 428 000	1 986 000
	<u>\$11 470 000</u>	<u>29 997 000</u>	<u>41 467 000</u>
Rounded off to .....	<u>\$11 500 000</u>	<u>30 000 000</u>	<u>41 500 000</u>

NA 58-3

## APPENDIX

page ii

Exhibit No. 58-27

## CANADIAN PACIFIC RAILWAY

ESTIMATED COSTS OF PROPOSED WAGE INCREASES, ADDITIONAL VACATIONS AND  
INCREASED HEALTH AND WELFARE CHARGES, 1958-59 PERIOD

	1	2	3	4	
	Wage Increases Chargeable			1958-1959	
	Operating Expenses			Period	
	1958	1959			
1 Organized Non-Operating .....	\$5,173,200	\$11,772,600	\$16,945,800		1
2 Unorganized Non-Operating .....	828,400	1,924,800	2,753,200		2
3 All Other Employees .....	202,500	470,300	672,800		3
4 Running Trades .....	709,000	3,271,400	3,980,400		4
5 Total .....	<u>\$6,913,100</u>	<u>\$17,439,100</u>	<u>\$24,352,200</u>		5
6 Additional Week of Vacation after 35 years of service .....	—	553,900	553,900		6
7 Additional Vacation pay due to Annual Vacations Act .....	—	378,900	378,900		7
8 Additional Cost of Workmen's Com- pensation due to increased wages ..	16,300	36,500	52,800		8
9 Additional Health and Welfare costs ..	—	383,000	383,000		9
10 Additional Pension Costs .....	69,100	190,000	259,100		10
11 Total .....	<u>\$6,998,500</u>	<u>\$18,981,400</u>	<u>\$25,979,900</u>		11
12 Jointly operated companies included in rail income .....	97,000	243,000	340,000		12
13 Total .....	<u>\$7,095,500</u>	<u>\$19,224,400</u>	<u>\$26,319,900</u>		13

L-405

CANADIAN NATIONAL RAILWAYS

(Canadian Lines)

ESTIMATED RESULT OF A GENERAL FREIGHT RATE INCREASE OF 19% (25 CENTS PER TON ON COAL AND COKE) FOR THE 14-MONTH PERIOD, NOVEMBER 1, 1958 TO DECEMBER 31, 1959.

(A)	(B)		(C)	(D)	(E)	(F)		(G)
	Nov. 1 to Dec. 31, 1958 (Millions)	Dec. 31, 1959 (Millions)				ESTIMATED REVENUE	ESTIMATED REVENUE YIELD	
<i>Description of Traffic</i>								
1	Grain and Grain Products subject to Statutory and Related Rates .....	\$ 5.3	\$ 32.5	No Increase	—	—	—	—
2	International, Overhead, Import-Export and other Related Traffic .....	21.8	137.2	U.S. Increases Applied	—	—	—	—
3	Coal and Coke, Tons (a)—1,550,000 (b)—7,300,000	4.2	20.0	25 Cents Per Ton	\$ 309,200	\$ 1,456,400	\$ 1,765,600	
4	Competitive Rates .....	12.0	73.8	19%	1,140,000	7,011,000	8,151,000	
5	Agreed Charges .....	9.0	56.4	See Note	44,800	268,700	313,500	
6	All Other Freight Traffic .....	26.8	175.1	19%	3,971,800	25,949,800	29,921,600	
7	TOTAL FREIGHT TRAFFIC .....	\$79.1	\$495.0		\$5,465,800	\$34,685,900	\$40,151,700	
8	Miscellaneous Traffic subject to Freight Rate Increase .....	.5	3.1	19%	95,000	589,000	684,000	
9	GRAND TOTAL				\$5,560,800	\$35,274,000	\$40,835,700	

10 (a) November 1 to December 31, 1958  
 11 (b) January 1 to December 31, 1959  
 12 NOTE: Increase to be applied where agreed charge contains an escalator clause providing for application of increases authorized by Board of Transport Commissioners for Canada.

## CANADIAN PACIFIC RAILWAY

ESTIMATED RESULT OF A GENERAL FREIGHT RATE INCREASE OF 19%  
(25¢ per ton on Coal and Coke)

(1) <i>Type of Traffic</i>	(2) ESTIMATED REVENUE		(3) <i>Jan. 1 to Dec. 31, 1959</i> (Millions)	(4) <i>Increase</i>	(5) ESTIMATED REVENUE YIELD			(7) <i>Total</i>
	<i>Nov. 1 to Dec. 31, 1958</i> (Millions)	<i>Dec. 31, 1959</i> (Millions)			<i>Nov. 1 to Dec. 31, 1958</i>	<i>Jan. 1 to Dec. 31, 1959</i>	<i>Dec. 31, 1959</i>	
1 Grain and Grain Products at Statutory and Related Rates . .	\$ 7.0	\$ 37.7		No Increase	\$ —	\$ —	—	
2 International, Overhead, Import-Export and Other Related Rates . . . . .	19.8	121.3		U.S. Increases Applied	—	—	—	
3 Coal and Coke . . . . .	3.6	15.5		25¢ per ton	173,000	789,000	962,000	
Local Interline . . . . .	728,046	3,320,835		17.5¢ "	60,000	274,000	334,000	
East . . . . .	361,224	1,647,651		18.75¢ "	23,000	106,000	129,000	
West . . . . .	130,237	594,051		19%	769,000	4,807,000	5,576,000	
Total . . . . .	1,219,507	5,562,537		See Note	78,000	475,000	553,000	
4 Competitive Rates . . . . .	8.1	50.6		19%	3,025,000	20,170,000	23,195,000	
5 Agreed Charges . . . . .	7.6	48.4						
6 All Other Freight Traffic . . . . .	19.9	132.7						
7 All Freight Traffic . . . . .	66.0	406.2			4,128,000	26,621,000	30,749,000	
8 Miscellaneous Traffic subject to Freight Rate Increases . . . . .	0.6	3.6		19%	114,000	684,000	798,000	
9					\$4,242,000	\$27,305,000	\$31,547,000	

(a) November 1 to December 31, 1958.

(b) January 1 to December 31, 1959.

NOTE: Estimated Revenue Yield is calculated by applying 19% increase to Agreed Charges containing Escalator Clause.

## APPENDIX

page v

Exhibit No. 58-30

## CANADIAN PACIFIC RAILWAY

## DEFICIENCY IN NET RAIL INCOME FROM LEVEL BASED ON REQUIREMENTS FORMULA

	1958	1959	
	(000)		
Requirements on Board's Basis:			
1	Fixed Charges .....	\$15,581	\$16,929 1
2	Dividends .....	20,620	20,661 2
3	Surplus .....	15,235	15,235 3
4	Allowance account transfer of non-rail assets to rail .....	2,400	2,400 4
5		<u>53,836</u>	<u>55,225</u> 5
6	Adjustment Net Rail Income—before Fixed Charges (Statement L-300, sheet 2) .....	38,711	47,812 6
7	Deficiency—Net Rail Income .....	<u>\$15,125</u>	<u>\$ 7,413</u> 7

L-302

## APPENDIX

page vi

Exhibit No. 58-31

## CANADIAN PACIFIC RAILWAY

DEFICIENCY—NET RAIL INCOME ON BASIS OF INCOME TAX WITH CAPITAL COST  
ALLOWANCE CLAIMED FOR EXPENSES

	(Years)		
	1958	1959	
	(000)		
1	Deficiency—Net Rail Income (Statement L-302) .....	<u>\$15,125</u>	<u>\$ 7,413</u> 1
2	Excess of Capital Cost Allowance		
	Capital Cost Allowance .....	\$71,900	\$71,800 2
	Straight-Line Depreciation .....	53,200	56,500
3		<u>\$18,700</u>	<u>\$15,300</u> 3
4	Income Tax—47% .....	<u>8,789</u>	<u>7,191</u> 4
5	Deficiency—Net Rail Income (Basis of Income Tax with C.C.A. Claimed for Expenses) .....	<u>\$ 6,336</u>	<u>\$ 222</u> 5

L-303

## FURTHER OBSERVATIONS

by

COMMISSIONER H. B. CHASE

This being an interim judgment dealing only with the first part of the application of the railways and having been advised with respect to the second part of the application that an additional substantial increase in freight rates will be required in order to enable the Canadian Pacific Railway to earn the permissive level of earnings under the "requirement formula" and after full consideration of all that has been placed before us, I feel the time has arrived for the Board to bring to the attention of all concerned and in particular the Government of Canada the serious situation confronting this Board with respect to its duty to maintain "just and reasonable" freight rates.

"Just and reasonable" must be interpreted to mean just and reasonable to both the public and the railways. This being so, then having regard to the serious distortions in the freight rate structure the Board is finding it increasingly difficult to perform its duty, viz., to maintain "just and reasonable freight rates", principally because it is unable to make any change in the so-called "Statutory Rates". I submit this view for the following reasons.

In this case, as in a number of previous cases, increases in freight rates can only be effectively applied to some segments of the freight traffic. Respondents' Counsel continually refer to this point and stress the view that if increases in freight rates are applied the railways will price themselves out of the market. I can agree that to some extent that will happen, for the railways admit that they do meet with some attrition and very severe competition from other forms of transportation. What is the solution? At page 8692 of the transcript Counsel for the Province of British Columbia in argument stated:

"Now, there are two large segments of the railway service that, in my opinion, are not properly bearing their share of these increased costs. You do not have to go back over all the costs of running the service, and this is an entirely new cost. There is the passenger service in particular and, secondly, the statutory grain rates. I am not here, and my friends on the provincial side know by now, suggesting that their grain rates should be increased. I think there has to be an answer to that problem, but it is certainly not that one. However, the time has now arrived when this Board, in fact the people of Canada, must realize that this is the biggest distortion in the freight rate structure of Canada, and some solution in respect of it has to be found."

(Emphasis mine)

The evidence shows that varying somewhat between the years, from 25% to 30% of the revenue ton miles of the Canadian Pacific Railway is derived from traffic moved on Statutory and Related Rates on grain and grain products, that the average revenue per ton mile on such traffic as shown by the 1957 waybill analysis is only .49 cents, and that 75% of the cars used in the handling of this traffic to the Head of the Lakes return empty.

Here I would refer to a discussion I had during the hearing with Mr. Emerson of the Canadian Pacific Railway while he was in the witness box.

"Q. Now, have you any idea—you bring, we will say, 100 loads of grain to the head of the lakes, say from a halfway point between there and Calgary, which would be around about Broadview, I guess?

A. Yes, Regina, maybe.

Q. So, you bring 100 loads down?

A. Yes.

Q. What is your percentage of loads going back?

A. The percentage of loads going back?

Q. Yes?

A. It would be very low, the westward movement would be mostly empty.

Q. Would you say that 75 per cent would be empty movement?

A. At least, yes, sir.

Q. Now then, you have to incur the expense of hauling those empties back?

A. That is an inherent part of the cost of transportation of grain, yes.

Q. The point I wanted to get at is this: In this estimate of half a cent a ton mile, does that take fully into account the hauling of the empties in the oposite direction?

A. Well, the figure, one-half cent per ton mile is the revenue which actually accrues to the company in respect of the movement of grain. In other words, for every ton of grain we haul one mile we get half a cent. I am speaking now—

Q. After deducting expenses?

A. No, this is a half a cent gross, and out of that we pay all the expenses, including the movement of the grain itself and the movement of the empties back, the maintenance of equipment, and so on.

Q. If it were worked out mathematically, taking into account the fact that you know you never saw the locomotive built that would pull its full tonnage in empties?

A. No.

Q. So if you took into account the hauling of 75 per cent empties back on the westward movement, are you making a half cent actually?

A. Are we making it?

Q. Netting it?

A. No, we are not netting it.

Q. You are in the hole?

A. Certainly.

Q. You haul it free?

A. For less than free."

(See Transcript: Pages 8546, 8547, 8548)

Turning back to my question, "What is the solution", I think the answer is that Parliament should find some means whereby the railways would be fairly compensated for the movement of grain and grain products in Western Canada carried at statutory and related rates and thereby reduce the amount or avoid the necessity of increases in freight rates on other commodities. True, there are other distortions in the freight rate structure, of which the railways are fully aware, and it is their duty to endeavour to find and apply solutions.

Anticipating that some people may say "The matter of Statutory Rates (Crowsnest Pass Rates) was fully explored by the Royal Commission on Transportation" (reported under date of February 9, 1951), I would suggest a

comparison be made as between the situation prevailing at the time the Commission made its study and the conditions prevailing at this time, having due regard for what has transpired during the interval and what may be expected in the near future.

Let me quote what I consider to be a few of the most pertinent points.

At pages 248 and 249 of the printed Report the following appears:

"It will be of value at this point to summarize the views which were expressed before the Commission concerning the future of the Crowsnest Pass rates by provincial governments and by various organizations and individuals who dealt with the subject.

The following favour the retention of the statutory control of these rates:

- The Governments of Manitoba, Saskatchewan, Alberta and New Brunswick;
- The City of Winnipeg and the Winnipeg Chamber of Commerce;
- The Manitoba Federation of Agriculture and Cooperation;
- The Alberta Federation of Agriculture;
- The Transportation Commission of the Maritime Board of Trade;
- The Fort William and Port Arthur Chamber of Commerce;
- The Canadian Federation of Agriculture;
- The Canadian Congress of Labour;
- The Wheat Pools of Alberta, Saskatchewan and Manitoba;
- The United Grain Growers;
- The Chambers of Commerce of Calgary and Edmonton;
- Mr. E. J. Young, a former director of the Canadian National Railways.

Among those named above as being in favour of the retention of statutory control of these rates the following had certain additional observations to make:

The Government of Manitoba says that, whether a subsidy should be paid to the railways as compensation for a deficiency in the rates or whether these rates should be increased at any time, are questions for the future. They can be dealt with by Parliament when they arise;

The Government of Saskatchewan says that if the rates are not compensatory some remedial action should be taken. If a subsidy is decided upon, such subsidy should be paid to the railways;

The Government of Alberta says that grain should not be carried at a loss. If there is a loss the rates should be kept as they are and a subsidy paid to the railways on the principle of the Maritime Freight Rates Act. Alberta does not contend that these rates must remain forever unaltered, but says that Parliament alone should have power to alter them;

The Government of New Brunswick says that any losses incurred by retention of the rates should be met by a subsidy to the railways;

The Transportation Commission of the Maritime Board of Trade favours the payment of a subsidy to the railways to meet possible losses.

The Governments of Nova Scotia, Prince Edward Island and Newfoundland made no statement whatever regarding the Crowsnest Pass rates. The Government of British Columbia made no specific reference to these rates, although their general attitude as to 'subsidizing industries' may have some bearing on the matter involved. Their

statement is that if any industry requires assistance this should be provided otherwise than through concessions in freight rates.

The following expressed themselves as being opposed to the retention of the Crowsnest Pass rates by statute:

- The Vancouver Board of Trade;
- The British Columbia Fruit Growers' Association;
- The British Columbia Paper Manufacturers and Converters;
- The British Columbia Feed Manufacturers' Association;
- The Canadian Industrial Traffic League;
- The Canadian Pacific Railway Company.

Some of those just named as being opposed to the retention of these statutory Crowsnest Pass rates qualified their statement as follows:

The British Columbia Paper Manufacturers and Converters say that the Crowsnest Pass rates should be reviewed and that if necessary some form of subsidy should be provided;

The British Columbia Feed Manufacturers' Association, while opposed to statutory rates, believe that the Crowsnest Pass rates contribute a 'fair share' to the railways;

The Canadian Industrial Traffic League says that if these Crowsnest Pass rates are to remain as they are, normal rates should be determined and the difference made up to the railways by subsidy.

The Canadian Manufacturers' Association says that all traffic carried on non-statutory rates must make up for the deficiency which the Association believes to exist in Crowsnest Pass rates. The remedy suggested is to apply the principle of the Maritime Freight Rates Act to the Crowsnest Pass rates.

The attitude of the Canadian Pacific Railway Company has already been set out in full. The Company favours a repeal of the statute and the payment of a subsidy to the grain growers if they need assistance."

Then note what I consider to be the most important view of the Royal Commission on page 250.

"In expressing the opinion that these Crowsnest Pass rates should remain in their present position what is meant is only that they should remain under the immediate control of Parliament. *It cannot be said and nobody has asked that it should be said, that their present level must never be changed.* None of those who oppose repeal have asked for any more than that Parliament's control should continue and that Parliament itself should make whatever changes in these rates, upward or downward, it may appear just and reasonable to make as time goes on."

(Emphasis mine)

The Royal Commission was appointed by Order in Council P.C. 6033, dated December 29, 1948, and made its Report under date of February 9, 1951. It is apparent that aside from what I would term the "Historical Parts" its Report relates to conditions prevailing during the years 1949-50 and with respect to the chapter headed "Crowsnest Pass Rates" the question of time appears to be paramount. At page 249 the Commission said, in part:

"The conclusion which commends itself to the Commission is that the time has not come for Parliament to divest itself of the immediate control of these rates which it assumed in 1897. Such a time may come later with the evolution of the country's economic position, but it seems certain that it has not yet come in this case."

Let us now consider a few of the changes that have occurred since the first post War II application for a general increase in freight rates was filed in 1946.

The general wholesale price index which stood at 138.9 in 1946 (1935-39=100) had advanced to 227.4 in June, 1958, an increase of 64%. The industrial composite average weekly wages and salaries index in 1946 was 75.6 (1949=100) and at June 1, 1958, it stood at 164.7, an increase of 118%. Ordinarily, the average business concern can and does pass such increases on to the ultimate consumer.

Since World War II there have been 7 general increases in freight rates, including the present interim increase, and there is a request for a further increase pending. The increases in wages and material prices apply and relate to all phases of railway operations but unlike the ordinary business concern the railways cannot pass such increases on to the ultimate consumer with respect to, say, 25% of the freight traffic handled but must endeavour to secure the additional revenues required to meet the increases in operating expenses from other segments of traffic and only then provided they can retain the handling of such traffic. Yet the statutory grain rates and related rates are on the level of 1899.

In conclusion I wish to make it quite clear that I am not suggesting that the statutory rates should be removed from Parliamentary control. I do, however, with great respect, contend that the time has come for Parliament in the national interest to give this matter careful study and decide what the future policy should be.

H. B. CHASE,  
*Commissioner.*

November 17, 1958.

## ORDER No. 96300

*In the matter of the application of The Railway Association of Canada and certain of its member companies, dated the 16th day of September, 1958, under Section 328 of the Railway Act, and all other relevant sections thereof and under Sections 3 and 8 of the Maritime Freight Rates Act for authority to make immediate interim increases in their tolls or rates for the carriage of freight traffic on their lines in Canada,*

*and*

*In the matter of the application of the Canada Steamship Lines dated the 2nd day of October, 1958, for authority to issue revised tariffs on short notice covering such changes in its rates as any authorized change in the rail rates will require.*

File No. 48771

MONDAY, the 17th day of November, A.D. 1958

ROD KERR, Q.C., *Assistant Chief Commissioner.*  
 A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
 F. M. MACPHERSON, *Commissioner.*  
 H. B. CHASE, C.B.E., *Commissioner.*  
 L. J. KNOWLES, *Commissioner.*

Whereas the above mentioned applications were heard in the presence of Counsel and representatives of the Applicant and Respondents and Judgment dated November 17, 1958, has been rendered thereon—

*It is ordered that:*

1. Except as stated in paragraph numbered 2 of this Order, the Applicants may, subject to the provisions of this Order, increase rates and charges on freight traffic other than coal and coke, and accessorial services as set out in Schedule "B" to the railways' application, by 17 per cent, and by 22 cents per ton, net or gross as rated, on coal and coke for single and joint line hauls.

2. *Exceptions:*

The provisions of this Order do not apply to:

- (a) carload rates on grain and grain products subject to the provisions of section 328(6) of the Railway Act, from all points on all lines of railway west of Fort William, Ontario, to Fort William, Port Arthur and Armstrong, Ontario;
- (b) export carload rates on grain and grain products from all Prairie points on all lines of railway to Vancouver, Prince Rupert and other British Columbia coast ports;
- (c) joint international rates (except rates on coal and coke) between Canada and the United States of America;
- (d) rates between United States points on traffic passing through Canada;
- (e) export and import rates to and from Canadian ports which are maintained on a parity with rates to or from United States ports;
- (f) demurrage charges;
- (g) Stop-off charge specified in section 59(4) of the Canada Grain Act of one cent for each cental, less three dollars.

### 3. *Differentials:*

Recognized differentials via rail-water-rail, and water-rail joint routes may be preserved as far as may be practicable, even though certain rates via differential routes may be lower or higher than would otherwise prevail if such rates were subjected to the increases herein authorized.

### 4. *Disposition of fractions:*

Where rates without increase are:

5 cents or lower:—

Fractions less than .125 drop;  
 Fractions .125 and under .375 make  $\frac{1}{4}$  cent;  
 Fractions .375 and under .625 make  $\frac{1}{2}$  cent;  
 Fractions .625 and under .875 make  $\frac{3}{4}$  cent;  
 Fractions .875 and over make next whole cent.

Over 5 cents and not higher than 10 cents:—

Fractions less than .25 drop;  
 Fractions .25 and under .75 make  $\frac{1}{2}$  cent;  
 Fractions .75 and over, make next whole cent.

Higher than 10 cents:—

Fractions less than .5 drop;  
 Fractions .5 and over make next whole cent.

The foregoing to apply whether the rates are expressed in cents per 100 pounds or other unit, or in dollars and cents per car or other unit.

### 5. *Combination rates (other than on coal and coke):*

Where rates are made by combining separately stated rates, each factor of such combination may be increased separately. Where a rate is shown in a tariff as composed of two or more factors, each such factor may be increased separately and the increased rate will be the total of the factors so increased.

### 6. *Relief from the provisions of Tariff Circular No. 1:*

In implementing the terms of this Order the Applicant may depart from the terms of Tariff Circular No. 1 as to notice, form of tariffs and supplements, and volume of supplemental matter.

### 7. *Effective date:*

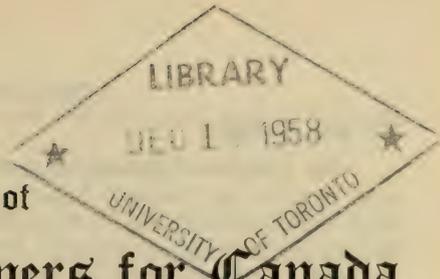
Increased rates and charges as herein authorized may be published, filed and made effective not earlier than the first day of December, 1958.

### 8. *Competitive rates:*

The provisions of this Order as to paragraphs numbered 6 and 7 shall also apply to tariff schedules amending competitive rates concurrently with tariff schedules increasing rates and charges as herein authorized.

ROD KERR,

*Assistant Chief Commissioner,  
 The Board of Transport Commissioners for Canada.*



The Board of

# Transport Commissioners for Canada

## Judgments, Orders, Regulations, and Rulings

Vol. XLVIII

OTTAWA, DECEMBER 1, 1958

No. 17

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Authorized as Second Class Mail, Post Office Department, Ottawa.

*In the matter of the application of Messrs. Hu Harries and Associates, on behalf of Alberta Phoenix Tube & Pipe Limited, for elimination of unjust discrimination and undue preference alleged to exist in respect of rates on Skelp and Pipe, from eastern points to Edmonton, Alberta, and Vancouver, B.C., under the provisions of the Railway Act, Chapter 234, and the Transport Act, Chapter 271, R.S.C. 1952; and the Judgment and Order No. 94129, dated April 17, 1958, therein:*

*And in the matter of the application of Canadian National Railways and Canadian Pacific Railway Company under section 52 of the Railway Act for review and rescission of the said Judgment and Order and for suspension of the effective date of the Order:*

File No. 48703

Before:

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner.*  
A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
L. J. KNOWLES, *Commissioner.*

Appearances:

R. A. MACKIMMIE, Q.C., for Alberta Phoenix Tube and Pipe Limited.  
K. D. M. SPENCE, Q.C., for Canadian Pacific Railway Company.  
W. G. BOYD, for Canadian National Railways.

Review hearing held at Ottawa, May 28 and 29, 1958.

## REASONS FOR JUDGMENT

## BY THE BOARD:

By Judgment dated April 17, 1958, XLVIII J.O.R. & R., the Board, after due hearing at Calgary held on February 27, 1958, made several findings of fact that the business of Alberta Phoenix Tube and Pipe Limited is unjustly discriminated against by Agreed Charges C.T.C. (AC) Numbers 63 and 89, in respect of shipments of goods in carloads consisting of steel skelp from certain points in Eastern Canada to Edmonton and of steel pipe from Edmonton to the Vancouver area.

Pursuant to that Judgment, the Board by Order No. 94129 of the same date and with the object of removing such unjust discrimination, fixed a charge on each of the goods to which reference has been made and required the affected railway companies to make these fixed charges effective on May 17, 1958. The charge fixed on pipe from Edmonton, Alta. to Vancouver, B.C., in relation to Agreed Charge No. 63 is 44 cents per 100 pounds, and on skelp from Hamilton and Sault Ste. Marie, Ont. to Edmonton is 90 cents per 100 pounds, in relation to Agreed Charge No. 89.

That action was taken under Section 32, Subsection 10, of the Transport Act, Chapter 271, R.S.C. 1952, as amended on July 28, 1955, by Chapter 59, 3-4 Elizabeth II. The facts upon which the Board relied are set out in the prior Judgment.

Before the date that the fixed charges were required to be made effective, Counsel for Canadian National and for the Canadian Pacific, by oral statement of May 9, 1958, to the Chief Commissioner, by telegram of the same date, and by petition submitted May 15, 1958, applied to the Board under Section 52 of the Railway Act, first, for a suspension of the Board's Order No. 94129, and second, for a review and rescission of the Judgment and Order, stating orally that it was the intention of the railways to seek an extension of time for an appeal to the Supreme Court of Canada on points of law, and stating in writing that they had new evidence to offer to the Board on the facts and further arguments on the law to make the record complete.

The Board considered that it would further the ends of justice to reopen the case, and by Order No. 94361 of May 15, 1958, set further hearing which was held at Ottawa on May 28 and 29, 1958. The matter was fully heard, reviewed and argued at that time, and any deficiencies in the former record must be considered as made good.

In the interim, the Board suspended the effective date of the fixed charges until June 2, 1958.

At the conclusion of the second hearing on May 29, 1958, the Assistant Chief Commissioner rendered the following oral Judgment:

"Gentlemen: We have given consideration to the original evidence and argument, and to the additional evidence and argument we have heard in this matter, pursuant to the Order of the Board No. 94361 dated the 15th day of May, 1958. We have also reviewed the Board's Judgment and Order. We are of the unanimous opinion that nothing material has been advanced that would move the Board to rescind change, alter or vary the findings and decision contained in its Judgment and Order under review. And the suspension contained in Paragraph : of Order No. 94361, will therefore not be continued after June 2, 1958. More extensive written reasons for our decision will be given at : later date."

The Board now proceeds to give its reasons for the said oral Judgment.

#### THE RAILWAYS' APPLICATION FOR REVIEW

Since Counsel for the railways especially relied upon the application dated May 15, 1958, addressed to the Board and requesting a reopening of this case, the Board has reproduced the entire application with its twenty-one points as follows:

#### BOARD OF TRANSPORT COMMISSIONERS FOR CANADA

*In the matter of Order of the Board No. 94129 dated Wednesday the 17th of April, 1958, and Judgment of the Board in the same matter bearing the same date.*

File No. 48703.

By telegram dated May 9, 1958, addressed to the Secretary of the Board, Canadian National Railways and Canadian Pacific Railway Company made the following applications:

"File 48703 Alberta Phoenix case respondent Railways hereby apply under Section 52 for review and recision of Board's Judgment and Order Number 94129, dated April 17, 1958, upon various legal jurisdictional and factual grounds details of which will be supplied in statement to be filed with Board early next week STOP Application is also made for order suspending effective date of Order Number 94129 until further order of Board after hearing and decision upon our Application STOP Have wired Mr. MacKimmie Calgary and Mr. Harries Edmonton requesting that Alberta Phoenix Company consent to such suspension."

The respondents submit the following in support of these applications.

- (1) That the Judgment and Order were made without appropriate application, evidence or argument relevant to the issues as set out in the Judgment and Order;
- (2) That prior to the hearing at Calgary on February 27, 1958, there was no application to the Board by Alberta Phoenix for a fixed charge under the Transport Act in respect of Agreed Charge 63, Agreed Charge 89 or any other Agreed Charge then in effect;
- (3) That the complaint of Hu Harries & Associates, on behalf of Alberta Phoenix, set down on short notice for hearing at Calgary on February 27, was under the Railway Act and related specifically to the granting by the Railways of a "manufacturing-in-transit" privilege in conjunction with rates and tariffs published under the Railway Act. Any reference to an Agreed Charge was to the making of a new agreement for an Agreed Charge, not to the fixing of a charge by the Board under any existing agreement for an Agreed Charge;
- (4) That after the commencement of the hearing at Calgary on February 27, Counsel for the Applicant, Hu Harries & Associates, filed with the Board a document entitled "Application and Submission to the Board of Transport Commissioners for Canada of Hu Harries & Associates on behalf of Alberta Phoenix Tube & Pipe Limited." In that document the Applicant purported to apply under the Railway Act and the Transport

Act for an Order that certain specified tolls be charged Alberta Phoenix, "or alternatively for an Order fixing a similar charge, for the transport, by the British Columbia Electric Railway Company Limited, Canadian National Railways, Canadian Pacific Railway Company, the Esquimalt & Nanaimo Railway Company, The New York Central Railroad Company, Ontario Northland Railway, The Toronto, Hamilton and Buffalo Railway Company, Vancouver and Lulu Island Railway Company (Canadian Pacific Railway Company, Lessee), Wabash Railroad Company, of the goods of the shipper Alberta Phoenix Tube & Pipe Limited, namely, steel skelp and steel pipe, from and to stations and/or places as set out in Agreed Charges C.T.C. (AC) No. 63 or alternatively, Agreed Charges C.T.C. (AC) No. 89, as are in the said Agreed Charges contained."

- (5) That each of the railway carriers mentioned in that portion of the "application and submission" above quoted, was a carrier party to Agreed Charge No. 63. Subsequent to that date The Algoma Central and Hudson Bay Railway Company and the Great Northern Railway Company became carrier parties to the said agreement for an Agreed Charge. With the exception of the Canadian Pacific Railway Company and the Canadian National Railway Company, none of the railway carriers party to Agreed Charge 63 were notified, either directly or through the Canadian Freight Association, of the "application and submission" of Hu Harries & Associates.
- (6) That the Algoma Central and Hudson Bay Railway Company and the Canadian Pacific Railway Company are the only railway companies who are parties to Agreed Charge No. 89. The Algoma Central and Hudson Bay Railway Company was not notified, either directly or through the Canadian Freight Association, of the "application and submission" of Hu Harries & Associates.
- (7) That none of the shippers party to either Agreed Charge 63 or Agreed Charge 89 were notified of the said "application and submission".
- (8) That the "application and submission" appears to ask the Board to fix a charge, similar to *either* Agreed Charge No. 63 or Agreed Charge 89, except that in either case Alberta Phoenix would have the right to convert the skelp into pipe en route. The fixing of two separate charges under the two separate Agreed Charges, Nos. 63 and 89, was not asked for in the "application and submission" nor at any time during the proceedings. The Judgment and Order of the Board purporting to fix two such separate Charges was pronounced and made without giving the railway carriers or the shippers, under the existing Agreed Charges, any opportunity to make submissions as to the jurisdiction of the Board to make such an Order ever if unjust discrimination had in fact been proved with respect to each of the said Agreed Charges.
- (9) That in the course of the argument (transcript pages 2508-9) Mr. Commissioner Knowles asked Counsel for the Canadian Pacific Railway Company whether he would admit under the Transport Act that the Board had a right to fix a Charge from

Edmonton to Vancouver, and in reply Mr. Spence said he thought that would be going beyond the powers given to the Board in the Act. No opposition to that view was voiced, and no suggestion was made that that point should be further argued or that it remained in doubt.

- (10) That the finding by the Board that unjust discrimination existed within the meaning of Subsection (10) of Section 32 of the Transport Act was not supported by the evidence. No reference is made in the Board's Judgment to the fact that the Alberta Phoenix Company had never competed in the Vancouver market and that their plant in Edmonton was not even constructed until after Agreed Charges 63 and 89 came into effect.
- (11) That with respect to Agreed Charge No. 89 no reference was made in the Board's Judgment to the fact that the Canadian National Railway Company is not a party to the agreement nor to the fact that it is a term and condition of that Agreed Charge that all traffic must be routed either via the Algoma Central and then C.P.R., or via C.P.R. direct; in neither case is such traffic carried through Edmonton, and the Board's Order purports to require the rail carriers to deliver the traffic over a different routing to a point other than Port Moody, which is the only destination point covered by the Agreed Charge;
- (12) That the Board's Judgment refers to the fact that the Board since 1955 does not now "initially inquire into or approve Agreed Charges". No reference is contained in the Judgment to the fact that each of the two Agreed Charges in question, Agreed Charge 63 and Agreed Charge 89, was specifically approved by the Board prior to 1955;
- (13) That the result of the Board's Judgment if carried out would be to place Alberta Phoenix at a competitive advantage in prairie markets over other producers of pipe, contrary to the provisions and intentions of the Transport Act. This result comes about by reason of the fact that whereas the complainant has heretofore supplied prairie markets with pipe made from skelp derived partly from Hamilton at a rate of \$1.76 and partly from Sault Ste. Marie at a rate of \$1.54, both of which rates were at a level that maintained the competitive position of the complainant, the complainant would now be able to surrender its Hamilton shipping bills for reduction from \$1.76 to .90c in connection with furtherance of all British Columbia coast pipe, even though made with Sault Ste. Marie skelp. This would enable the Complainant to supply the Prairie market at lower transportation costs than now available by charging against production costs of Prairie pipe, the lower transportation charges on skelp from Sault Ste. Marie, even though the skelp may have come from Hamilton.
- (14) That the Board erred in its finding that the average inbound rate on skelp to the plant at Welland, Ontario was 11c per 100 lbs. According to evidence obtained by the railways since the hearing the said average rate is 20c per 100 lbs. The said error results in a miscalculation of the charges fixed by the Board in the said Judgment and Order.
- (15) That the Board erred in basing its Judgment, as it did in the first paragraph of its conclusions, upon the assumption that

Edmonton was an intermediate point between Hamilton and Port Moody under Agreed Charge No. 89, whereas none of the traffic carried under the said Agreed Charge passes through or anywhere near Edmonton, and Edmonton is not in any sense an intermediate point on the route of the said traffic.

- (16) That the Board exceeded its powers under the Transport Act when upon the basis of two agreed charges, neither of which was by itself unjustly discriminatory, it proceeded to fix two charges as if unjust discrimination had been established with respect to each of the said agreed charges, and to design the two fixed charges to be used in combination as a single fixed charge based upon two agreed charges.
- (17) That the Board erred in attempting by a combination of fixed charges to compensate for a disadvantage claimed by the shipper in relation to shippers under one or the other of two Agreed charges, when the said disadvantage was due to the location of the complainant's plant and that location was chosen by the complainant after the said Agreed Charges were in effect.
- (18) That the Board exceeded its jurisdiction in introducing a condition not contained in either of the said agreed charges requiring that the fixed charge upon skelp shall only be applied upon proof submitted to the carrier that the said skelp has been converted into pipe and shipped from Edmonton at a charge fixed. The said provision is for the purpose of establishing the two fixed charges in combination as an arrangement for fabrication in transit. There is no provision either in the Railway Act or the Transport Act under which the Board has power to order transit privileges, and the Board has therefore attempted to do by indirection what it is not empowered to do directly.
- (19) That the Board erred in fixing charges for the complainant upon goods that were not offered for carriage under substantially similar circumstances and conditions as the goods to which the agreed charges related, such circumstances and conditions being at wide variance as to the routes over which the goods were to be carried, the length of the haul, the locations of the plants of the shippers and in various other respects.
- (20) That the Board exceeded its powers by fixing a charge for each of the commodities covered in the said Judgment and Order lower than the corresponding agreed charge.
- (21) That the powers assumed by the Board under the said Judgment and Order are contrary to the provisions and intent of the Transport Act, and would adversely affect the revenues of the carriers under Agreed Charges in future, as well as adversely affecting shippers in Canada.

All of which is respectfully submitted.

J. W. G. MACDOUGALL,  
*Commission Counsel,*  
*Canadian National Railways.*

K. D. M. SPENCE,  
*Commission Counsel,*  
*Canadian Pacific Railway Company.*

## COMMENTS OF THE BOARD ON THE RAILWAYS' APPLICATION

The evidence and argument at the Ottawa hearing did not deal in detail with all the statements in the railways' application for review, and the Board deems it advisable to comment on the points in that application.

*Point 1*

An appropriate informal application similar to many other applications received by the Board, was duly made by the applicant on December 31, 1957, and was forwarded by the Board to Counsel for the Canadian National Railways and the Canadian Pacific Railway Company on January 20, 1958; the railways raised no objection to this form of application, either when submitted to them by the Board or at the opening of the hearing at Calgary on February 27, 1958. A subsequent so-called formal application and submission was presented at that hearing by Counsel for Alberta Phoenix Tube and Pipe Limited. At that time also the railway Counsel present made no objection to the Board hearing the formal application. There therefore was an initial informal and a subsequent formal application submitted to and dealt with by the Board.

So far as the original evidence is concerned, there were 38 pages of direct evidence, cross examination, and re-examination by Mr. Gommel, General Manager of Alberta Phoenix Tube and Pipe Limited, and of Mr. Hu Harries, Economics Consultant to this firm; this evidence set forth in detail the unjust discrimination of which the applicant complained, and Counsel for the railways had every opportunity to examine the exhibits filed and the oral evidence given. The railways in reply submitted two witnesses who gave 21 pages of evidence and cross examination. Counsel for the applicant and Counsel for the railways also submitted argument.

The allegation in Point 1 that the Board made its Judgment and Order without appropriate application, evidence or argument relative to the issues is obviously not supported by the facts.

*Point 2*

The point stated by the railways that there was no application to the Board by Alberta Phoenix Tube and Pipe Limited for a fixed charge under the Transport Act prior to the hearing at Calgary is not material, because the fact is that at that hearing a formal application was made to the Board for a fixed charge under the Transport Act in respect of Agreed Charge No. 63 and for another fixed charge in respect of Agreed Charge No. 89.

*Points 3 and 4*

These points relate to the informal and formal applications made by the applicant and already referred to. The Board's prior Judgment herein sets forth what the applicant complained of and the relief sought. The complaint was of unjust discrimination contrary to the Railway Act and Transport Act and relief was sought under both statutes.

*Points 5 and 6*

The point that certain of the railway companies were not notified of the formal application of the applicant presented at the Calgary hearing goes to the request for a review of the Judgment rather than to the issues to be determined. However, as to that point, the fact is that notice of the Calgary sitting had been sent in good time to the Canadian Freight Association and the Board had no reason to think that any of the interested railway companies were unaware that the Calgary sitting would be held to hear the applicant's complaint of unjust discrimination. The formal application presented at that sitting was heard there in the presence of the parties who saw fit to appear.

In any event, copies of the Board's Judgment and Order and notice of the subsequent hearing at Ottawa were duly sent to all the interested parties, but, as at Calgary, only the applicant and Canadian National and Canadian Pacific appeared at the Ottawa hearing.

*Point 7*

The associations of which the shippers parties to Agreed Charges 63 and 89 are members, namely, the Canadian Manufacturers Association and The Canadian Industrial Traffic League, were notified by the Board in the usual manner of the hearing to be held at Calgary; in addition, the Board required Hu Harries and Associates to send copies of the original application to several of the shippers parties whom the Board considered would be especially interested in this case. When they failed to appear, they naturally were not there to receive a copy of the application filed by Counsel for the applicant at the hearing at Calgary. Neither did any of them appear at the Ottawa sitting, although duly notified.

*Point 8*

The application of the applicant has already been referred to and described, as has also the relief sought. In his opening statement at Calgary, Counsel for the applicant stated that the applicant sought a rate on skelp from Sault Ste. Marie and Hamilton to Edmonton and a rate on pipe from Edmonton to Vancouver. Exhibit No. 4, filed by the applicant at Calgary, also showed suggested separate rates to Edmonton from the Ontario points and from Edmonton to Vancouver.

The request of the applicant, and the case made by the applicant for relief, were, in the Board's view, not so limited as the railways assert in point 8. The railways had full opportunity at Calgary to answer that case and they knew, of course, that section 47 of the Railway Act and section 4 of the Transport Act give the Board power to grant such further or other relief, in addition to or in substitution for that applied for, as to the Board may seem just and proper.

*Point 9*

The statement made by the railway companies in this point referring to a discussion with a member of the Board at the Calgary hearing as to the rate which the Board subsequently fixed from Edmonton to Vancouver, itself refutes the allegation made in Point 8 that the railway Counsel had no opportunity to make submissions as to the jurisdiction of the Board.

*Point 10*

The allegation that the finding of the Board with respect to unjust discrimination was not supported by the evidence, is a submission with which the Board cannot agree. The evidence of two witnesses for the complainant clearly and effectively showed unjust discrimination against the complainant. The allegation "that the Alberta Phoenix Tube and Pipe Limited had never competed in the Vancouver market" is another error. At the further hearing at Ottawa on May 29, 1958, a member of the Board referred Counsel for the Canadian Pacific Railway Company to the evidence of a witness for the Alberta Phoenix Tube and Pipe Limited, Mr. Hu Harries, at pages 2455-56 of the transcript of the prior hearing at Calgary, to the effect that Alberta Phoenix Tube and Pipe Limited had participated in the Vancouver market. Mr. Harries' statement was "they have put a little commercial pipe in there at partly scrap prices".

The further statement by railway Counsel "that their plant in Edmonton was not even constructed until after Agreed Charges 63 and 89 came into

effect" also needs examination as to its validity. Considerable confusion was caused in the record at the second hearing at Ottawa by the reiterated assertion of railway Counsel that "Agreed Charge 63 had been approved by the Board". This was only true so far as the *original* Agreed Charge 63 of \$1.45 per 100 pounds is concerned, but it is not true so far as the *amended* Agreed Charge 63 of \$1.20 per 100 pounds is concerned. The latter is what is complained of—not the original Agreed Charge. The Agreed Charge of \$1.20 per 100 pounds was filed by Supplement No. 8 with the Board, with new signatures by the Canadian Freight Association and the participating shippers, to become effective *October 18, 1956*. Moreover, the amended agreed charge was made for a reason different from the original Agreed Charge No. 63. The original was made to meet carrier competition; the substituted Agreed Charge of \$1.20 per 100 lbs. was made to assist Eastern shippers to enter a common market. The plant of the Alberta Phoenix commenced operation *in September 1956*, and the evidence given in the second hearing at Ottawa shows that the Alberta Phoenix were negotiating with the railways for freight rates as far back as July 1956. The Alberta Phoenix plant was therefore constructed and completed *before* Agreed Charge No. 63 (*as amended*) became effective. In any event, the date that a shipper commences his business is entirely immaterial—the Transport Act says that a shipper who complains of unjust discrimination may apply to the Board *at any time* for a fixed charge (Section 32, subsection 10).

The claim of the railways that prior approval of the Board had been given was also stated at the hearing with regard to Agreed Charge 89. With respect to the latter agreed charge, it is true that this was approved by the Board under the former requirements of the Transport Act. Agreed charges, however, do not now need the approval of the Board since the amendment to the Transport Act, effective on July 28, 1955—and that is all the Board said in its original Judgment.

#### Point 11

The Board was quite aware in rendering the original Judgment that only the Canadian Pacific Railway Company and the Algoma Central & Hudson Bay Railway participate in the movement of skelp in Agreed Charge No. 89, but that both the Canadian National Railways and the Canadian Pacific Railway Company participate in the Agreed Charge No. 63 on pipe from Welland to the Vancouver area.

The Board restricted its prescribed fixed charges "to be made *by the same carriers parties* to that Agreed Charge", in accordance with its powers under the Transport Act. The position of the Canadian National Railways is dealt with further herein when considering the legal points raised by that railway, as is also the matter of routing.

#### Point 12

This is similar to Point 10 and has been dealt with in our comments on that point.

#### Point 13

The contention that the complainant would have an advantage in the Prairie market by reason of the Board's Judgment is not a reason for refusing a finding of unjust discrimination in the agreed charge rates to the Vancouver area and relief therefrom. The alleged advantage was shown by the railways themselves at the second hearing to amount only to 3 cents per 100 pounds. Moreover, the allegation of the railways would involve, to put it plainly,

the "juggling" of expense bills on skelp from both Hamilton and Sault Ste. Marie to Edmonton to achieve the alleged advantage. The railways have the remedy for such procedure in their own hands.

*Point 14*

This is dealt with at the end of these comments, under the heading "Review of the Facts".

*Point 15*

As to Edmonton as an intermediate point, the first ten lines of the Board's "Conclusions" down to the words "that intermediate point (of Edmonton)" on Page 6 of the pamphlet copy is a general statement relating to *both* agreed charges. Edmonton is directly intermediate to Vancouver via the Canadian National Railways under Agreed Charge No. 63, and geographically intermediate via the Canadian Pacific. This matter is further dealt with herein under the heading "Circumstances and Conditions".

Points 16 to 21, which constitute points of law, are dealt with collectively herein.

#### REVIEW OF THE FACTS

While the notification by telegram to the Board said that an application for review would be filed on both the facts and the law, the principal new factual evidence related only to an alleged error of the Board in accepting the evidence of the Alberta Phoenix witness with regard to the average rate on steel skelp from Hamilton to Welland. This was stated by the complainant to be 11 cents per 100 pounds, whereas the railway companies say in their formal application that it is 20 cents, and in their evidence that it is 22.46 cents, and contend that the Board was influenced in its decision by the alleged erroneous quotation of the complainant. The witness who had made the original statement that the average rate was 11 cents, appeared at Ottawa to testify that when the matter was discussed with the railways in 1956, they had agreed that the average rate was 17 cents, not 11 cents. The witness, however, further qualified this evidence by stating that based on the present sources of supply of skelp, i.e., from Sault Ste. Marie and Hamilton to Welland, and the relative proportions thereof, the present aggregate cost of shipments of skelp into Welland for the purpose of manufacturing pipe for Vancouver was now 11 cents per 100 pounds. This question can readily be disposed of: the Board was not misled by any statement respecting that rate, and the Judgment is quite clear that the Board did not take *any* rate from Hamilton to Welland into consideration in fixing the charges prescribed in the Judgment. The Judgment of the Board was made solely under the provisions of the Transport Act as relating to agreed charges; no rates published under the provisions of the Railway Act were taken into consideration, nor was it necessary to consider any such rates in arriving at the Board's decision.

Unjust discrimination was found to exist against the shipper's business upon *four other findings* of fact set forth at pages 5 and 6 of the pamphlet Judgment dated April 17, 1958, and the Board prescribed a method by which it could be removed.

#### JURISDICTION OF THE BOARD TO DEAL WITH TWO AGREED CHARGES

When the Board is presented with a series of facts which clearly showed, as in this case, that unjust discrimination exists and has satisfied itself on such facts, the Board has jurisdiction under Section 32, subsection 10 of the Transport Act to remove that discrimination by fixing a charge for the complaining shipper whose business is unjustly discriminated against. It must be noted

that the Board is given no option in respect of the nature of the relief in such a situation under the Transport Act; it may fix a charge, *and only fix a charge*, to remove the unjust discrimination, subject to such conditions as it sees fit to impose. It is not the same kind of jurisdiction which may be exercised by the Board under Section 317 of the Railway Act; under that Act the Board may require the railway to remove the discrimination, which the railway may do either by reducing the higher rate, or advancing the lower rate, or by averaging the two, or by any other method so long as it results in the removal of the discrimination.

Having regard to the different types of jurisdiction which the Board holds under these two Acts, it proceeded to apply the remedy under the appropriate Act, i.e., the Transport Act, because it found an unjustly discriminatory situation existing by reason of agreed charges. The complainant showed at the first hearing by Exhibit No. 2 that had the agreed charges contracts not been made by the railways with the complainant's competitors, the complainant had an advantage on the normal basis of rates under the Railway Act in lower transportation costs of supplying pipe in the Vancouver area, but that when the railways entered into contract rates under agreed charges on a much lower basis with his competitors at Hamilton, Ont., Welland, Ont., Port Moody, B.C., and other points, the complainant lost its advantage in the Vancouver market and could not sell its pipe there except at a loss. The railways chose to enable the Ontario and British Columbia manufacturers to meet *market* competition in the Vancouver area by entering into agreed charges with such manufacturers. In fact, at the second hearing a witness for the railways said the agreed charges had been made to help the (eastern) manufacturers, but that he had no intention of similarly assisting the Alberta manufacturers.

The railways further contend that the Board exceeded its jurisdiction by coupling the two agreed charges together and in finding unjust discrimination "under two agreed charges" and inferentially that the Board could only find unjust discrimination where one agreed charge is concerned. As to that contention, it may be noted that the Order of the Board, Number 94129, states that:

"AND WHEREAS the Board by its Judgment herein dated April 17, 1958, has made a finding that the business of the Applicant is unjustly discriminated against by *each* Agreed Charge above referred to;"  
(emphasis ours)

The Board's Judgment and Order, therefore, do not couple the two agreed charges together and deal with them jointly and not individually; the Board made a finding separately on each agreed charge. In any event, it may be noted that had only Agreed Charge No. 63 on pipe existed, (with no agreed charge on skelp), the Board would have fixed a charge of 44 cents per 100 pounds on pipe from Edmonton to Vancouver to remove the unjust discrimination found in that agreed charge; such charge, as pointed out at the second hearing, being measured by the same percentage of the uniform Class 100 rate previously prescribed by the Board from Edmonton to Vancouver, as the agreed charge on pipe from Welland to Vancouver is of the Class 100 rate between these two points.

On the other hand, had there only been in existence Agreed Charge No. 89 on skelp to Port Moody, B.C., (with no agreed charge on pipe), the Board would have fixed a charge of 90 cents per 100 pounds from Hamilton and Sault Ste. Marie to Edmonton in relation thereto.

But the fact is that both Agreed Charges 63 (as supplemented) and 89 are in existence, and each of them on the facts is unjustly discriminatory; the

Board therefore can see nothing repugnant in law in removing by one Judgment and Order the unjust discrimination created against the complainant by each of these two agreed charges.

#### UNJUST DISCRIMINATION BASED ON LOCATION OF AN INDUSTRY

The railways in their final argument in this case endeavoured to set up a defence that the complainant's plant at Edmonton (only 765 miles from Vancouver) had been "built in the wrong place" if it expected to do business in Vancouver. It is impossible to reconcile this argument with the fact that several other plants, about 3,000 miles from Vancouver, were enabled by the railways to enter the common Vancouver market with their products at low freight rates. It must be kept in mind that this is not a case of *carrier competition* between two or more points in Canada which would compel the railways to meet that competition; it is a matter of the railways enabling one set of manufacturers in Ontario to get into a common market in the Vancouver area to meet *market competition*, while denying the right of another manufacturer in Alberta, located 2,000 miles nearer, to enter the same market to meet the same market competition; and, in the case of the Port Moody (B.C.) manufacturer, the railways have also enabled that manufacturer to enter the Vancouver market by according him a low agreed charge on his raw material, but have refused to do so to the Edmonton manufacturer. The result, in effect, is that the railways will assist any manufacturer who is 3,000 miles away from that common market, or who is in the vicinity of the common market, to enter that market with low agreed charges, but that any manufacturer who is located anywhere else along 3,000 miles of railway will not be assisted to enter that market, but must pay the ordinary tariff rates, two or three times as high, under the Railway Act. The Board considers that it has jurisdiction to remedy such unjust discrimination by the use of its power to fix charges under subsection 10 of Section 32 of the Transport Act.

#### JURISDICTION OF THE BOARD TO ATTACH CONDITIONS TO THE FIXED CHARGES

The railways contend that the Board exceeded its jurisdiction with respect to the condition imposed by its Order that the fixed charge of 90 cents per 100 pounds on skelp shall only be applied upon proof submitted to the carrier that the said skelp had been converted into pipe and shipped from Edmonton at the charge to Vancouver, etc. fixed by the Board of 44 cents per 100 pounds. The railways contended that the said provision is for the purpose of establishing the two fixed charges in combination as an arrangement for fabrication in transit, and that the Board has attempted to do by indirection what it is not empowered to do directly, by either the Railway Act or the Transport Act. In the Board's view this contention is unwarranted. The Board is empowered to fix the conditions attaching to a fixed charge—the Transport Act, Section 32, subsection 10, says so in as plain language as could be devised. Furthermore, the condition imposed by the Board is not an arrangement for fabrication in transit; it is merely a device to protect the railways' revenues and ensure that the relief by way of fixed charges is confined to the unjust discrimination complained of respecting the applicant's business in the Vancouver market so that the shipper cannot obtain a refund of part of the local rate which he has paid on skelp from Hamilton or Sault Ste. Marie to Edmonton, i.e., by applying the 90 cent fixed charge, unless and until he produces a paid freight receipt showing that the particular skelp has been shipped as pipe to the Vancouver area. At the second hearing, the railways introduced argument based upon quoted decisions of the Board and the Interstate Commerce Commission in an attempt to show that the Board had never defined stop-off in

transit, nor had the Interstate Commerce Commission or the Board ever assumed power to prescribe a transit arrangement of its own motion.

So far as the Interstate Commerce Commission is concerned, the decisions referred to by the Counsel for the railways are negated by the fact that after the Mann-Elkins amendments of 1910, the Interstate Commerce Commission held that transit was a practice or regulation within the Interstate Commerce Commission Act, over which the Commission had jurisdiction, and that the Commission could, and did require the rail carriers to accord a new privilege as to the storage of wool 23 I.C.C. 151.

The Board has defined milling in transit in XI J.O.R. & R. 389 at Page 390 as follows:

“This naturally brings up to the question of what is a reasonable rate for the services to be performed by the railway company, always considering that the railway company receives the legal rate for transporting the grain from the starting point to destination, and that the stop-over privilege simply means that, if the same amount in weight is returned to the company for transportation to destination within six months, the completion of the contract of carriage will be made by the railway company at the legal through rate, whatever it may happen to be”.

The movement of skelp to Edmonton and pipe out of Edmonton is not a milling or fabrication in transit at through rate from point of origin to destination in accordance with the interpretation of the late Chief Commissioner Guthrie in that decision. In any case, as stated, the Board has not prescribed a fabrication in transit arrangement by the two fixed charges required by its Judgment and Order. They simply constitute a rate into Edmonton on the raw material (similar to the Agreed Charge to Port Moody) and another rate on the finished product of pipe out of Edmonton (similar to the agreed charge from Welland and other Ontario points), with a condition, as already stated, to ensure that the relief granted is confined to the unjust discrimination found respecting the applicant's business in the Vancouver market.

#### CIRCUMSTANCES AND CONDITIONS

As to the contention of the railways that the shipper's goods were not offered for carriage under substantially similar circumstances and conditions as the goods to which the agreed charges related; this contention is based upon alleged variance in the routes over which the goods were to be carried, the length of haul, and the locations of the plants of the shippers. The Board has not varied the routes over which the goods are carried, or are to be carried; the route via the Canadian National Railways is the same for the part from Edmonton as from Eastern Canada under Agreed Charge No. 63; and so far as Edmonton being on a branch line of the Canadian Pacific Railway is concerned, with respect to Port Moody, the distance to Edmonton from Hamilton and Sault Ste. Marie is shorter by about 400 miles at the fixed charge on skelp of 90 cents than to Port Moody at the agreed charge of 95 cents, and the route is the same from Hamilton and Sault Ste. Marie for most of the distance. The railways in their argument regard these agreed charges as in the nature of trans-continental rates, and under the trans-continental rates provision of the Railway Act, Section 337, the whole intermediate territory between Port Arthur, Vancouver, and Prince Rupert, is considered intermediate territory for the purpose of rate making, whether it is on the main lines of the railways or on branch lines. By that analogy, Edmonton on the Canadian Pacific is geographically intermediate to Vancouver.

### JURISDICTION OF THE BOARD TO FIX A LOWER CHARGE

Another point of law submitted by the railways was that the Board exceeded its jurisdiction in fixing a charge on pipe lower than Agreed Charge No. 63, and fixing a charge on skelp lower than Agreed Charge No. 89. The railways argued at the second hearing that the Board, if it made any fixed charges whatever, should have fixed a charge of 95 cents per 100 pounds on skelp from Eastern points to Edmonton, in relation to Agreed Charge No. 89, and a charge of \$1.20 per 100 pounds on pipe from Edmonton to the Vancouver area in relation to Agreed Charge No. 63. This would have made a total transportation charge of \$2.15 per 100 pounds, and would have just as effectively shut Alberta Phoenix out of the Vancouver market area. The Board considers that its jurisdiction is not only to fix charges, but as was said in the conclusions of the original Judgment:

“In the opinion of the Board this does not necessarily mean the same charge as the agreed charge; it means a charge which the Board considers will remove the unjust discrimination”.

Although the Board has made its interpretation of the Transport Act uninfluenced by the Report of the Royal Commission here mentioned, it may be of interest to record that when the matter of amending the legislation of the Transport Act with respect to Agreed Charges were being considered by the Royal Commission appointed to deal with the subject in 1954, the railways endeavoured to persuade the Commission that the Act should be amended to provide that: “it (the Board) may fix a charge *not lower* than the agreed charge, etc.” (see page 31 of Report of Royal Commission on Agreed Charges 1955—emphasis ours). In answer to that suggestion the Royal Commission said:

“2. The next case to be dealt with is that of the shipper who considers that his business has suffered, or is likely to suffer, from unjust discrimination by reason of an agreed charge. I have already referred to the present provisions of the Statute, which provide for his relief upon conditions to be laid down by the Board, and I have also quoted the railways’ suggested amendment to this procedure which would limit the Board’s discretion considerably in such cases. *I cannot accede to the railways’ suggestion on this point.* I believe that a shipper who feels that he is injured in his business interests by an ‘unjust discrimination’ should also feel that in bringing his case to the Board he is applying to an impartial tribunal *which has unrestricted power to give him the remedy which his case warrants.* This has been the practice hitherto and the evidence convinces me that, on the whole, it has proved satisfactory to all concerned. I would not change it”. (Page 36 of Report of Royal Commission on Agreed Charges 1955).

In the opinion of the Board, we have power to fix a charge whether higher, lower, or the same, as the agreed charge, appropriate to remove the unjust discrimination found by the Board to exist against a shipper complaining of an agreed charge.

### POSITION OF THE CANADIAN NATIONAL RAILWAYS

In final argument, Counsel for the Canadian National Railways made three main points; (a) that the Board had exceeded its jurisdiction in making the Judgment of April 17, 1958, and Order No. 94129 of the same date; (b) that the action of the Board deprived the Canadian National Railways of participating in the fixed charge of 90 cents per 100 pounds on skelp from Hamilton and Sault Ste. Marie; and (c) that the Canadian National Railways did not desire

to carry pipe from Edmonton to Vancouver at 44 cents per 100 pounds and that such a fixed charge should not have been imposed upon the railway by the Board.

As to (a), the Board has dealt herein with that point of law; as to (b), while the Board has no power to add the Canadian National Railways to Agreed Charge No. 89, there is nothing that the Board can find in the Transport Act, or the Railway Act, to prevent that railway from (1) voluntarily joining in the tariff to be issued publishing the prescribed fixed charge of 90 cents per 100 pounds,—in fact Canadian National has done just that; (2) publishing a competitive rate of 90 cents to meet the fixed charge; (3) publishing a proportional rate of 90 cents per 100 pounds from Hamilton to Edmonton on skelp for manufacture and reshipment to the Vancouver area; (4) publishing a commodity rate of 90 cents or (5) participating in a new agreed charge of 90 cents per 100 pounds if and when such new charge is agreed. The Board, therefore, has not deprived the Canadian National Railways of any opportunity to participate in the haulage of skelp to Edmonton and of pipe from Edmonton to Vancouver at total transportation revenue of \$1.34 per 100 pounds (i.e. 90 cents on skelp from Eastern points to Edmonton and 44 cents on pipe from Edmonton to Vancouver). Compared with the fact that it voluntarily accepts \$1.20 on pipe from Welland to Vancouver, the opportunity to obtain \$1.34 per 100 pounds on skelp and pipe via the same route through Edmonton, or 14 cents per 100 pounds more, would not appear to cause any injustice to the Canadian National Railways.

The fixed charge of 44 cents per 100 pounds of pipe from Edmonton to Vancouver stands alone; it does not depend upon the carriage of skelp from Hamilton to Edmonton by the Canadian National Railways. The obligation to carry pipe at a fixed charge of 44 cents per 100 pounds from Edmonton to Vancouver is a consequence that flows from the action of the Canadian National Railways in becoming one of the railways which made the agreed charge of \$1.20 per 100 pounds in the amended Agreed Charge No. 63 for the transport of pipe from Welland to Vancouver. The Canadian National Railways is not a party to Agreed Charge No. 89 on skelp from Hamilton and Sault Ste. Marie to Port Moody. However, it is not necessary for the Canadian National Railways to participate in that carriage under Agreed Charge No. 89 in order to be required to carry pipe from Edmonton to Vancouver at 44 cents. The Board's power to make the latter fixed charge does not depend upon Agreed Charge No. 89, which applies on skelp.

#### GROUND'S ADVANCED BY THE RAILWAYS FOR OBJECTION TO THE BOARD'S JUDGMENT

At the first hearing at Calgary the railways objected to the application of the complainant on the ground that the remedy proposed would be a fabricating transit arrangement which would be difficult to police, and allegedly would cause a great loss in revenue to the railways. While not withdrawing this defence, the railways, at the second hearing at Ottawa, objected mainly on the ground of the collateral consequences of the Board's Judgment, principally due to a letter from the Welland Tube and Pipe Company to the effect that if the principle enunciated by the Board were made effective, that company would seek several reductions in the rates on skelp and pipe from Hamilton and Welland in a number of freight rate adjustments now existing. These requests, however, would be made on traffic within Eastern Canada having no relation whatever to a movement from Eastern to Western Canada. It appears to the Board that such far-ranging examples, presented in an endeavour to justify objection to the removal of unjust discrimination to a competitor at Edmonton, do not show that the Board erred in its decision.

One further statement of the railways at the second hearing should be disposed of; the railways argued that if the Board's original Judgment were confirmed it would result in numerous applications for fixed charges at intermediate points on the Prairies between Eastern territory and the Pacific Coast. However, a witness for the complainant gave evidence at the second hearing that he had examined every agreed charge now in effect between Eastern Canada and the Pacific Coast, and that he could only find one where there was any possibility of a similar complaint arising from the effects of the original Judgment of the Board.

In conclusion the Board wishes to state that all facts and argument presented at the hearings, whether or not mentioned in these reasons, have been carefully considered by the Board in reaching its conclusions.

HUGH WARDROPE,  
A. SYLVESTRE  
L. J. KNOWLES

*Increased export and import rates between Canadian points and Canadian ports  
Item 220-A, Tariff X-212*

File No. 39422.2

Heard at Ottawa, April 9 and 10, 1958.

*Before:*

C. D. SHEPARD, Q.C., *Chief Commissioner.*  
F. M. MACPHERSON, *Commissioner.*  
L. J. KNOWLES, *Commissioner.*

*Appearances:*

LOVELL CARROLL, Q.C., for Canadian National Millers Association and Ontario Flour Millers Association.  
J. W. STRICKLAND, for Ontario Flour Millers Association.  
W. J. SMALLACOMBE, for Maple Leaf Milling Company Limited, and Grain & Grain Products branch of the Toronto Board of Trade.  
E. J. WOLFF, for Canadian National Millers Export Committee.  
W. MACDOUGALL, for Robin Hood Flour Mills Limited.  
H. A. MANN, for Maritimes Transportation Commission.  
A. R. TRELOAR, for Canadian Manufacturers Association.  
I. C. CAMPBELL and GUY R. BIRON, for Quebec Asbestos Mining Association.  
R. E. GRACEY and E. CHEESEMAN, for Canadian Industrial Traffic League.  
E. J. ALTON and W. C. PERRON, for National Harbours Board.  
C. LAFERLE, for Canadian Importers and Traders Association.  
T. H. WEATHERDON, for Canadian Exporters Association.  
K. D. M. SPENCE, Q.C., for Canadian Pacific Railway Company.  
J. W. G. MACDOUGALL, Q.C., for Canadian National Railways.  
CUTHBERT A. SCOTT, Q.C., for All interested Class I United States railroads.

J U D G M E N T

BY THE BOARD:

The matter at issue here concerns a proposed flat increase of 6 cents per 100 pounds in line haul rates applicable with some exceptions, on export and import freight traffic between points in Canada and Canadian ports such as is set out in item 220-A of Master Tariff X-212 filed with us by various agents under their respective C.T.C. numbers.

The said increase is in addition to all other increases made in line haul rates by the said Master Tariff. It was initiated by United States railroads and is now applicable on traffic through United States ports and also on United States traffic moving through Canadian ports.

Tariffs containing the increase here involved were filed with the Board on statutory notice to become effective February 15, 1958, but upon protests from the flour milling industry and others we issued Order No. 93541 on January 31, 1958 suspending the coming in force of the 6c increase insofar as it was proposed to establish the same to or from Canadian ports from and to Canadian points.

The protests which impelled us to suspend the said charge alleged unreasonableness and unjust discrimination would prevail and, in particular, that while the increase was proposed to be made applicable to export flour it was not proposed to apply the same on bulk wheat.

The matter was set down for public hearing and was heard on the 9th and 10th day of April, 1958 at which time over 250 pages of testimony and argument were taken and 29 exhibits were introduced in evidence. Not all of those who sought suspension appeared at the hearing and not all of those who did appear gave evidence.

As briefly as appears possible, the following summarizes the protestants' submissions and those of the railways:

#### *Protestants*

The Maritimes Transportation Commission expressed fear that the proposed increase would decrease exports; that a flat rate increase on all goods may be impossible for some to assume; that maintaining port parity is important but not essential if the traffic does not move through United States ports. It was suggested that the development of the St. Lawrence Seaway would create new competition; that highway transportation already takes place to United States ports; and that the Canadian Lines are not entirely without voice in the determination of the level of the export and import rates.

The Canadian Industrial Traffic League spoke in general terms of the detrimental effect the increase would have on Canada's foreign trade which accounted for 22 per cent of the national income compared with 5 per cent in the United States; that the initiative in respect of the proposed charge was taken by the United States lines and while it might be adaptable to their conditions the same conditions did not prevail in Canada. Broad reference was made to alleged differences in labour costs involved in the handling of traffic at Canadian vs. United States ports, the impact of competitive services; and it was asserted that as export and import rates normally include the terminal services, increased costs had been already compensated for by the various Ex Parte increases previously secured.

The Canadian Manufacturers' Association appeared to be mainly concerned that the Board might make a decision in advance of a finding by the Interstate Commerce Commission, before which similar proceedings were being taken.

The Quebec Asbestos Mining Association representatives stressed that overseas buyers may seek sources of supply elsewhere than in Canada, although admitting that Canadian asbestos was in good demand. It was stated that exports of asbestos were lower in the first two months of 1958 than for a comparable period the year previous. They contended that it was unjust to apply the same measure of increase to asbestos as to manufactured goods.

The flour milling industry as represented by the Canadian National Millers Association and the Ontario Flour Millers Association submitted substantial testimony in opposition to the increase through senior officers of Ogilvie Flour Mills, Quaker Oats Company, Maple Leaf Milling Company, Robin Hood Flour Mills, and the Almonte Flour Mills.

The general tenor of the evidence given by these witnesses was that in the United Kingdom market, which is the largest market for Canadian flour, competition was being now experienced of such severity as to necessitate the elimination of normal profits, with business being taken at substantial losses or at no more than recovery of out-of-pocket expense. It was stated that this situation was of deep concern to the industry and that it was so selling flour in an attempt to retain contacts with customers in the hope that more normal conditions would eventually materialize. They unanimously stated that to apply a further charge of 6c per 100 lbs. would seriously jeopardize their ability to continue the present practice. The witness for Almonte Flour Mills flatly stated that even an increase of one cent per 100 lbs. would result in the cessation of movement to the United Kingdom from his mill, and that many other small mills would be similarly situated.

A series of exhibits were filed illustrating, inter alia, the exports of flour and wheat from Canada over a period of years which showed that for the crop year 1956-57 wheat exports had declined 15.4 per cent from the previous year and flour 13.8 per cent. A comparison was shown for seven months of the crop years 1956-57 vs. 1957-58 indicating that while the latter had increased 8.4 per cent over the previous year insofar as wheat is concerned, the increase in flour was only 2.4 per cent. In Exhibit 4, entitled "World Flour Trade Increased in 1957" the exports of wheat flour by principal countries show the following changes in 1957 over 1956:

United States .....	35.9%	increase
Canada .....	11.3%	decrease
Australia .....	3.0%	decrease
Other countries .....	7.5%	increase
World total .....	10.5%	increase

In Exhibit 5 it was shown that export of wheat flour to the Caribbean Area from Canada had, generally, substantially declined in 1957 from the year previous whereas exports from the United States had substantially increased.

In Exhibit 9 a comparison by years extending from 1950-51 to 1956-57 shows a continuing decline, year by year, in Canada's exports of wheat flour to the United Kingdom, with the last named year resulting in exports of 4,955,801 cwts. compared with 5,501,599 cwts. in 1955-56 and 10,199,270 cwts. in 1950-51. A like condition is shown to have prevailed in respect of such exports to all Commonwealth countries and also to other foreign countries.

In Exhibit 10 which shows similar data for seven months 1957-58 vs. a like period of 1956-57, an improvement is noted in that for the 1957-58 period to United Kingdom some 500,000 cwts. more than in the previous year were exported and a like situation appears to prevail in respect of total exports.

It was stated that the major factor detrimental to Canadian flour exports was the subsidization policy of the United States Government which resulted, as shown in Exhibit 7, in an advantage to United States suppliers in the United Kingdom market of 49c per cwt.

It was also stressed that the proposal to apply the increase to flour and to not apply it to exports of bulk wheat created hardship upon the Canadian millers who were in intense competition with British millers who produced flour from Canadian and other wheat. It was contended that such a practice would tend to decrease also the movement of Canadian wheat in that if Canadian flour could no longer be marketed in the United Kingdom, where its quality is held in high regard, the tendency would be for British millers to seek inferior grades of wheat at lower prices with consequent decline of wheat exports from Canada. The assertion was that Canadian flour is a strong factor in creating demand for Canadian wheat on account of its superior qualities.

As to the ocean transportation to the United Kingdom, exhibit 6 shows that the rate on flour is presently on a differential of 15c over the liner minimum grain rate. Exhibit 11 compares the rail rate spread on grain products, Ex-Lake, milled at lakeports with the Ex-lake rates on bulk wheat from such ports. The purport of this exhibit is that in 1943 the grain products rate to Halifax and Saint John was 6.33c per 100 lbs., higher than the bulk grain rate, whereas at February 15, 1958, the spread had increased to 14.75c. With the addition of a further increase of 6c per 100 lbs. the spread would be 20.75c. (While the exhibit does not so show, the same rates and spread apply to Portland, Maine, and Boston, Mass.).

#### *Railways*

The principal evidence of the railways was that the proposed application of item 220-A was to maintain the continuity of rate parity between Canadian

and United States ports; that such parity was of vital importance to Canadian ports, railways and the shippers; and that its retention provided the only justification for the lower rates than on domestic traffic and for the longer hauls involved. Considerable discussion took place with this witness as to the character of the export rates with the witness asserting that they were not competitive rates but were rates designed to develop movement of traffic to world competitive markets.

Questioning of the witness developed that the Canadian lines had not taken any steps to ascertain why a difference in treatment was being proposed re flour vs. grain; that it had been assumed the difference in the method of handling was the basic reason and that the Canadian lines' approach to the matter was simply upon the premise of preserving the port parity rate relationship.

It was stated that the railways had occasion, at times, to depart from the practice of port rate parity when competitive forces compelled an adjustment of the rate; and that if the preservation of port parity should result in the cessation of movement of any particular commodity, the Canadian railways would reassess the situation in an attempt to maintain the flow of traffic.

#### *Discussion and Conclusions*

While the review of the evidence and submissions as above stated does not completely set out all that was adduced, we have given careful study to the whole record.

The position taken in argument by Counsel for the flour milling industry was chiefly that the marketing situation for Canadian flour was in a greatly depressed condition and that the proposed addition of 6c by item 220-A is unreasonable; that whatever increase in costs has occurred has been compensated for by the various increases which have been applied; and that the present rates have not been shown to be non-compensatory.

He stressed that a main consideration involved in this case is the increase proposed on flour and not on wheat. While not invoking unjust discrimination he contended that "nothing prevents the Board from applying that principle if, from the facts of the case, it finds that it is applicable."

He also contended that the adherence to the principle of port parity clashed with the vital interests of the railways and the shippers, which the railways might well give further consideration to even before we render Judgment; and that if the traffic does not flow, parity is meaningless.

Counsel for the railways, on the other hand, challenge our powers to order any change in the level of the export and import rates as long as they are lower than the domestic level and provide service over longer hauls than those involved in the competitive port movements.

The general tenor of the argument by railway Counsel is that the applicants' case is built upon allegations of unreasonableness and not on unjust discrimination; that the Board has never assumed it had power to fix rates for export or import traffic within the concept of the present rate structures for such traffic; and that the Board has never exercised its powers in an endeavour to overcome economic problems faced by various industries or to overcome geographical disadvantages.

The points mentioned are well taken and we see no grounds upon which we can substitute ourselves for railway management in determining the extent to which assistance may be granted to industries so situated.

On numerous occasions we have acted upon the basic premise that export and import rates are in reality competitive rates to meet conditions of competition of various types. The Railway Act permits the railways to establish

competitive rates in their discretion, and the only power we have exercised in respect thereto is to deal with matter of (a) unjustifiably low rates; or (b) unjust discrimination.

In the instant case the only condition we can see that calls for determination on our part is the proposed difference in treatment of the flour and bulk grain traffic.

There is undoubtedly a delicate balance between the marketing of grain and flour and we have given particular consideration to what has been adduced in this respect. That there is presently, and existent for many years past, a lower basis of export rail rates to seaboard on grain than on flour, although on domestic traffic they are normally carried at the same level of rates, and it must be presumed that such difference now existing has not prevented the flour millers from marketing their product despite such difference.

We are of the opinion that with such difference as now obtains, and in the light of no evidence to the contrary, the respective export rates on grain and flour are just and reasonable as at present in effect. To arbitrarily apply a further charge to flour and not to grain in our opinion has serious elements of unjust discrimination against the export of Canadian flour and is not justified even on the grounds of maintaining port parity. The nature of the parity in this respect is indicative that to the United States ports where rates to Canadian ports are equal, the Canadian lines are not wholly without influence as to the measure thereof. The port of Portland is largely under the dominance of the Canadian National Railways and Boston, if not dominated by the Canadian Pacific Railway, at least that line plays considerable part in influencing the level of competing rates through it.

#### *Finding*

We find that unjust discrimination will prevail against the export of Canadian flour through Canadian ports if item 220-A of the tariff, or as the provisions thereof may be otherwise applied is made applicable as now proposed, so long as bulk grain is not similarly treated. The said provisions are hereby disallowed without prejudice to the right of the Canadian railways to establish non-discriminatory provisions.

Other than the foregoing the objections made are not sustained, and are dismissed. Order No. 93541 will be revoked and an Order in the terms of the finding herein will go.

C. D. SHEPARD  
F. M. MacPHERSON  
L. J. KNOWLES

October 3, 1958.

## ORDER No. 95910

MONDAY, the 6th day of October, A.D. 1958

*In the matter of item 220-A of Tariff of Increased Rates and Charges X212, increasing export and import rates:*

File No. 39422.2

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner.*CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*F. M. MACPHERSON, *Commissioner.*L. J. KNOWLES, *Commissioner.*

Upon hearing at a sittings of the Board held at Ottawa on April 9 and 19, 1958, the matter of proposed increase of 6 cents per 100 lbs. in export and import rates as described in Order of the Board No. 93541, dated January 31, 1958, in the presence of Counsel for and representatives of Canadian National Millers Association, Ontario Flour Millers Association, Maple Leaf Milling Company Limited, Grain and Grain Products Branch of the Toronto Board of Trade, Canadian National Millers Export Committee, Robin Hood Flour Mills Limited, Maritimes Transportation Commission, Canadian Manufacturers Association, Quebec Asbestos Mining Association, Canadian Industrial Traffic League, National Harbours Board, Canadian Importers and Traders Association, Canadian Exporters Association, Canadian Pacific Railway Company, Canadian National Railways, all interested Class I United States railroads, and having rendered judgment thereon dated October 3, 1958:

*It is ordered:*

1. That Order No. 93541 be, and it is hereby, rescinded.
2. That the proposed increase of 6c per 100 lbs. stated in item 220-A of Tariff X212 insofar as it is proposed to be applied to export traffic of flour, milled from wheat or other grain, from points in Canada to Canadian ports is found to be unjustly discriminatory and is hereby disallowed without prejudice to the establishment of non-discriminatory rates.
3. That in all other respects the increased rates as determined by the said Tariff X212 are not found to be unreasonable or unjustly discriminatory and complaints concerning the same are hereby dismissed.

HUGH WARDROPE,

*Assistant Chief Commissioner,**The Board of Transport Commissioners for Canada.*

*In the matter of the application of the Canadian National Railways dated September 3, 1957, for the installation of manually operated flashing signals supplemented with short arm gates at their crossing at Brant Street, Burlington, Ontario, and apportionment of costs in connection therewith.*

File 1916.

**BEFORE:**

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner.*  
FRANK M. MACPHERSON, *Commissioner.*

**APPEARANCES:**

H. J. G. PYE, for the Canadian National Railways.  
A. B. McILMOYLE, for the Town of Burlington.

*Heard at:* Burlington, Ont., September 9, 1958.

J U D G M E N T

WARDROPE, *Assistant Chief Commissioner.*

This is an application by the Canadian National Railways to replace the existing manually operated gates at Brant Street crossing in the Town of Burlington, with the more modern and approved short-arm gates and flashing lights and to apportion the costs of replacement, maintenance and operation between the Town and the Railways.

Brant Street is a principal street in the Town of Burlington. It is also a highway connection between Ontario Provincial Highway No. 2 and the Queen Elizabeth Highway. It crosses the C.N.R. Oakville Subdivision at mileage 31.96. There are seven tracks crossing Brant Street at this point, namely, two tracks of the Oakville Subdivision, one track of the Milton Subdivision, two tracks of the Beach Subdivision and two sidings. These tracks cover a distance on Brant Street of some 200 feet.

Vehicular traffic on Brant Street is heavy and rail traffic over the crossing is also heavy and much of it extremely fast, averaging over 85 trains per day.

At present the crossing is protected by six manually operated mechanical gates, operated for 24 hours per day by towermen. This protection has been in operation for over fifty years—in fact they were installed prior to the inception of the Board. The cost of operating and maintaining this protection is paid by the Railways.

Because the present manually operated protective equipment has become obsolete from a maintenance point of view, it is proposed to replace it with more modern short arm gates with flashing lights. These would be operated electrically by the towerman by means of push buttons. The Board approves the proposed change.

The Railways take the position that the new protection will be an advantage to the Town and will provide greater protection, and that consequently it would not be unreasonable to place upon the Town a proportion of the costs of installation, maintenance and operation. The Town does not agree that it will derive any increased benefit from the change and urges the Board to make no change in the present burden of the costs of maintenance and operation.

Under ordinary circumstances and in conformity with the Board's formula for apportioning such costs as are here involved, the Board would allocate a

proportion against the Road authority. But it appears to me that there are unusual factors involved at this crossing which must be considered.

First of all, although I do not give too much weight to it, the fact is that the Railways over a long period of years assumed and carried the whole cost of maintenance and operation. But apart from this factor, there are two more important ones which I am of the opinion must be given considerable weight.

The first is that the Board's records show that the present protection has apparently been very effective for fifty years or more. In all these years of operation at this crossing only one reportable accident has occurred and even this accident, which occurred in 1948 and caused the death of a Sectionman, had nothing to do with the protective devices at the crossing.

Considering the volume of rail and vehicular traffic to which this crossing is subject, there is some merit in the Town's contention that upon the record, the proposed change in protection would not be more effective and consequently more advantageous to the Town.

The second factor and in my opinion even a more cogent one is that it is the multiplicity of the Railways' own tracks at this crossing that is the real cause of the high cost of maintenance and operation. If it were not for this multiplicity of tracks, the present need for twenty-four hour operation by towermen instead of the far less costly automatic operation of the gates would be eliminated.

Under all circumstances, I do not think the Railways have a sufficient case to move the Board to re-allocate the cost of maintenance and operation of the proposed new protection. However, I would authorize the Applicant to install the proposed flashing lights and short arm gates and make a grant of 80 per cent of the cost of installation from the Railway Grade Crossing Fund—costs of maintenance and operation to be upon the Railways.

HUGH WARDROPE.

*I concur:*

F. M. MACPHERSON.

OTTAWA, October 9, 1958.

## ORDER No. 95962

*In the matter of the application of the Canadian National Railways dated September 3, 1957, for installation of manually operated flashing signals supplemented with short arm gates at the crossing of their railway and Brant Street in Burlington, Ontario, and the apportionment of costs in connection therewith.*

File No. 1916.

THURSDAY, the 9th day of October, A.D. 1958.

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

*Upon hearing the application at a sittings of the Board held in Burlington, Ontario, on September 9, 1958, in the presence of Counsel for the Canadian National Railways and the Town of Burlington—*

*It is hereby ordered as follows:*

1. The Canadian National Railways are authorized to install, and thereafter maintain, four flashing light signals, four short arm gates and two bells manually controlled at the crossing of their railway and Brant Street in the Town of Burlington, Province of Ontario.

2. The said protection shall be installed in accordance with the provisions of General Orders Nos. 811 and 830, and a detailed plan showing the layout thereof shall be submitted for the approval of an Engineer of the Board.

3. Eighty per cent of the cost of installing the said protection, not exceeding, however, the sum of \$13,040.00, shall be paid out of The Railway Grade Crossing Fund, and the balance of the said cost shall be borne and paid by the Canadian National Railways.

4. The costs of maintenance and operation of the said protection shall be borne and paid by the Canadian National Railways.

HUGH WARDROPE,

*Assistant Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 96000 Oct. 20—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The People's Telephone Company of Forest Limited.
- 96001 Oct. 20—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Coldstream Telephone System.
- 96002 Oct. 20—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Munic. of the Township of Johnson.
- 96003 Oct. 20—Approving location of the station proposed to be erected by the C.N.R. at Glendon, Alta.
- 96004 Oct. 20—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and the Telephone System of the Municipality of the Township of Watt.
- 96005 Oct. 20—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Wallacetown and Lake Shore Telephone Association Limited.
- 96006 Oct. 20—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and The Monk Rural Telephone Company Limited.
- 96007 Oct. 20—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Caradoc-Ekfrid Telephone Company Limited.
- 96008 Oct. 20—Approving application of the City of St. Boniface, Man. for installation of automatic protection at the crossing of the C.P.R. and Marion St., Mileage 1.55 Emerson Subd.
- 96009 Oct. 20—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and The Hazeldean Rural Telephone Company Limited.
- 96010 Oct. 20—Rescinding Order 58614 in the matter of facilities of Imperial Oil Limited for handling and storage of flammable liquids at Kelfield, Sask.
- 96011 Oct. 20—Rescinding Order 67564 in the matter of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Streamstown, Alta.
- 96012 Oct. 20—Rescinding Order 78126 in the matter of facilities of Great West Distributors Limited for the handling and storage of flammable liquids at Dewberry, Alta.
- 96013 Oct. 20—Rescinding Order 63832 in the matter of facilities of Acadia United Farmers of Alberta Cooperative Assoc., Limited, for the handling and storage of flammable liquids at Chinook, Alta.
- 96014 Oct. 20—In the matter of application of the C.P.R. on behalf of North Star Oil Limited, for approval of proposed location of facilities for the handling and storage of flammable liquids at Weirdale, Sask.
- 96015 Oct. 20—Approving application of the Rural Municipality of Cory, Sask., to construct the highway over the C.N.R. at Mileage 1.8 Rosetown Subd.
- 96016 Oct. 20—Exempting the C.P.R. from erecting right of way fencing between Mileages 38.5 and 46.22 Leduc Subd., Alta.
- 96017 Oct. 20—Approving location of special design station proposed to be erected by the C.N.R. at Prince Albert, Sask.
- 96018 Oct. 20—In the matter of improvements to the crossing of Galloway Road and the C.N.R. at Mileage 320.95 Oshawa Subd., Ont.
- 96019 Oct. 20—Amending Order 94553 re apportionment of cost of constructing Ava Road over the C.N.R. by means of an overhead bridge at Mileage 24.09 Dundas Subd., Ont.
- 96020 Oct. 20—Approving Plan showing the protection as installed at crossing of the C.P.R. and Highway No. 11 at Mileage 16.42 Park Avenue Subd., P.Q.

- 96021 Oct. 20—Authorizing the C.N.R. to install automatic protection at the crossing of its railway and Dawson Road, St. Boniface, Man., Mileage 149.92 Sprague Subd.
- 96022 Oct. 20—Exempting the C.P.R. from erecting right of way fencing between certain mileages on its Shogomoc Subd., N.B.
- 96023 Oct. 20—Authorizing the C.P.R. to relocate its main line and to construct sidings across Broadway St., Front St., and Condon St. in the Town of Grand Falls, N.B.
- 96024 Oct. 20—Authorizing the C.P.R. to widen the highway where it crosses its railway in the Township of Magog, County of Stanstead, P.Q.
- 96025 Oct. 20—Approving application of the Corporation of the Parish of St. Gerard Majella, P.Q., for authority to construct the highway over the C.N.R. at Mileage 12.05 Batiscan Subd.
- 96026 Oct. 20—Authorizing the removal of the speed limitation at the crossing of Fourth Range and the C.N.R. west of Drummondville, Co. of Drummond, P.Q., Mileage 99.6 Drummondville Subd.
- 96027 Oct. 20—Approving Supplement to tariffs filed by the C.P.R. under Section 8 of The Maritime Freight Rates Act.
- 96028 Oct. 20—Approving Supplements to tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 96029 Oct. 20—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Oxford Telephone Company Limited.
- 96030 Oct. 20—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Dunnville Consolidated Telephone Company Limited.
- 96031 Oct. 20—Amending Order 94396 re apportionment of cost of reconstructing the subway at the crossing of Hutton Side Road and the C.N.R. in the Township of London, Ont., Mileage 2.24 Strathroy Subd.
- 96032 Oct. 20—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Quebec—Telephone (Division de l'Ouest).
- 96033 Oct. 20—Approving plan submitted by the C.P.R. showing the protection as installed at the crossing of the C.P.R. and Kilborn Ave., Ottawa, Ont., Mileage 1.53 Sussex St. Subd.
- 96034 Oct. 20—Amending Order 94866 re apportionment of cost of constructing the Trans Canada Highway across the C.N.R. by means of a subway at Mileage 8.69 Harcourt Subd., N.B.
- 96035 Oct. 20—Approving application of the City of St. Boniface, Man., for the installation of automatic protection at the crossing of the C.N.R. and Archibald St., St. Boniface, Mileage 151.25 Sprague Subd.
- 96036 Oct. 20—Authorizing the C.N.R. to remove the agent and appoint a caretaker at Abbotsford, P.Q.
- 96037 Oct. 20—Approving the location and details of the station proposed to be erected by the C.P.R. at St. Basile, P.Q.
- 96038 Oct. 21—Approving application of the C.P.R. for authority to discontinue operation of its passenger train service between Varcoe and Macgregor, Man.
- 96039 Oct. 21—Authorizing the C.N.R. and C.P.R. to operate through the interlocking at the crossing of their railways at Belleville, Ont., Mileage 92.4 Belleville Subd. of the C.P.R.
- 96040 Oct. 21—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 83.86 Peterboro Subd., Ont.
- 96041 Oct. 21—In the matter of the application of Athabasca Valley Utilities Limited to transfer to Northwestern Utilities Company Limited the authorization granted by Order No. 90300.
- 96042 Oct. 21—Authorizing the C.N.R. to reconstruct the overhead bridge at Mileage 11.7 Danville Subd., P.Q.
- 96043 Oct. 22—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. west of the station at Acton, Ont., Mileage 36.2 Brampton Subd.

- 96044 Oct. 22—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. west of the station at Courtland, Ont., Mileage 91.27 Cayuga Subd.
- 96045 Oct. 22—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Township Road, east of Strathroy, Ont., Mileage 17.28 Strathroy Subd.
- 96046 Oct. 22—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 66.67 Lachute Subd., P.Q.
- 96047 Oct. 22—Authorizing the C.N.R. to remove the caretaker at West Fort William, Ontario.
- 96048 Oct. 22—Authorizing the removal of the speed limitation at the crossing of the highway and the Northern Alberta Railways Company at Mileage 162.5 Slave Lake Subd., Alta.
- 96049 Oct. 22—Authorizing the C.P.R. to construct a sidewalk on its bridge crossing the Pike River in the Town of Bedford, P.Q., at Mileage 11.3 Stanbridge Subd.
- 96050 Oct. 22—Approving tariffs filed by The Bell Telephone Company of Canada.
- 96051 Oct. 22—Authorizing the Rural Munic. of Brokenshell No. 68, Sask., to construct the highway across the C.P.R. at Mileage 16.4 Assiniboia Subd.
- 96052 Oct. 22—Publication of notices re use of the St. John River bridge between Fredericton and South Devon, N.B., C.N.R.
- 96053 Oct. 22—In the matter of facilities of Smith and Chapple Limited for the handling and storage of flammable liquids at Chappleau, Ont.
- 96054 Oct. 22—Approving location of the special design station proposed to be erected by the C.N.R. at Grand Centre, Alta.
- 96055 Oct. 22—Authorizing the C.N.R. to reconstruct the bridge crossing Three Hills Creek, Alta., Mileage 65.8 Three Hills Subd.
- 96056 Oct. 22—Authorizing the C.N.R. to reconstruct the bridge crossing Sundance Creek, Alta., at Mileage 6.6 Brule Subd.
- 96057 Oct. 22—Authorizing the Saskatchewan Dept. of Highways and Transportation to construct Highway No. 16 across the pipe line of Inter-provincial Pipe Line Company in the SW $\frac{1}{4}$  Sec. 8, Twp. 14, Rge. 7, West 2nd Meridian.
- 96058 Oct. 22—In the matter of facilities of the Esquimalt and Nanaimo Railway Company for the handling and storage of Diesel fuel oil at Wellington, B.C., Mileage 77.3 Victoria Subd.
- 96059 Oct. 22—Authorizing the Rural Munic. of Grant No. 372, Sask., to relocate the highway where it crosses the C.N.R. at Mileage 78.8 Meskanaw Subd.
- 96060 Oct. 22—Authorizing the British Columbia Power Commission to construct a power line across the company pipe line of Trans Mountain Oil Pipe Line Company north of Black Pool, B.C., in District Lot 1689.
- 96061 Oct. 22—Authorizing the British Columbia Power Commission to construct a power line across the company pipe line of Trans Mountain Oil Pipe Line Company east of Clearwater, B.C., in District Lot 1716.
- 96062 Oct. 22—Authorizing the British Columbia Power Commission to construct a power line across the company pipe line of Trans Mountain Oil Pipe Line Company east of Clearwater, B.C., in District Lot 1715.
- 96063 Oct. 22—Authorizing the British Columbia Power Commission to construct a power line across the pipe line of Trans Mountain Oil Pipe Line Company in District Lot 1657, north of Black Pool, B.C.
- 96064 Oct. 22—Authorizing the British Columbia Power Commission to construct a power line across the pipe line of Trans Mountain Oil Pipe Line Company in District Lot 2849, east of Clearwater, B.C.
- 96065 Oct. 22—In the matter of improved protection at the crossing of Marior Street and the C.N.R. in St. Boniface, Man., Mileage 150.36 Sprague Subd.
- 96066 Oct. 22—Authorizing the C.N.R. to construct its railway across Highway No. 2 in Cornwall, Ontario.
- 96067 Oct. 22—Exempting the C.P.R. from erecting right of way fencing along the west side of its Aldersyde Subd., between Mileage 17.8 and Mileage 20.1, Alta.

- 96068 Oct. 22—Authorizing the Alberta Dept. of Highways to relocate and widen Highway No. 22A where it crosses the C.P.R. between Sections 22 and 27, Twp. 22, Rge. 1, W.5M.
- 96069 Oct. 22—Authorizing the installation of automatic protection at the crossing of the C.P.R. and Cottonwood Road, in St. Boniface, Man., Mileage 3.18 Emerson Subd.
- 96070 Oct. 22—Authorizing the New York Central Railroad Company to remove the station agent at St. Davids, Ont.
- 96071 Oct. 22—Authorizing the New York Central Railroad Company to remove the station agent at Niagara-on-the-Lake, Ont.
- 96072 Oct. 22—Authorizing Trans-Canada Pipe Lines Limited to open that portion of its pipe from a point in the Twp. of Hanna to a point in the Twp. of O'Brien, all in the District of Cochrane, Ont.
- 96073 Oct. 22—Authorizing Trans-Canada Pipe Lines Limited to open for the transportation of natural gas that portion of the pipe line of Northern Ontario Pipe Lines Crown Corp. situated in the District of Thunder Bay and Cochrane, Ont.
- 96074 Oct. 22—Amending Order 94304 re apportionment of cost of constructing the highway over the C.N.R. at Mileage 96.97 Nechako Subd., B.C.
- 96075 Oct. 22—In the matter of the installation of automatic protection at crossing of Pleasant Park Road and the C.N.R. at Mileage 2.14 Beachburg Subd., and the C.P.R. at Mileage 2 Sussex St. Subd., Ottawa, Ont.
- 96076 Oct. 22—Authorizing the Sask. Dept. of Highways and Transportation to widen Highway No. 18 where it crosses the C.P.R. serving the Manitoba and Saskatchewan Coal Company Ltd. and Western Dominion Collieries at Bienfait, Sask.
- 96077 Oct. 22—Authorizing the installation of automatic protection at the crossing of the C.P.R. and Elizabeth Road, St. Boniface, Man., Mileage 2.34 Emerson Subd.
- 96078 Oct. 22—Approving application of the Texaco Exploration Company to construct a pipe line under the pipe line of the Westspur Pipe Line Company, in the SE $\frac{1}{4}$  29-4-6-W2M., Sask.
- 96079 Oct. 22—Authorizing the Townships of Belmont and Methuen to improve the vision at the crossing of the C.P.R. and the highway in the Twp. of Belmont, Mileage 2.26 Peterborough Subd., Ont.
- 96080 Oct. 22—Authorizing the installation of automatic protection at the crossing of the C.N.R. and Billings Avenue, at Mileage 2.06 Beachburg Subd., and the C.P.R. at Mileage 2.09 Sussex Street Subd., Ottawa, Ont.
- 96081 Oct. 22—Amending Order No. 93564 re apportionment of cost of diverting the highway to the south side of the C.N.R. at Mileages 23.69 and 23.86 St. John's Subd., at Conception Bay, Nfld.
- 96082 Oct. 22—Amending Order No. 95149 re apportionment of cost of constructing the Trans-Canada Highway over the C.N.R. at Mileage 7.10 St. John's Subd., Nfld.
- 96083 Oct. 22—In the matter of tariffs filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 96084 Oct. 22—Authorizing the Quebec Department of Public Works to construct the highway over the C.P.R. at L'Annonciation, P.Q., Mileage 92.94 St. Agathe Subd.
- 96085 Oct. 23—Approving tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 96086 Oct. 23—Approving proposed location of facilities for the handling and storage of flammable liquids near Mileage 155.2 Algoma Central & Hudson Bay Railway, Ont.
- 96087 Oct. 23—Approving proposed location of facilities for the handling and storage of flammable liquids at Kelowna, B.C., Mileage 118.43 Okanagan Subd.
- 96088 Oct. 23—Approving proposed location of facilities for the handling and storage of flammable liquids at Brandon, Man.
- 96089 Oct. 23—Amending Order 94576 re apportionment of cost of diverting the highway at Mileages 65.76 and 66.0 Yarmouth Subd., Village of Roseway, Co. Shelburne, N.S.

- 96090 Oct. 23—In the matter of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Abbotsford, B.C.
- 96091 Oct. 24—Authorizing the City of Calgary, Alta. to make alterations to the subway at First St. S.E. and the C.P.R. at Mileage 175.7 Brooks Subd.
- 96092 Oct. 24—Authorizing the Algoma Central & Hudson Bay Rly. Co., to operate over the subway on Wellington St., Sault Ste. Marie, Ontario.
- 96093 Oct. 24—Extending the time within which the Great Northern Rly. Co. is required to install protection at the crossing of its Burrard Inlet track and Powell St., Vancouver, B.C.
- 96094 Oct. 24—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and St. Charlotte Range Road, east of station at St. Edward, P.Q., Mileage 117.22 Drummondville Subd.
- 96095 Oct. 24—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Cadillac St. in Montreal East, P.Q., Mileage 7.93 Longue Pointe Subd.
- 96096 Oct. 24—Authorizing the C.N.R. to discontinue as an agency their station at Kent Junction, N.B.
- 96097 Oct. 24—Approving plan submitted by the C.N.R. showing the protection as installed at intersection of James St., John St., and their Rly., in Brampton, Ont., Mileage 20.80 Brampton Subd.
- 96098 Oct. 24—Rescinding Order 83497 in the matter of the location of crude oil loading facilities by Trans Empire Oils Limited, at Coleville, Sask.
- 96099 Oct. 24—Approving restricted side clearances of lighting facilities of all piggyback terminals proposed to be constructed by the C.P.R. as shown on plans.
- 96100 Oct. 24—Granting leave to Western Pipe Lines to cease operation of its company pipe line constructed under Order No. 83618 and amending Order No. 84023, and to sell said pipe line to Trans-Canada Pipe Lines Limited.
- 96101 Oct. 27—Authorizing the removal of the speed limitation at crossing of the C.N.R. and Highway No. 11 west of the station at Driftwood, Ont., Mileage 17.47 Kapuskasing Subd.
- 96102 Oct. 27—Authorizing the removal of the speed limitation at crossing of the C.N.R. and Moreau Road, second public crossing east of station at Pierreville, P.Q., Mileage 12.38 Yamaska Subd.
- 96103 Oct. 27—Authorizing the removal of the speed limitation at crossing of the C.N.R. and the highway at first public crossing east of Opasatika, Ont., Mileage 89.42 Kapuskasing Subd.
- 96104 Oct. 27—Authorizing the Sask. Dept. of Highways and Transportation to widen Highway No. 31 where it crosses the C.N.R. at Mileage 53.44 Dodsland Subd.
- 96105 Oct. 27—Approving plans submitted by the N.B. Dept. of Public Works showing details of the overhead bridge carrying the Trans-Canada Highway over the C.P.R. at Hartland, N.B., Mileage 64.87 Shogomoc Subd.
- 96106 Oct. 27—Authorizing the removal of the speed limitation at crossing of the C.N.R. and Leduc Blvd., Town of Montreal North, P.Q., Mileage 33 L'Assomption Subd.
- 96107 Oct. 28—Authorizing the Town of Fort Frances, Ont., to construct Portage Avenue over the C.N.R. by means of a subway at Mileage 88.94 Fort Frances Subd.
- 96108 Oct. 28—Authorizing the removal of the speed limitation at crossing of the C.N.R. and Marcell Road, east of Aubrey, P.Q., Mileage 28.49 Alexandria Subd.
- 96109 Oct. 28—Approving Appendix to Traffic Agreement between the Bell Telephone Company of Canada and The Glengarry Telephone Company Limited.
- 96110 Oct. 28—Authorizing the B.C. Dept. of Highways to construct the highway over the Esquimalt and Nanaimo Rly. at Mileage 120.98 Victoria Subd.
- 96111 Oct. 28—Approving plan submitted by the C.N.R. showing the protection as installed at crossing of their railway and Victoria Ave. and Park St., Regina, Sask., Mileage 90.9 Glenavon Subd.

- 96112 Oct. 28—Approving application of the C.N.R. on behalf of Shell Oil Company of Canada Ltd. for the location and storage of flammable liquids at Rimouski, P.Q., Mileage 1.54 Rimouski Wharf Branch, Rimouski Subd.
- 96113 Oct. 28—Authorizing the C.N.R. to operate under the overhead bridge in the Munic. of the Parish of Ste. Anne de Beaupre, Co. of Montmorency, P.Q.
- 96114 Oct. 28—Requiring the C.N.R. to install automatic protection at crossing of the Niagara, St. Catharines & Toronto Railway and Fitch St., Welland, Ont., Mileage 15.77 Welland Subd.
- 96115 Oct. 28—Authorizing the C.P.R. to remove the automatic interlocking and erect stop signs at crossing of the Lake Erie and Northern Rly. and the C.N.R. at Simcoe, Ont., Mileage 44.3 Lake Erie & Northern Rly.
- 96116 Oct. 28—Approving application of the C.P.R. on behalf of the Sturdie Propane Limited, for approval of proposed location of facilities for handling and storage of liquefied petroleum gas at Lethbridge, Alta.
- 96117 Oct. 28—Authorizing the T.H. & B. Rly. Company to make changes to the interlocking at crossing of its railway and the C.N.R. at Dunnville, Ont., Mileage 14.28 Dunnville Subd.
- 96118 Oct. 28—Approving application of the C.P.R. for stop signs at crossing of its railway and the C.N.R. at Guelph, Ont.
- 96119 Oct. 28—Approving application of the C.P.R. on behalf of Imperial Oil Limited, for approval of location of facilities for the handling and storage of flammable liquids at Herschel, Sask.
- 96120 Oct. 28—Approving application of the C.P.R. on behalf of the British American Oil Company Limited, for approval of location of facilities for the handling and storage of flammable liquids at Lac du Bonnet, Man.
- 96121 Oct. 29—Authorizing the C.N.R. to construct its railway across the highway at Mileage 109.20 Chigoubiche Lake—Cache Lake Branch Line, P.Q.
- 96122 Oct. 29—Authorizing the removal of the speed limitation at crossing of the C.N.R. and the third public crossing south of station at Bradford, Ont., Mileage 39.66 Newmarket Subd.
- 96123 Oct. 29—Authorizing the C.N.R. to construct an industrial track to serve the International Minerals and Chemical Corporation in Sec. 12, Twp. 20, Rge. 33, WPM., Sask.
- 96124 Oct. 29—Authorizing the County of Simcoe to install automatic protection at the crossing of County Road and the C.P.R. at Mileage 33.24 MacTier Subd., Ont.
- 96125 Oct. 29—Authorizing the Toronto and York Roads Commission to install automatic protection at the crossing of the highway and the C.N.R. at Mileage 40.78 Bala Subd., and authorizing the Twp. of East Gwillimbury to install automatic protection at crossing of Highway No. 48 and the C.N.R. at Mileage 40.72 Bala Subd., Ont.
- 96126 Oct. 29—Approving tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 96127 Oct. 29—Authorizing the removal of the speed limitation at crossing of the C.N.R. and Ellis Street in Kelowna, B.C., Mileage 118.91 Okanagan Subd.
- 96128 Oct. 29—Authorizing the C.N.R. to operate under the overhead bridge at Mileage 80.9 Cornwall Subd., Ont.
- 96129 Oct. 29—Authorizing the C.N.R. to operate over the east approach to the steel bridge over Pine River, Ont., Mileage 131.6 Fort Frances Subd.
- 96130 Oct. 29—Authorizing the Sask. Department of Highways and Transportation to construct Highway No. 18 over the C.N.R. at Mileage 83.94 Lampman Subd.
- 96131 Oct. 29—Amending Order No. 93715 re apportionment of cost of constructing the highway over the C.P.R. by means of an overhead bridge at Mileage 89.96 Shuswap Subd., B.C.
- 96132 Oct. 29—Amending Order No. 94145 re apportionment of cost of reconstructing the bridge over the Northern Alberta Railways Company at Mileage 50.3 Grande Prairie Subd., Grande Prairie, Alta.

- 96133 Oct. 30—Exempting the C.P.R. from erecting right of way fencing between certain mileages on its Brooks Subd., Alta.
- 96134 Oct. 30—Exempting the C.P.R. from erecting right of way fencing between certain mileages on its Langdon Subd., Alta.
- 96135 Oct. 30—Exempting the C.P.R. from erecting right of way fencing between certain mileages on its Empress Subd., Sask.
- 96136 Oct. 30—Exempting the C.P.R. from erecting right of way fencing between certain mileages on its Bassano Subd., Alta.
- 96137 Oct. 30—Authorizing the B.C. Department of Highways to construct the highway over the Esquimalt and Nanaimo Railway at Mileage 103.22 Victoria Subd., B.C.
- 96138 Oct. 30—Approving tariffs filed by the C.N.R. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 96139 Oct. 31—Authorizing the N.S. Dept. of Highways to install automatic protection at crossing of the Windsor Station Road and the C.N.R. at Mileage 1.78 Dartmouth Subd.
- 96140 Oct. 31—Approving tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 96141 Oct. 31—Approving revised Schedules to Agreement between The Bell Telephone Company of Canada and the Canadian Overseas Telecommunications Corporation.
- 96142 Oct. 31—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Point Tupper Road, Mileage 13.11 Sydney Subd., N.S.
- 96143 Oct. 31—Approving application of the C.N.R. on behalf of BP Canada Limited, for approval of facilities for the handling and storage of flammable liquids at St. Felicien, P.Q., Mileage 30.4 Roberval Subd.
- 96144 Oct. 31—Approving plans submitted by the C.N.R. in connection with repairs to the overhead bridge carrying Merritt Street over the C.N.R. at Mileage 9.63 Grimsby Subd., Merriton, Ont.
- 96145 Oct. 31—Authorizing B.C. Fruitlands Irrigation District to construct a water main across and under the right of way and pipe line of Trans Mountain Oil Pipe Line Company in the Kamloops Subd. of the Yale District of B.C.
- 96146 Oct. 31—Authorizing the B.C. Dept. of Highways to construct a highway across the company pipe line of Westcoast Transmission Company Limited, in the Caribou District of B.C.
- 96147 Oct. 31—Authorizing the British Columbia Electric Company Limited to construct a high pressure gas main across and under the pipe line of Trans Mountain Oil Pipe Line Company at the intersection of Duthie Ave. and Pandora St. in the Munic. of Burnaby, B.C.
- 96148 Oct. 31—Rescinding Order No. 83116, dated February 8, 1954, in connection with the location of facilities of Trinidad Leaseholds (Canada) Limited, for the handling and storage of flammable liquids at Stratford, Ont.
- 96149 Oct. 31—Rescinding Order 68955, dated May 15, 1947, in connection with facilities of Shell Oil Company of Canada Limited, for the handling and storage of flammable liquids at Stratford, Ontario.
- 96150 Oct. 31—Authorizing the C.N.R. to remove the Agent at Fielding, Sask.
- 96151 Oct. 31—Approving Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service.
- 96152 Oct. 31—Rescinding Order 56240, of July 30, 1938, in the matter of a plan showing the location of facilities for the handling and storage of flammable liquids at Lucan, Ont.
- 96153 Oct. 31—Approving application of the C.P.R. on behalf of Shell Oil Company of Canada Limited, for approval of location of facilities for the handling and storage of flammable liquids at Owen Sound, Ont., Mileage 73.0 Owen Sound Subd.
- 96154 Oct. 31—Authorizing the C.P.R. to remove the station building at South Stukely, P.Q.
- 96155 Oct. 31—Authorizing the C.P.R. to remove the caretaker at Lochalsh Station, Ont.

- 96156 Oct. 31—Rescinding Orders Nos. 56584, dated October 24, 1938, and 66268, dated July 23, 1945, re location of facilities for handling and storage of flammable liquids at Stratford, Ontario.
- 96157 Nov. 3—In the matter of tariffs filed by the Dominion Atlantic Railway Company under Sections 3 and 8 of the Maritime Freight Rates Act.
- 96158 Oct. 31—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Highway No. 24, north of Glen Christie, Ont., Mileage 25.93 Fergus Subd.
- 96159 Oct. 31—Approving application of the C.N.R. on behalf of Duperow Co-Operative Assoc. Ltd., for approval of location of facilities for the handling and storage of flammable liquids at Duperow, Sask., Mileage 12.2 Dodsland Subd.
- 96160 Oct. 31—Authorizing the C.N.R. to remove the caretaker at Myrtle, Man.
- 96161 Oct. 31—Authorizing the C.N.R. to remove the caretaker at Silver Plains, Man.
- 96162 Oct. 31—Authorizing the C.N.R. to remove the caretaker at Bon Conseil, P.Q.
- 96163 Oct. 31—Authorizing the C.P.R. to remove the caretaker at Margaret, Man.
- 96164 Oct. 31—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and 12th St. East, Calgary, Alta., Calgary Terminals Subd.
- 96165 Oct. 31—Rescinding Order No. 56052 dated June 17, 1938, which approved location of facilities for the handling and storage of flammable liquids at Goderich, Ont.
- 96166 Nov. 3—Rescinding Order 56770 dated November 28, 1938, which approved location of facilities for the handling and storage of flammable liquids at Teeswater, Ont.



# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

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*In the matter of the application of The Bell Telephone Company of Canada, dated June 25, 1958, for an Order under Section 380 and all other relevant sections of the Railway Act, approving revisions of the Applicant's tariffs for Exchange and Long Distance Services and Equipment.*

Case 955.173

Heard at Ottawa September 16, 17, 18, 19, 25, 26, 29, October 1, 2 and 3.

Before:

C. D. SHEPARD, Q.C., *Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Appearances:*

J. L. O'BRIEN, Q. C.,	}	for The Bell Telephone Company of Canada.
N. A. MUNNOCH, Q.C.,		
A. S. PATILLO, Q.C.,		
J. A. NOWLAN, Q.C.,		
E. J. COURTOIS,		
and		
G. F. BONNYCASTLE,		

LOVELL CARROLL, Q.C., for the following Respondent Municipalities:

In Ontario: Ajax, Brantford, Burlington, Chatham, Fort Erie, Fort Frances, Galt, Hamilton, Kingston, Leamington, Lindsay, London, Long Branch, Merritton, Midland, Mimico, New Toronto, Niagara Falls, Ottawa, Parry Sound, Pembroke, Port Colborne, Port Credit, Preston, Richmond Hill, St. Thomas, Sarnia, Sudbury, Toronto, Trenton, Waterloo, Woodstock, York Township; In Quebec: Arvida, Bromptonville, Cap de la Madeleine, Chicoutimi-Nord, Granby, Grand'Mere, Hull, Joliette, Kenogami, Longueuil, Montmorency, Montreal East, Pointe Gatineau, Quebec, Quebec West, St. Hyacinthe, St. Jean, St. Jerome, St. Michel, Sorel, Thetford Mines, Trois-Rivieres and Verdun.

DAWSON A. McDONALD, Q.C.,	}	for the City of Montreal.
and		
GEORGE GOULD		

H. E. BECKETT, Q.C., for the Township of Scarborough.

W. S. ROGERS, for the Township of North York.

ARMAND POUPART, Q.C., for the City of Lachine.

DR. EUGENE FORSEY, representing Canadian Labour Congress.

*Appearances for Interveners:*

J. J. FRAWLEY, Q.C., for the Provinces of Alberta and Saskatchewan and the Maritimes Transportation Commission representing the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland.

D. H. JONES	}	for the Province of Manitoba.
and		
A. V. MAURO		

C. W. BRAZIER, Q.C.,	}	for the Government of the Prov- ince of British Columbia and the Union of B.C. Municipalities.
and		
D. G. BLAIR		

J. D. TAGGART, for the British Columbia Telephone Company.

## J U D G M E N T

BY THE BOARD:

## 1. OUTLINE OF APPLICATION

This in an application by The Bell Telephone Company of Canada (herein sometimes referred to as "the Applicant" or "the Company" or "Bell") for an Order under Section 380 and all other relevant sections of the Railway Act

approving revisions of the Applicant's tariffs of rates for exchange and long distance services and equipment, as set forth in Schedule 1 of the application dated June 25, 1958, as amended on September 16, 1958.

The application recites that the present general level of Bell rates was established by Board Order No. 78314, dated February 19, 1952.

The bases for requesting increased rates at this time are increased wages which became effective in May and June 1958, coupled with a decision taken by the Applicant "that the amounts shown as deductions in respect of depreciable property in Applicant's books for the year 1958 shall be claimed as deductions of capital cost allowances for income tax purposes".

For the purpose of this case and specifically reserving its rights to claim in the future such further relief as the Applicant may deem advisable, the Applicant accepted this Board's findings in its Judgment of January 10, 1958, respecting debt ratio and permissive level of earnings per share.

## 2. MOTIONS FOR INTERVENTION

On the first day of the hearings of this case, argument was heard on the following two motions for intervention:

*"Take notice that an application will be made before the Board of Transport Commissioners for Canada on Tuesday, September 16, 1958, at 10 o'clock in the forenoon or so soon thereafter as the application can be heard for an order granting leave to the Provinces of British Columbia, Alberta, Saskatchewan, Manitoba and the Maritimes Transportation Commission representing the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland to intervene in these proceedings, to appear by counsel to adduce evidence and submit argument, the said intervention to be limited to the questions of depreciation and income tax.*

The grounds of the said application are as follows:

- (1) By Order in Council numbered P.C. 1958-601, the Governor General in Council rescinded the order of the Board of Transport Commissioners numbered 93265, dated 27th December, 1957, authorizing certain increases in railway freight rates and by his said order the Governor General in Council directed the said Board that as a principle of rate making policy credits to tax equalization reserves shall not be regarded as necessary expenses or requirements in determining rates.
- (2) By Order in Council numbered P.C. 1958-602 the Governor General in Council rescinded the order of the Board of Transport Commissioners numbered 93401, dated 10th January, 1958, approving revisions of the tariffs of the Bell Telephone Company of Canada for exchange and long distance services and equipment and by his said order the Governor General in Council directed the said Board that as a principle of rate making policy credits to tax equalization reserves shall not be regarded as necessary expenses or requirements in determining rates and charges.
- (3) In the instant proceedings the said Bell Telephone Company of Canada is proposing a course of action with respect to depreciation and income tax which in the submission of these applicants constitutes a violation of the said Privy Council Order P.C. 1958-602.
- (4) These applicants have reason to believe that the Railway Association of Canada will shortly make application to the Board for further increases in freight rates and these applicants are fearful that by its said application or the evidence led in support thereof the said Railway

Association will seek to have the Board approve as a rate making principle the charging as an expense in determining freight rates income tax calculated by the use of recorded depreciation and without using Capital Cost Allowances permitted to tax payers by the Income Tax Act and the regulations made thereunder.

- (5) These applicants are apprehensive that whether or not the Railway Association of Canada will seek the approval by the Board of the procedure referred to in the next preceding paragraph in the application which the said Railway Association proposed to institute in the immediate future the said Railway Association will resort to such depreciation and tax procedure and seek the approval of the Board therefor in any future applications which it may make to the Board for freight rate increases.
- (6) These applicants have reason to fear that a decision of the Board in the instant proceedings favourable to the contentions advanced in the application by the Bell Telephone Company of Canada, dated June 25 1958, will constitute a precedent in any future application for freight rate increases and will be distinctly prejudicial to the interests of these applicants.

*In support of the said application will be read the decision and Order No. 93265 of the Board of Transport Commissioners dated December 27 1957; Order of the Privy Council No. 1958-601, dated 29th April, 1958 the decision and Order No. 93401 of the said Board dated 10th January 1958; Order of the Privy Council No. 1958-602 dated 29th April, 1958 and such other material as counsel may advise.*

Dated at the City of Ottawa, in the Province of Ontario, this 8th day of September, 1958.

The Provinces of British Columbia, Alberta, Saskatchewan, Manitoba and the Maritimes Transportation Commission representing the Province of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland

By their Counsel herein

(Signed) J. J. Frawley,  
140 Wellington St.,  
Ottawa 4, Ont."

#### "NOTICE OF INTERVENTION

*Take notice that an application will be made to the Board of Transport Commissioners for Canada on Tuesday, the 16th day of September, 1958 at the hour of ten o'clock in the forenoon or so soon thereafter as counsel may be heard for an order granting leave to the Government of the Province of British Columbia and the Union of British Columbia Municipalities to intervene in these proceedings, to appear by counsel, to adduce evidence and submit argument on issues relating to depreciation and income tax and such other matters as the Board may direct or allow.*

*And take notice further that, among other reasons, in support of the said application for leave to intervene, the applicants will submit:*

1. That in the reasons for judgment, dated the 18th day of July, 1958 relating to Order No. 94987 of the same date, in the matter of certain

application of British Columbia Telephone Company, the Board of Transport Commissioners stated with reference to certain questions of depreciation and income tax:

'Since the conclusion of the hearings of this case in Vancouver on June 6, the Bell Telephone Company of Canada has filed an application dated June 25 requesting increases in its tariffs. At least one of the alternatives on which the Applicant has requested directions will be in issue in the Bell case now pending. Because of the importance of these points the Board wishes to have the benefit of the evidence in the Bell case before deciding what directions, if any, to give to the Applicant.'

2. That the applicants were the principal respondents in the matter of the said application of British Columbia Telephone Company and that it appears just and expedient and within the contemplation of the Board that the applicants be granted leave to intervene in these proceedings.

Dated at the city of Ottawa, in the Province of Ontario, this 8th day of September, 1958.

HERRIDGE, TOLMIE, GRAY, COYNE & BLAIR

Per: (Signed) D. G. Blair

Agents at Ottawa for C. W. Brazier, Q.C., Solicitor for the Government of the Province of British Columbia and Union of British Columbia Municipalities."

The Canadian National Railways and the Canadian Pacific Railway Company did not appear on the motions but filed the following written answer:

"ANSWER OF CANADIAN PACIFIC RAILWAY COMPANY AND  
CANADIAN NATIONAL RAILWAYS

Canadian Pacific Railway Company and Canadian National Railways submit that the said Application for leave to intervene should be refused on the following grounds:

- (1) Applicants do not allege that they have, nor do they in fact have, a direct interest in the proceedings in which intervention is sought. Such an interest is an essential requirement.
- (2) Questions of depreciation and income tax to which the proposed intervention is directed involve factual questions. Facts pertinent to railway depreciation and income tax, in which Applicants state they have an interest are not before the Board at this time and will not form part of the record in the instant case. When the railways have an application for increased freight rates before the Board for adjudication, requiring determination of questions of depreciation and income tax which affect railway users, the railways will, as the Board would require, introduce evidence to deal with these questions.

Dated at the City of Montreal, in the Province of Quebec, this 12th day of September, 1958.

(Signed) H. C. FRIEL

IAN D. SINCLAIR

of Counsel for the Railways".

The British Columbia Telephone Company was represented by Counsel on the argument on the motions.

The motions were disposed by the following ruling of the Board:

"The Board has now considered the two motions made this morning for intervention in this case. All Applicants for intervention agree that their interest in the Bell case is limited to the single point of the treatment to be afforded to the expense items of depreciation and income tax.

The Board recognizes that there is a principle involved in this case on this one question which may well be of substantial importance to those applying to intervene.

In all arguments on the motion, it was agreed that the Board has a discretion to grant or refuse the motions, that the discretion must be judicially exercised, and that to grant the motion the Board must be persuaded that there is a strong case for intervention on the limited basis applied for. Those supporting the motions contended that the interests of justice demand that the motions be granted.

The Board considers that the question of principle pertaining to the treatment of depreciation and income tax as an expense is of substantial public interest and may directly affect the interests of the interveners and has therefore concluded, and so rules, that the motions should be granted on the following limited basis:

1. The Interveners will not be permitted to cross-examine except on matters relating to the principle in issue.
2. The Interveners will be restricted to one Counsel cross-examining any one witness on the principle in issue.
3. The Board will, if necessary, rule later in the proceedings as to any restrictions concerning time for Interveners' witnesses or argument on behalf of Interveners.

In the light of this ruling, the Board invites all parties, including the Interveners, to co-operate as fully as possible in the interest of expedition on this hearing. This comment is made because of serious commitments as to time which are facing the Board on its fall docket of cases."

Neither the railways nor the British Columbia Telephone Company took part in the proceedings following this ruling.

### 3. SUMMARY OF EVIDENCE AND SUBMISSIONS

#### *(i) Evidence in support of the Application*

While it has often been stated that this Board does not have economic planning functions, the Board in discharging its duty to fix just and reasonable rates for any company coming under its jurisdiction must, of necessity, consider the over-all result of granting or denying any company's request for financial relief. It is therefore considered appropriate to record certain facts stated in evidence by Mr. T. W. Eadie, President and Chairman of the Board of Bell, to indicate the scope of the Company's operations and the importance of preserving its ability to finance its capital expansion programme. The portion of Mr. Eadie's evidence which gave a general description of the Company's operations was not disputed at the hearing.

Mr. Eadie stated that, over the years, Bell has made a significant contribution to the growth of the Canadian economy, that it is an integral part of the

national defence system, both civil and military, and its importance in the daily life of the people it serves is generally accepted. He pointed out that the telephones in service had increased from 2,000,000 in 1952 to more than 3,000,000 now and that this number is increasing at a rate approaching 200,000 per year; further, almost 20,000,000 local calls and 355,000 long distance messages are handled daily.

The Company employs about 41,000 people, with an annual payroll of \$157,000,000: it pays out to others, for materials, supplies and services, upwards of \$200,000,000 yearly.

The Company has 157,000 shareholders and, by this measure, is the twelfth largest corporation in North America. Of these shareholders, 98% live in Canada and hold 92% of the outstanding stock. The Company issued more than one fifth of all the common stock issues in Canada since 1945 and this stock was almost entirely subscribed for by residents of Canada. There are nearly \$400,000,000 of the Company's bonds outstanding and the holders of most of these bonds are institutions which are entrusted with the savings of thousands of individuals.

In the post-war period, the Company's construction expenditures have totalled well over \$1,000,000,000 and, in the four years 1955 to 1958, these outlays will amount to \$625,000,000, a sum almost equal to the estimated cost of the entire Canadian share of the St. Lawrence Seaway. Construction expenditures totalling over \$370,000,000 for the two years 1958-59 require that Bell obtain from investors approximately \$240,000,000, of which \$50,000,000 was received from a bond issue in the United States in the first part of 1958. This leaves over \$180,000,000 to be raised between now and the end of 1959.

Mr. Eadie's introductory evidence concludes with the following comment:

"These things have been accomplished without any general increase in telephone rates since March 1952. Surely, by holding the line against rate increases for six years, the Company has made an important contribution towards price stabilization."

### *1959 Estimates*

The Company's estimates of revenues and expenses for 1959 are computed upon the rates currently in effect and take into account every reasonable expectation of increases in revenues over present levels. They assume an upturn in general business conditions and higher levels of demand for telephone services than have been experienced in 1957 and 1958 to date.

It is estimated that the average number of telephones in service during 1959 will be 3,242,000; the year-end figure is estimated as 3,338,700. Held orders for main telephones have now been reduced to 9,400 and it is anticipated that this will decline to a relatively insignificant figure by the end of 1959. Held requests for a higher grade of service amount to 12,000 at the present time but it is estimated that there will be practically no unfilled requests by the end of 1959.

Maintenance expense per telephone is rising because of the greater complexity of the telephone plant, the increasing amount of plant per telephone, and increases in wages. The average plant in service in 1959 is estimated at \$439 per telephone. Depreciation expense per telephone is estimated to increase at the rate of approximately \$1.00 per year from 1957 to 1959 as a result of increased plant investment.

The Company stated that in estimating total operating expenses for 1959 full effect has been given to all savings that can be made by economies,

increased efficiency and new techniques. Employee expense per telephone for 1959 is estimated at \$42.44 or 3 cents higher than in 1957. The average increase in employee expense per telephone from 1952 to 1957 was 58 cents per year and the much smaller increase in this item of expense since 1957 is due to an accelerated improvement in productivity brought about by new tools and methods and by mechanization. Had it not been for increases in wage rates over the level existing at the end of 1957, employee expense per telephone for 1959 would have shown a reduction from 1957 of \$2.20, and this illustrates how economies resulting from new techniques, mechanization and a more efficient labour force are more than offset by higher labour costs.

Board Tables 1, 2 and 3 which follow hereunder have been prepared by the Board's staff from Exhibits filed by the Company during the course of the hearing. These Board Tables summarize the estimated changes from 1957 to 1959 in operating revenues, operating expenses and income:

BOARD TABLE 1  
DISTRIBUTION OF OPERATING REVENUES

Year	Local Service Revenues			Long Distance Revenues			Miscellaneous Revenues			Total	
	Amount*	Index	Percentage of Total	Amount*	Index	Percentage of Total	Amount*	Index	Percentage of Total		
1957 actual	\$187,100	100.0	61.8	\$ 99,400	100.0	32.8	\$16,400	100.0	5.4	\$302,900	100.0
1958 estimated	201,800	107.9	61.8	105,400	106.0	32.3	19,200	117.0	5.9	326,400	107.8
1959 estimated	218,300	116.7	61.7	113,500	114.0	32.1	21,900	133.5	6.2	353,700	116.8
November 1, 1958 to } October 31, 1959 est. }	215,400	115.1	61.7	112,000	112.7	32.1	21,500	131.1	6.2	348,900	115.2

SOURCE: Exhibits 58-10, 58-11 and 58-12

Explanation of reference marks:

\*—"000" omitted.

BOARD TABLE 2  
DISTRIBUTION OF OPERATING EXPENSES

Year	Employee Expense			Depreciation Expense			Other Expense			Total	
	Amount*	Index	Percentage of Total	Amount*	Index	Percentage of Total	Amount*	Index	Percentage of Total		
1957 actual	\$121,100	100.0	55.0	\$48,900	100.0	22.2	\$50,400	100.0	22.2	\$220,400	100.0
1958 estimated	132,200	109.2	55.1	55,500	113.5	23.1	52,200	103.6	21.8	239,900	108.9
1958 estimated†	134,500	111.1	55.5	55,500	113.5	22.9	52,200	103.6	21.6	242,200	109.9
1959 estimated	137,600	113.6	53.5	62,200	127.2	24.2	57,600	114.3	22.4	257,400	116.8
1959 estimated‡	137,600	113.6	53.5	62,200	127.2	24.2	57,600	114.3	22.4	257,400	116.8
November 1, 1958 to } October 31, 1959 est. }	135,500	111.9	53.4	61,100	125.0	24.1	57,200	113.5	22.5	253,800	115.2

SOURCE: Exhibits 58-10, 58-11 and 58-12

Explanation of reference marks:

\*—"000" omitted.

†—Adjusted for 40% debt and revisions in wage rates.

‡—Adjusted for 40% debt.

BOARD TABLE 3  
INCOME STATEMENT

Year	Net Operating Revenues*	Total Operating Taxes*	Net Operating Income*	Other Income Net*	Total Income*	Fixed Charges*	Amount*	Net Income	
								Index	Per Share
1957 actual	\$82,500	\$39,700	\$42,800	\$7,000	\$49,800	\$13,800	\$36,000	100.0	\$2.15
1958 estimated	86,500	40,900	45,600	6,900	52,500	15,400	37,100	103.1	1.99 (a)
1958 estimated†	84,200	39,100	45,100	6,900	52,000	16,800	35,200	97.8	1.98 (b)
1959 estimated	96,300	44,600	51,700	6,800	58,500	19,500	39,000	108.3	1.90
1959 estimated‡	96,300	44,500	51,800	6,800	58,600	19,700	38,900	108.1	1.90
November 1, 1958 to October 31, 1959 est. } ‡ ..	95,100	44,000	51,100	6,800	57,900	19,300	38,600	107.2	1.93

SOURCE: Exhibits 58-10, 58-11 and 58-12

Explanation of reference marks:

(a) Revised estimate produces \$2.06 per share—Witness Eadie.

(b) Revised estimate produces \$2.01 per share—Witness Eadie.

\*—"000" omitted.

†—Adjusted for 40% debt and revisions in wage rates.

‡—Adjusted for 40% debt.

*(ii) Evidence and Submissions of Respondents and Interveners:*

The Interveners in this case limited their evidence and cross-examination to the principle pertaining to the treatment of depreciation and income tax as an expense in accordance with our ruling. Counsel for the Respondents, prior to calling witnesses, indicated their intention not to offer evidence on anything other than the question of the tax situation. This evidence is dealt with later herein.

A statement was submitted on behalf of the Canadian Labour Congress opposing any rate increases at this time; references were made to the desirability of a higher debt ratio for Bell and a higher pay-out ratio on Northern Electric common stock.

Counsel for the City of Lachine referred to the City's submissions already filed, and stressed the partnership of Bell and its subscribers. He urged that the Company should be directed to permit the benefit of any tax reduction to flow through to the users of the telephone service. The written submissions of the City of Lachine dealt with "deferred tax accounting", and also with the matter of Montreal extended area service which has no relevance in the present application. It may here be noted that no submissions in connection with that matter were received from the City of Lachine prior to its disposal under Judgment of July 11, 1958 (48 J.O.R. & R. Issue No. 13, of October 1, 1958).

Several witnesses referred to the permissive level of earnings and the amount of surplus. Evidence was also presented in respect to the pension plan of the Company and questions were raised in respect to effecting economies and increased productivity.

We have reviewed the findings in our Judgment of January 10, 1958, in respect to debt ratio, Northern Electric Company Limited, pension plan, surplus and permissive earnings per share, and we hereby confirm those findings for purposes of this Judgment. We have previously referred to evidence of savings and decreasing cost per telephone which are more than offset by higher wage rates; these are factors in the Company estimates of net income which are dealt with later herein.

*(iii) Written Submissions:*

The Board has received a small number of written submissions from parties who did not appear at the hearings to present evidence and submit to cross-examination thereon, the majority of which express general opposition to increases in telephone rates without giving reasons. The other submissions in opposition to the Company's application may be summarized as follows: rates should not be increased to provide for further capital expenditures; cost of living would be increased; a serious unemployment problem exists and costs should be curbed; present tolls are reasonable in view of customers' purchasing power; increases would be inflationary; telephones are chiefly a home convenience and an increase would discourage expansion of residential areas; Company has substantial profits; free telephones for employees and purchase of stock by employees at less than market value reduce profits; and increases are unwarranted since regrouping has recently taken place.

Five submissions base their opposition on the quality of service provided by the Company; three refer to overloaded multi-party lines, one requests the establishment of extended area service and one seeks dial service. All these submissions have been drawn to the attention of the Company who will no doubt take whatever steps may be possible to provide a remedy.

The submissions of the Board of Trade of the City of Toronto support the Company's application in principle and state that it does not wish to see

deficiencies in telephone service recur nor a slowing down of the Company's construction programme to a point where the Company would be unable to meet demands for new service. The Municipal Council of the Town of Arnprior states that it has had its own experience in rising material and labour costs and, consequently, is sympathetic to the problem of the Company; it petitions the Board "to give due weight to the problem of unemployment which might develop as a result of a reduced capital expansion programme on the part of The Bell Telephone Company".

#### 4. INCOME TAX

The Company's policy in respect to income tax was one of the main points in issue in the hearings at Ottawa in November and December 1957, and in the present case it was the most important issue. Although the particular question in the 1957 case, "deferred tax accounting", was fully discussed in the Board's Judgment of January 10, 1958, broader issues are involved in the present case and it would appear desirable to summarize certain changes that have taken place in income tax legislation in recent years and the Company's policy during that time.

For many years prior to 1949, Canadian corporations were permitted to claim depreciation for income tax purposes calculated on the "straight line" principle. In 1949 a new Canadian Income Tax Act and Regulations came into effect, under which the amount of "capital cost allowance" that might be claimed for income tax purposes was computed on what is known as the "diminishing value" basis. In general the amount of capital cost allowance that could be claimed in any year was limited to the amount of depreciation actually charged in a company's books during that year. Subject to this limitation, however, the amounts that could be claimed in the early years following the acquisition of an asset were often approximately double those which would have been allowed on the straight line basis, with correspondingly lower amounts in the later years. Effective January 1, 1954, the Income Tax Regulations were again changed, and since that date it has been possible to claim capital cost allowance for income tax purposes without regard to the amounts charged as depreciation in a company's own records.

In spite of the opportunities for immediate reductions in tax available under the new Act which came into effect in 1949, many large corporations appeared to feel that the advantages of any immediate tax saving were more than offset by the disadvantages of recording in their books depreciation which, in the light of their previous adherence to straight line methods, appeared excessive. Under the change in legislation which became effective in 1954, however, it became possible for a company to maintain its former accounting procedures and policies while concurrently paying a lesser amount of income tax. The immediate reduction in tax is generally regarded as an interest-free loan the value of which, to a considerable extent, depends on the individual company's need at the time for additional funds. The Income Tax Regulations presently in effect offer a wide choice as to when capital cost allowance may be claimed and it falls to management to determine, within the limits prescribed by the Income Tax Regulations, what policy may be best for the company and how much should be claimed in any particular year.

Prior to 1949 the Bell Telephone Company of Canada claimed for income tax purposes, insofar as it was permitted to do so, the same amounts of depreciation as were charged in its own records. No change in this policy was made following the passing of the new Income Tax Act and Regulations which became effective in 1949, but commencing January 1, 1954, faced with the necessity of raising very large amounts of additional capital in order to carry out its expansion programme, the management of the Company decided

to claim the maximum amount of capital cost allowance for income tax purposes. In accordance with the recommendation of Bulletin 10 of the Canadian Institute of Chartered Accountants the amount of the immediate tax reduction was concurrently credited to a deferred credit—income tax account.

The main reason for this decision was to obtain the use of the resultant interest-free funds, but Order in Council P.C. 1958-602, which disallowed for rate making purposes amounts credited to the deferred credit account, made it necessary for the management of the Company once again to review the situation in order to determine whether the policy adopted in 1954 was, in the light of these developments, in the best interests of the Company, its shareholders and the subscribers.

The three courses open to Bell were: first, to continue claiming maximum capital cost allowance for income tax purposes and charging a lesser amount as depreciation in the Company's books; secondly, to continue claiming maximum capital cost allowance for income tax purposes, but charging the same amount in the Company's books as depreciation; and thirdly, to revert to the earlier practice, which had been followed to the end of 1953, whereby only the amount charged as depreciation in the Company's books was claimed for income tax purposes. The management decided on the third course of action for what appeared to them to be good and sufficient reasons. The Respondents and the Interveners, however, contended that the first course mentioned should have been followed. These different viewpoints are dealt with in detail later in this Judgment, but before discussing them it would seem appropriate to consider whether acceptance for rate making purposes of such a change in procedure would conflict with the instructions given to the Board in Order in Council P.C. 1958-602.

The Order in Council in question was issued on April 29, 1958, following an appeal against the Board's Order No. 93401 of January 10, 1958, which had authorized the Company to make upward revisions of certain tariffs for exchange and long distance services. The Order in Council directed the Board that: "... as a principle of rate making policy, credits to tax equalization reserves shall not be regarded as necessary expenses or requirements in determining rates and charges."

Counsel for Bell in the present case expressed the view that how and when capital cost allowance should be claimed was a matter that could be decided only after full consideration of all the relevant facts in a particular case, and that Order in Council P.C. 1958-602 did not apply, and was not intended to apply, except where a deferred credit or similar account was being used.

It was the contention of Respondents and of the Interveners that, where there was a reduction in income tax as a result of the amount of capital cost allowance claimed for income tax purposes being greater than the amount of depreciation charged in the Company's own books, Order in Council P.C. 1958-602 had ruled that no deferred liability existed. A decision to pay more tax than it was immediately required to do indicated that Bell had refused to accept this ruling. In considering the appeal against the Board's previous Judgment, the Governor in Council had been made aware of the other alternatives open to the Company and, in ruling against the use of a deferred credit account for rate making purposes, it had obviously been the intention that, although they were not specifically mentioned in the Order, the other alternatives should be similarly disallowed. It was stated that the present application did not represent a new case but that it was identical to the case which had been successfully appealed to the Governor in Council. It was the duty of management to pay the smallest amount of income tax possible

and the intent of the Order in Council had been that the immediate benefit of any reduction in income taxes should go to the present subscribers through the rate structure.

The Board believes that it neither should, nor could, go behind the wording of the Order in Council and attempt to read into it a prohibition against the use by Bell of a practice which is clearly authorized by income tax legislation. After due consideration, therefore, the Board decided that it is not required by Order in Council P.C. 1958-602 to eliminate from expenses for rate making purposes income tax actually payable at this time in accordance with a decision of the Company's management.

Mr. Eadie indicated that the three courses open to the Company, and referred to earlier in this Judgment, had been carefully considered.

The first course, that of claiming maximum capital cost allowance for income tax purposes but charging a lesser amount as depreciation in the Company's books, had been rejected because it would have represented a departure from Bell's basic concept of charging straight line depreciation as a proper cost in rendering the service which uses up the asset. Unless the difference in taxes is credited to a deferred credit—income tax account, profits would be overstated in Bell's published financial statements, and future subscribers would have to meet additional costs which should be borne by the present subscribers.

Concern was expressed as to whether, if steps were not taken at this time to recover from current subscribers amounts which were considered to be current costs, these amounts could, in fact, ever be recovered. No assurance could be obtained that at some future date the Company would be permitted to increase its rates to cover costs which were no longer current but which related to earlier years and, even if authority to increase the rates were obtained, circumstances at that time might make it impossible for the Company to collect the necessary revenue from the higher rates authorized.

The second course, that of continuing to claim maximum capital cost allowance for income tax purposes and charging the same amount in the Company's books as depreciation, had been rejected on the basis that it would have necessitated substantially higher rates than those asked for in the present application, thereby improperly increasing the cost for the present subscribers in order to produce lower rates for future subscribers. It would also have meant a departure from depreciation practices that had been followed by the Company for many years.

It was the view of the President, and of his advisers, that Bell had no alternative but to adopt the third course, which was to claim as capital cost allowance for income tax purposes only the amounts charged as depreciation on the Company's books.

In support of this decision it was contended by witnesses that there should be a "synchronization" of depreciation charged in the Company's books with capital cost allowance claimed for income tax purposes. It is generally admitted that the cost of an asset should be recovered in a systematic and rational manner through depreciation charges over the life of the asset. In this way the expense can be directly related to the revenue which the asset helps to produce. It was argued that, in the same way, it would be improper for the Company's revenues to receive the benefit of the lower income taxes immediately payable as a result of claiming larger amounts of capital cost allowance, unless the related loss in value of the asset is taken into account at the same time. Witnesses for the Company contended that to take larger amounts of capital cost allowance in the earlier years, without being permitted through the rate structure to recover a corresponding amount from the subscribers, favoured the current subscribers at the expense of future subscribers.

Reference has already been made to the very large sums which Bell needs to raise during 1958 and 1959 to meet the cost of expanding facilities. Failure to raise these funds would, in the words of the President of the Company, necessitate "a drastic revision of plans", and "a precipitous change in the rate of spending". To finance this expansion the Company must be in a position to raise these amounts of capital at a reasonable cost. Bell has a long history of successful financing both in bonds and in common stock, but in financing of this magnitude "institutional investors" are of great importance. Included in this category are insurance companies, pension funds and investment trusts, and it was stated in evidence that at December 31, 1957, 59.5 per cent of Bell's first mortgage bonds were held by 16 of the leading life insurance companies. It was held to be a reasonable assumption that the attitude of the institutional investors towards any of the Company's security issues would have its effect on smaller investors, so that it was almost essential for the success of an issue of the Company's securities that it should be generally acceptable to the institutional investors.

Mr. E. R. Alexander, Vice-President, Finance, of the Sun Life Assurance Company of Canada stated in his evidence that new issues of Bell must be competitive not only with other new issues but also with securities already available on the market. Institutional investors who had, in the past, been heavy buyers of Bell's bonds would not be deflected from their appraisal standards by the directive contained in Order in Council P.C. 1958-602. In comparing Bell's securities with others an adjustment would, therefore, be made for any reduction in income tax resulting from claiming a larger amount as capital cost allowance for income tax purposes than was charged as depreciation in the Company's accounts. Insofar as the Sun Life Assurance Company of Canada was concerned, it would restate Bell's earnings so as to give effect to the deferred tax and this would make the securities correspondingly less attractive since, on this basis, the current \$2 dividend on the common stock would not be earned. The witness also mentioned Bell's earned surplus which, in his opinion, was "perilously small" at the end of 1957. As confidence waned the cost of financing would increase sharply and Bell would find it increasingly difficult, and perhaps impossible, to raise the required funds through the issue of bonds or the sale of common stock.

The Respondents and the Interveners considered that Bell was improvident if it did not take advantage of any available tax reduction, and that the Company should make no change in its policy of claiming maximum capital cost allowance and charging depreciation in its own records on the same basis as in the past. Having made such a change, however, it was the Board's duty to disallow the additional income tax paid for rate making purposes. Since there was no deferred liability arising from the immediate reduction in tax there could be no expense to take into account at the present time, and it was therefore neither necessary nor desirable to match or synchronize depreciation and capital cost allowance. If, in fact, there was some slight possibility of the tax reduction not being permanent, this could be taken care of by a relatively minor increase in the permissive level of earnings, say \$2.50 instead of the present \$2.43 per share.

Serious doubt was expressed by the Respondents and Interveners on the correctness of Bell's conclusions as to possible difficulties in marketing its securities, and the suggestion was made that it would be better to wait until there was proof that these difficulties were real before accepting the advice of the institutional investors. Even though the cost of financing might be greater if the rating of the securities declined, a small increase in the interest rate would be preferable to what Bell now proposed.

One witness suggested that the remedy lay in a cutback of the proposed capital expansion, but did not indicate how this could provide more than purely temporary assistance to the Company's finances.

A suggestion was also made by a witness for the Respondents that when Order in Council P.C. 1958-602 prohibited the Board from taking into account for rate making purposes amounts credited to a deferred credit-income tax account this direction was intended to be of retroactive effect. On this basis the accumulation in the account might be considered as an addition to earned surplus.

The difference of opinion between Bell on the one hand, and the Respondents and the Interveners on the other, as to the necessity of matching or synchronizing depreciation with capital cost allowance appears to stem largely from their differing concepts of whether there is an actual loss in value through the using up of capital cost allowance. Income tax is a matter of the utmost importance to a company which, like the Bell Telephone Company of Canada, has very large amounts invested in capital assets that are subject to a relatively high rate of depreciation. Asset values which can no longer be used in arriving at the amount which is deductible as capital cost allowance for income tax purposes are clearly worth less than similar asset values which have retained their usefulness in this connection. In spite of the latitude given to a taxpayer under the present regulations as to when capital cost allowance may be claimed, the total claim cannot exceed 100 per cent. In assessing the desirability of matching or synchronizing depreciation and capital cost allowance, the Board believes that consideration must be given to the fact that a real loss in value takes place as capital cost allowance is used up.

In considering the contention of the Respondents and the Interveners that Bell should have continued to follow the same method of claiming capital cost allowance as in the years 1954 to 1957, note should be taken of a basic difference between regulated and non-regulated companies. When a non-regulated company chooses to adopt the alternative mentioned in Bulletin 10 of the Canadian Institute of Chartered Accountants, under which an explanatory footnote on the balance sheet may be used instead of the deferred tax accounting procedure, the immediate reduction in tax would normally be shown as an addition to the company's earnings, since selling prices need not necessarily be affected. In the case of a regulated company, however, if stated earnings are considered to be the true earnings, regulation of the rates would in the ordinary course prevent the company from receiving any direct benefit from the reduction in taxes.

It was also stated in evidence, and this was not contradicted, that all subsidiaries of the American Telephone and Telegraph Company, and of the General Telephone Company, in the United States, now follow the same procedure as that adopted by the Applicant in respect to the year 1958. It was further stated, and this too was undisputed, that no United States regulatory commission had forced a company to take accelerated depreciation for tax purposes, and a similar situation exists in Canada.

There is no doubt that before reaching their decision to alter the basis on which income tax is paid, the Company's management gave the most careful consideration to the risks involved, and that they acted on the advice of financial and accounting advisers, as well as investment analysts and institutional investors. Mr. Eadie stated in his evidence that these were unanimous in their agreement with the Company's change in policy. In the Board's view, having in mind the provisions of the Income Tax Act and Regulations, determination of the amount claimed as capital cost allowance for income tax purposes is basically a function of management. This does not mean that the Board is precluded from looking into the propriety of any of management's

decisions, and indeed it has a duty to carefully review all matters which may have a bearing on rate making. In this case, however, all possible implications appear to have been carefully weighed and it is clear that a course involving the payment of substantial amounts of income tax which could legally have been deferred, would not have been adopted unless the reasons for such action had been of a most compelling nature. In the circumstances, the Board does not believe that the views of the Company's management in this connection, supported by the testimony of highly qualified witnesses, should be ignored.

Bell's ability to finance is a matter of vital importance to the subscribers as well as to the Company. An investor does not have to be concerned with the rights or wrongs of deferred tax accounting. If the financial position of two companies is identical except that one has provided for deferred taxes while the other has not, the securities of the former will be more attractive to investors than those of the latter. Bell's securities must compete with those of many companies which follow deferred tax accounting procedures, including regulated companies not under the Board's jurisdiction, and witnesses indicated that, if the Company's future expansion was to be financed by public issues of securities, the change in the method of paying income tax was, in fact, necessary.

After a full review of the matter the Board decided that there were no grounds on which it should interfere with the method adopted whereby the amount claimed as capital cost allowance for income tax purposes was limited to the amount charged as depreciation in the Company's own books. In view of Bell's present financing needs the decision of management in this respect seems fully justified.

#### 5. NET INCOME PER SHARE IN 1958 AND 1959 AND AMOUNT OF PROPOSED INCREASE

The Company submitted estimates of revenues, expenses, taxes, other income and fixed charges for the years 1958 and 1959. These estimates as filed in Exhibits 58-11 and 58-12 showed net income per share at existing rates without adjustment and after adjustment for a 40 per cent debt ratio and higher wage rates. Revised estimates for 1958 were submitted during the hearing:

	Estimated Net Income Per Share (at existing rates)	
	Per Exhibits	Revised
	\$	\$
1958 without adjustment .....	1.99	2.06
1958 adjusted for 40 per cent debt ratio and revised wage rates for 12 months .....	1.98	2.01
1959 without adjustment .....	1.90	
1959 adjusted for 40 per cent debt ratio .....	1.90	
Nov. 1, 1958 to Oct. 31, 1959 adjusted for 40 per cent debt ratio .....	1.93	

In referring to Exhibit 58-12 and estimates for the year 1959 Mr. Eadie stated:

"They show that both before and after adjustment for a 40 per cent debt ratio, earnings for 1959 will be \$1.90 per share or 10 cents short of even our present dividend requirement. These estimates reflect our most optimistic views of revenue gains and improvements in productivity. This Exhibit 58-12 also shows our estimates for a 12-month period, November 1, 1958, the date from which new rates might reasonably become effective, to October 31, 1959, again adjusted for a 40 per cent debt ratio. In this period our earnings are estimated to be \$1.93 per share."

In speaking of the return expected from the proposed rates Mr. Eadie stated:

"The schedule of rates which we have filed will be insufficient to produce in 1959 the permissive level of earnings authorized by the Board in its Judgment of January last, nor would it do so in the earliest 12-month period during which period rates would reasonably be assumed to be effective. However, because of the urgency of attaining improved earnings and to avoid any cause for delay, no amendment has been made to the tariffs for which approval is sought. This urgency is dictated by the financing plans which must be carried on currently over a period of months if we are to avoid a cutback in construction."

The rates proposed by the Company are estimated to increase operating revenues for the year 1959 by \$17,150,000 as shown in Appendix II to Exhibit 58-2; after allowance for taxes and service contract, net income for the year 1959 would be increased by 42 cents per share. This increase combined with the estimated 1959 net income of \$1.90 per share under present rates would result in 1959 net income of \$2.32 per share under proposed rates, or 11 cents below the permissive level of \$2.43 per share authorized in our last Judgment. Further, the proposed rates, if effective November 1, 1958, would result in net income of less than \$2.43 per share either for the calendar year 1958 or for the 12-month period November 1, 1958 to October 31, 1959.

In our last Judgment we disallowed as an expense item the amount included by the Company for possible increased wage rates, and we said at that time:

"It is noted that during the 6-year period 1952 through 1957 the Company not only maintained an average earning of \$2.42 per share (Exhibit No. 57-18) on an increasing number of shares outstanding but also absorbed the cost of successive increases in wage rates in each of those years. The Board does not consider it proper to allow as an expense item for rate making purposes a sum for increased wage rates, which will be the subject of future collective bargaining and which may not, in fact, become payable, and which, if it does become payable, may be offset, as in the past, by economies, increased efficiency or increased revenues."

While we do not question the Company's wisdom in making provision in their estimates for increased wage rates in line with forecast trends, we do not consider it proper for rate making purposes to recognize wage rate increases which have not been requested or offered and which are not in fact a matter at issue between employer and employees at the time of our Judgment. We have, however, determined that the allowance in respect to the upward trend of wages as reflected in the last four months of the 1959 estimates is less than 11 cents per share difference between the Company estimate of 1959 net income under proposed rates and the permissive level of \$2.43 per share authorized in our last Judgment.

Subject to the foregoing allowance we accept the Company's estimates of net income for purposes of this Judgment, and find that the amount of the proposed increase is reasonable; but its application to the rate structure requires adjustment as noted hereunder.

## 6. RATE STRUCTURE

No submissions of any kind were made at the hearing with respect to the revised rate structure proposed by the Company. As stated earlier in this Judgment, the proposed increases in rates and charges are estimated to increase operating revenues in 1959 by \$17,150,000, or by approximately 4.85 per cent.

Bell's evidence as to the revenue effect of the proposed rate increases has been carefully reviewed and, with some minor changes which will be referred to later, we are satisfied that it is in order.

With the following brief review of the individual type of services, which is only to focus attention upon the major changes, we are of the opinion that the rates, charges, and groupings are reasonable and they are hereby approved.

*Exchange Rate Groups:* Until 1950 the residence exchange rates for Groups 1 and 2 were identical, although business exchange rates applicable to Group 2 exchanges were somewhat higher than the corresponding rates for Group 1. It is now proposed to consolidate Groups 1 and 2 into a single group having a range of total telephone count of 1 to 1,000 telephones and to apply a single set of exchange rates thereto.

For convenience, Appendix "A" to the Order accompanying this Judgment lists the Company's exchanges in alphabetical order with their current group numbers and shows identical rates for both Group 1 and Group 2 exchanges. Revisions to tariffs to implement our Order may revise the numbering of the rate groups to reflect the consolidation.

*Service System Service:* The switching rates for service system service are related to the rate group of the exchange with which the system is connected. As a result of the consolidation of Group 1 and Group 2, the monthly rates for those systems now in Group 1 will be increased by 5 cents per telephone.

*Rates for Local Exchange Service:* The rates proposed by the Company for local exchange services have been examined and certain moderate adjustments have been made in those for business and residence one-party line service, as well as in some related business trunk-line rates. It is considered that the revised rate structure will distribute the burden of increases more equitably over the various exchange rate groups and meet all the tests of reasonableness. Rates for the lower grades of service have been increased to a lesser extent than the higher grades, in order to keep rates for minimum service as low as possible, and the greater increase in rates for business, compared with the increase in residence rates, recognizes the relatively greater value of business service.

The new rates, as adjusted by the Board, are set out in Appendix "A" to the Order issued concurrently with and forming part of this Judgment.

*Business Extension Telephones:* An increase of 10 cents per month will apply to business private branch exchange extension lines and telephones, and also to extensions to business main telephones. Rates for residence extensions will remain unchanged.

*Long Distance Message Service (Ontario-Quebec):* The new rate scales will apply to long distance calls between points in Ontario and Quebec and, effective with their introduction, the current surcharge on long-distance charges will be eliminated.

In general terms, the new scales for the initial three-minute period reduce the discount for night calls, a smaller discount being allowed for person-to-person night calls than for station-to-station night calls. The spread between station-to-station and person-to-person rates has been widened to reflect the greater costs associated with person-to-person service.

Station-to-station day rates will be reduced for all distances greater than 92 miles and there will be some minor modifications in the rates up to 92 miles. Station-to-station night and Sunday rates will have some increases and decreases for distances up to 320 miles; between 320 and 700 miles, rates will be increased; and beyond 700 miles rates will be generally reduced.

Person-to-person rates will be increased generally for all distances and the discount on night and Sunday person-to-person calls will be substantially reduced. Increases in person-to-person day rates for the initial three-minute period range from 5 cents at the first mileage step of 11 to 14 miles to 45 cents at 700 miles and thereafter graduate downwards to 5 cents increase at 1,080 miles; reductions of from 5 cents to 25 cents occur between 1,081 miles and 1,200 miles. The scale for person-to-person night rates increases by 5 cents at the 11 mile block and graduates upwards to an increase of \$1.05 at 760 miles; the amounts of increase gradually reduce beyond that point to an increase of 55 cents at 1,200 miles.

With the continuing mechanization of long-distance service, Bell considers it desirable to have a rate structure that will encourage the use of the most economical service, since the cost differential of person-to-person service over station-to-station service is becoming greater as a result of the relative influence of labour costs on the two services as well as differences between the circuit time used and circuit time paid for. The Company anticipates that the greater revenues resulting from increased long-distance charges will be derived almost entirely from the increases in rates for person-to-person service.

*Charge for Collect Station-to-Station Calls:* A flat charge of 10 cents per message will apply to each station-to-station call billed to a telephone other than that from which the call is made, unless advance credit arrangements have been made in writing with the Company. This charge recognizes the additional cost of operator handling on such calls.

*Short Period Private Line Service:* This is a form of long distance service between two or more telephones at a commuted rate and is provided on a contract basis for a specified period of time each day. The rates for this service will now be closer to long distance message rates than is the case at present.

*Semi-Public Telephone Service:* No change has been made in current rates but the amount of the daily guarantee for this service is increased in keeping with the increases authorized for other business services.

*Directory Listings:* Rates for extra listings in telephone directories will be increased by 5 cents per month. The regulations covering listings provided without charge will be revised to reduce the number of free listings to one for each main telephone line, or group of consecutively-numbered main telephone lines, and each private branch exchange system.

*Private Branch Exchange Service and Order Turrets:* The rates and charges for private branch exchange switchboards, dial equipment and order turrets will be increased and a new charge of \$2.00 per month for each tie trunk terminal will be introduced. The pattern of rates for key station dial systems is to be changed; the rate for the switching equipment will be reduced but the rates for the telephones will be increased.

*Other Equipment:* Rates and charges for most items of miscellaneous equipment will be increased. Service charges for installation of non-standard long cords will be increased from \$2.00 to \$4.00 for 9-foot cords, from \$3.00 to \$6.00 for 13-foot cords, and from \$1.50 to \$2.00 for spring cords. Rates on two items of equipment are reduced; volume control telephones, which are used by those with impaired hearing, are reduced from \$1.50 to \$1.25 per month, and the speaker phone, consisting of a small loudspeaker and microphone used in conjunction with the normal telephone set, is reduced from \$7.50 to \$5.50 per month.

## 7. INCREASES AUTHORIZED

After considering all the evidence submitted in respect to this application and after making such further investigation as we considered necessary, we find that the Company has established the need for the additional revenue which the proposed rates are estimated to yield and that the estimated net income in 1958 and 1959 under the proposed rates will not exceed the permissive level of \$2.43 per share. Order No. 95930 which is issued concurrently with and forms part of this Judgment authorizes the Company to increase the rates as proposed, subject to the exceptions noted in Appendix "A" thereto upon filing and approval of the appropriate tariff revisions, such rates to be effective not earlier than November 1, 1958.

C. D. SHEPARD  
F. M. MacPHERSON  
H. B. CHASE.

October 10, 1958.

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ORDER No. 95930

THE BOARD OF TRANSPORT COMMISSIONERS FOR CANADA

*In the matter of the application of The Bell Telephone Company of Canada, dated June 15, 1958, for an Order under section 380 and all other relevant sections of the Railway Act, approving revisions of the Applicant's Tariffs for Exchange and Long Distance Services and Equipment*

Case No. 955.173

FRIDAY, the 10th day of October, A.D. 1958

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*  
HUGH WARDROPE, Q.C., *Assistant Chief Commissioner.*  
F. M. MACPHERSON, *Commissioner.*  
H. B. CHASE, C.B.E., *Commissioner.*

Upon hearing the application at sittings of the Board held in the City of Ottawa on September 16, 17, 18, 19, 25, 26, 29, October 1, 2 and 3, 1958, in the presence of Counsel for the Applicant, Counsel for Respondent Municipalities, Counsel for Interveners and Counsel for and representatives of other parties whose appearances are set forth in the Judgment herein dated October 10, 1958—

*It is ordered* that the Applicant may publish and file revised tariff schedules, to be effective not earlier than November 1, 1958, adjusting rates and charges in such tariffs to the extent specified in Schedule I to its Application, dated June 25, 1958, with the exception of Local Exchange Service Rates, Locality Rates and rates for Temporary Four-Party Line Service which are to be adjusted to the extent specified in Appendix "A" hereto.

*It is further ordered* that the provisions of Rules 3 and 6 of General Order No. 658 are hereby waived.

HUGH WARDROPE,  
*Assistant Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

APPENDIX "A"

to Order No. 95930

AUTHORIZED MONTHLY RATES FOR LOCAL EXCHANGE SERVICE WITHIN THE BASE RATE AREAS, AND FOR RURAL SERVICE, OF THE EXCHANGES DESIGNATED BY RATE GROUP NUMBERS

(See Alphabetical List hereunder).

BUSINESS SERVICE

Rate Group	1-Party Rate	2-Party Rate	Multi-Party Rate	Trunk Rate	Message Rate 1-Party*
1	\$ 5.60	\$4.50	\$3.75	\$ 8.40	\$ —
2	5.60	4.50	3.75	8.40	—
3	6.30	5.05	4.00	9.45	—
4	7.05	5.65	4.25	10.60	—
5	8.00	6.30	4.50	12.00	—
6	9.10	7.05	4.80	13.65	—
7	10.50	—	5.10	15.75	7.05
8	12.05	—	5.60	18.10	7.55
9	13.70	—	6.10	20.55	8.05
10	16.00	—	6.85	24.00	8.80
10A	16.25	—	7.10	24.25	9.05
10B	17.25	—	8.10	25.25	10.05

\*Business one-party line-message rate:

- Rate Group 7 — 75 messages allowed
  - Rate Group 8 — 80 messages allowed
  - Rate Group 9 — 85 messages allowed
  - Rate Groups 10, 10A, 10B — 90 messages allowed
- Each additional message: 5 cents.

RESIDENCE SERVICE

Rate Group	1-Party Rate	2-Party Rate	Multi-Party Rate	Trunk Rate
1	\$3.45	\$2.85	\$2.75	\$4.40
2	3.45	2.85	2.75	4.40
3	3.70	2.95	2.85	4.65
4	3.90	3.05	2.95	4.90
5	4.15	3.25	3.05	5.15
6	4.40	3.45	3.15	5.40
7	4.65	3.65	3.25	5.75
8	4.95	3.85	3.45	6.20
9	5.30	4.10	3.65	6.65
10	5.75	4.40	3.90	7.30
10A	5.85	4.50	4.00	7.40
10B	6.35	5.00	4.50	7.90

LIST OF EXCHANGES AND RATE GROUPS—Tariff Item 60.2

Exchange	Rate Group	Exchange	Rate Group	Exchange	Rate Group
Acton, Ont. ....	3	Alliston, Ont. ....	3	Arthur, Ont. ....	2
Actonvale, Que. . .	2	Alma, Que. ....	4	Arundel, Que. . . .	1
Agincourt, Ont. . .	10B	Almonte, Ont. . . .	3	*Arvida, Que. ....	7
Ailsa Craig, Ont. . .	1	Alvinston, Ont. . .	1	Asbestos, Que. . . .	4
Albanel, Que. . . .	1	Amherstburg, Ont. .	4	Athens, Ont. ....	1
Alexandria, Ont. . .	3	Ancaster, Ont. . . .	8	Atwood, Ont. ....	4
Alfred, Ont. ....	1	Angus, Ont. ....	5	Aurora, Ont. ....	5
Algoma Mills, Ont. .	3	Apsley, Ont. ....	1	Avonmore, Ont. . .	1
Algonquin Park, Ont.		Armstrong, Ont. . .	1	Ayer's Cliff, Que. .	1
Ont. ....	1	Arnprior, Ont. . . .	4	*Aylmer, Que. ....	9

\*See also Locality Rates (pages 417 to 427)

## LIST OF EXCHANGES AND RATE GROUPS—Tariff Item 60.2

<i>Exchange</i>	<i>Rate Group</i>	<i>Exchange</i>	<i>Rate Group</i>	<i>Exchange</i>	<i>Rate Group</i>
Ayr, Ont. ....	2	Burford, Ont. ...	2	*Cooksville, Ont. ..	10B
Azilda, Ont. ....	7	Burk's Falls, Ont.	2	Cornwall, Ont. ..	6
Baie Ste-Cather-		Burleigh Falls,		Cowansville, Que.	4
ine, Que. ....	1	Ont. ....	3	Crediton, Ont. ...	3
Baie St-Paul, Que.	2	Burlington, Ont. .	8	†Creemore, Ont. ..	2
Bala, Ont. ....	2	Bury, Que. ....	1	Danville, Que. ...	4
Barrie, Ont. ....	5	Cabano, Que. ....	2	Deep River, Ont. .	4
Barwick, Ont. ...	1	Callander, Ont. ..	6	Delhi, Ont. ....	3
Baysville, Ont. ..	1	Campbellford,		Deseronto, Ont. ..	2
Beachville, Ont. .	6	Ont. ....	3	Dolbeau, Que. ...	4
Beamsville, Ont. .	5	Campbellville,		Dorchester, Ont. .	2
Beardmore, Ont. .	1	Ont. ....	4	Dorset, Ont. ....	1
Beauharnois, Que.	4	Camp Borden,		Dresden, Ont. ...	3
Beaverton, Ont. ..	2	Ont. ....	3	*Drummondville,	
Bedford, Que. ...	3	Cannington, Ont. .	1	Que. ....	5
Beeton, Ont. ....	1	Capreol, Ont. ...	2	Dryden, Ont. ....	3
*Belleville, Ont. ..	6	Cardinal, Ont. ...	2	Dundalk, Ont. ...	2
Beloeil, Que. ....	4	Cargill, Ont. ....	3	Dundas, Ont. ....	8
Bergeronnes, Que.	1	Carleton Place,		Dunham, Que. ...	1
Berthierville, Que.	3	Ont. ....	3	Durham, Ont. ...	3
Binbrook, Ont. ..	8	Cartier, Ont. ....	1	Dutton, Ont. ....	2
Bishopton, Que. .	1	Casselman, Ont. .	1	East Angus, Que.	3
Black Lake, Que.	5	Castlemore, Ont. .	3	East Broughton,	
Blackstock, Ont. .	3	Cayuga, Ont. ....	2	Que. ....	2
Blenheim, Ont. ..	4	Chalk River, Ont.	4	East Hereford,	
Blezard Valley,		Chambly, Que. ..	4	Que. ....	1
Ont. ....	7	Chambord, Que. .	1	Elliot Lake, Ont.	3
Blind River, Ont.	3	Champlain, Que. .	1	Elmira, Ont. ....	4
Bobcaygeon, Ont.	2	Chapleau, Ont. ..	2	Elora, Ont. ....	2
*Bolton, Ont. ....	3	Charny, Que. ....	8	Embro, Ont. ....	2
Bonfield, Ont. ...	1	Chartierville, Que.	1	Embrun, Ont. ....	2
Bothwell, Ont. ...	2	Chateauguay, Que.	4	Emo, Ont. ....	2
Boucherville, Que.	10	Chatham, Ont. ..	6	Escoumins, Que. .	1
Bouchette, Que. .	1	Chatsworth, Ont.	2	Espanola, Ont. ..	3
Bowmanville, Ont.	4	Chelmsford, Ont.	3	Essex, Ont. ....	3
Bracebridge, Ont.	3	Chesley, Ont. ...	2	Everett, Ont. ....	2
Bradford, Ont. ..	4	Chesterville,		Exeter, Ont. ....	3
Brampton, Ont. ..	5	Ont. ....	2	Farnham, Que. ...	4
Brantford, Ont. ..	7	Chicoutimi, Que. .	7	Fenelon Falls,	
Brechin, Ont. ...	1	Chippawa, Ont. ..	7	Ont. ....	2
Breslau, Ont. ....	1	Clarenceville,		Fergus, Ont. ....	3
Bridgenorth, Ont.	6	Que. ....	1	Ferland, Que. ....	1
Brighton, Ont. ..	3	Clarkson, Ont. ...	6	Field, Ont. ....	1
Britannia, Ont. ..	9	Clermont, Que. ...	4	Finch, Ont. ....	2
Britt, Ont. ....	1	Clinton, Ont. ...	4	Fisherville, Ont. .	1
Brockville, Ont. .	5	Coaticook, Que. .	4	Flesherton, Ont. .	1
Bromptonville,		Cobden, Ont. ....	2	Foleyet, Ont. ....	1
Que. ....	7	Coboconk, Ont. ..	1	Fort Erie, Ont. ..	4
Bronte, Ont. ....	6	Cobourg, Ont. ...	4	Fort Frances, Ont.	4
Brooklin, Ont. ..	2	Colborne, Ont. ..	2	Frankford, Ont. .	3
Brownsburg, Que.	4	Collingwood, Ont.	4	Franklin Centre,	
Brownsville, Ont.	4	Compton, Que. ...	1	Que. ....	2
Bruce Mines, Ont.	1	Coniston, Ont. ...	7	Freelton, Ont. ...	1
Buckhorn, Ont. ..	3	Cookshire, Que. ...	2		
*Buckingham, Que.	4	Cookstown, Ont. .	2		

\*See also Locality Rates (pages 417 to 427)

†See also Temporary Four-Party-Line Service (page 427)

## LIST OF EXCHANGES AND RATE GROUPS.—Tariff Item 60.2

<i>Exchange</i>	<i>Rate Group</i>	<i>Exchange</i>	<i>Rate Group</i>	<i>Exchange</i>	<i>Rate Group</i>
Galt, Ont. ....	6	Jarvis, Ont. ....	2	Long Sault, Ont. .	6
Gananoque, Ont. 4		*Joliette, Que. ...	5	*Loretteville, Que.	8
*Garson, Ont. ....	7	Jonquière, Que. . .	7	L'Orignal, Ont. . .	4
Gatineau, Que. . .	9	Kazabazua, Que. . .	1	Louiseville, Que. .	4
Georgetown, Ont. 4		Kemptville, Ont. . .	3	Low, Que. ....	1
*Geraldton, Ont. . .	2	Killarney, Ont. . .	1	Lucan, Ont. ....	1
Gilmour, Ont. . . .	1	King, Ont. ....	5	Lucknow, Ont. . . .	1
Girardville, Que. .	1	*Kingston, Ont. . .	7	Lynden, Ont. ....	3
Glencoe, Ont. . . .	2	Kingsville, Ont. . .	4	Lyster, Que. ....	1
Goderich, Ont. . .	4	Kintore, Ont. . . .	4		
Gogama, Ont. . . .	1	Kirkfield, Ont. . . .	1	Mactier, Ont. ....	1
*Goose Bay, Nfld.	3	Kirk's Ferry, Que.	1	Madoc, Ont. ....	3
Gracefield, Que. .	1	Kitchener-		Magog, Que. ....	4
Granby, Que. ....	5	Waterloo, Ont. .	7	Maidstone, Ont. . .	1
Grand'Mère, Que.	6	Kleinburg, Ont. . .	3	Mallorytown, Ont.	1
Gravenhurst, Ont.	3	Knowlton, Que. . .	2	Malton, Ont. ....	10B
Grimsby, Ont. . . .	5	Labelle, Que. ....	1	Manitouwadge,	
Guelph, Ont. ....	6	L'Abord-à-		Ont. ....	1
		Plouffe, Que. . .	10	Maniwaki, Que. . .	3
Hagersville, Ont.	3	Lac Bouchette,		Manotick, Ont. . .	2
Hamilton, Ont. . .	8	Que. ....	1	Mansonville, Que.	1
Hanmer, Ont. ....	2	Lachine, Que. . . .	10	Maple, Ont. ....	5
Hanover, Ont. . . .	3	Lachute, Que. . . .	4	Marathon, Ont. . .	2
Harrietsville,		Lacolle, Que. ....	2	Marbleton, Que. . .	1
Ont. ....	2	La Doré, Que. . . .	1	Marieville, Que. .	3
Harriston, Ont. . .	2	Lakefield, Ont. . .	3	Markdale, Ont. . .	2
Harrow, Ont. ....	3	La Malbaie, Que.	4	Markham, Ont. . .	4
Harrowsmith,		Lanark, Ont. ....	1	Marmora . . . . .	2
Ont. ....	2	Lancaster, Ont. . .	3	Martintown, Ont.	1
Hastings, Ont. . .	1	Langton, Ont. . . .	2	Maskinonge, Que.	4
Havelock, Ont. . .	2	L'Annonciation,		Massey, Ont. ....	1
*Hawkesbury, Ont.	4	Que. ....	2	Mattawa, Ont. . . .	2
Hébertville, Que. .	2	Lanoraie, Que. . .	1	Maxville, Ont. . .	2
Hemmingford,		La Patrie, Que. . .	1	Meaford, Ont. . . .	3
Que. ....	2	Laprairie, Que. . .	10	Mégantic, Que. . .	3
Hensall, Ont. ....	2	La Salle, Ont. . . .	8	Merlin, Ont. ....	3
Hepworth, Ont. . .	1	L'Assomption,		Merrickville,	
Hespeler, Ont. . . .	3	Que. ....	4	Ont. ....	1
Holstein, Ont. . . .	1	Laterrière, Que. .	7	Midland, Ont. . . .	4
Honey Harbour,		Leamington, Ont.	4	Milford Bay, Ont.	1
Ont. ....	1	*Les Eboulements,		Milot, Que. ....	1
Hornepayne, Ont.	1	Que. ....	1	Milton, Ont. ....	4
Howick, Ont. . . .	1	Leeds, Que. ....	1	Mitchell, Ont. . . .	3
Hudson, Ont. ....	2	Lefroy, Ont. ....	2	Montebello, Que. .	3
Hudson, Que. ....	3	L'Épiphanie, Que.	4	*Montreal, Que. . .	10
Huntingdon, Que.	4	Levack, Ont. ....	2	Morin Heights,	
Huntsville, Ont. .	4	Lévis, Que. ....	8	Que. ....	2
Huttonville, Ont. .	5	L'Ile-Verte, Que. .	1	Morrisburg, Ont. .	3
		Lindsay, Ont. . . .	4		
Ignace, Ont. ....	1	Listowel, Ont. . . .	4	Mount Albert,	
Ile-aux-Coudres,		Little Current,		Ont. ....	3
Que. ....	1	Ont. ....	1	Mount Forest,	
Ingersoll, Ont. . .	4	Lively, Ont. ....	7	Ont. ....	3
Ingleside, Ont. . .	2	*London, Ont. ....	8	Mount Hope, Ont.	8
Inverness, Que. . .	1	Longlac, Ont. . . .	1		
Iron Hill, Que. . .	1	*Longueuil, Que. .	10	Napanee, Ont. . . .	4
Iroquois, Ont. . .	2			Napierville, Que. .	1

\*See also Locality Rates (pages 417 to 427)

## LIST OF EXCHANGES AND RATE GROUPS—Tariff Item 60.2

<i>Exchange</i>	<i>Rate Group</i>	<i>Exchange</i>	<i>Rate Group</i>	<i>Exchange</i>	<i>Rate Group</i>
Nestor Falls, Ont.	1	Perth, Ont.	4	*Rock Island, Que.	3
New Dundee, Ont.	1	Petawawa, Ont.	5	Rockland, Ont.	2
New Hamburg, Ont.	3	Peterborough, Ont.	6	Rockwood, Ont.	2
New Lowell, Ont.	2	Petite-Rivière St-Francois, Que.	1	Rodney, Ont.	3
Newmarket, Ont.	5	Petrolia, Ont.	4	Rolphton, Ont.	1
New Toronto- Islington, Ont.	10A	Pickering-Ajax, Ont.	4	Roxboro, Que.	10
†*Niagara Falls, Ont.	7	Picton, Ont.	4	Russell, Ont.	2
Niagara-on-the- Lake, Ont.	3	Plantagenet, Ont.	1	Sacré-Coeur, Que.	1
Nipigon, Ont.	3	Plattsville, Ont.	1	Ste-Adèle, Que.	4
Nobel, Ont.	4	*Pointe-aux- Trembles, Que.	10	Ste-Agathe, Que.	4
Noelville, Ont.	1	Pointe-Claire, Que.	5	St-Alexandre, Que.	1
Nominuingue, Que.	1	*Pont-Viau, Que.	10	St-Alphonse de Rodriguez, Que.	1
Normandin, Que.	1	Port-Alfred, Que.	6	St-Ambroise de Chicoutimi, Que.	1
*North Bay, Ont.	6	Port Carling, Ont.	2	St-André, Que.	1
North Gower, Ont.	2	Port Colborne, Ont.	6	St. Andrews East, Que.	1
North Hatley, Que.	1	Port Credit, Ont.	10B	Ste-Anne de Beaupré, Que.	3
Norwich, Ont.	3	Port Dover, Ont.	5	Ste-Anne de Bellevue, Que.	4
Norwood, Ont.	2	Port Hope, Ont.	4	Ste-Anne de la Pocatiere, Que.	2
*Notre-Dame-des- Laurentides, Que.	8	Port McNicoll, Ont.	1	Ste-Anne de Portneuf, Que.	1
Notre-Dame-du- Lac, Que.	1	Port Perry, Ont.	3	St-Barthelemy, Que.	1
Oak Ridges, Ont.	5	Port Robinson, Ont.	6	*St-Bruno, Que.	3
Oakville, Ont.	6	Port Rowan, Ont.	2	St. Catharines, Ont.	7
Oil Springs, Ont.	1	Port Stanley, Ont.	6	Ste-Catherine, Que.	1
Oka, Que.	2	Powassan, Ont.	2	St-Césaire, Que.	2
Omeme, Ont.	2	Prescott, Ont.	4	St-Charles sur Richelieu, Que.	1
Ophir, Ont.	1	Preston, Ont.	4	St-Chrysostome, Que.	1
Orangeville, Ont.	4	Quebec, Que.	8	St-Coeur-de- Marie, St-Denis, Que.	1
Orillia, Ont.	5	Queensville, Ont.	3	*Ste-Dorothée, Que.	10
Ormstown, Que.	2	Rainy River, Ont.	1	St-Elleuthère, Que.	1
Oshawa, Ont.	7	Rawdon, Que.	2	St. Eugène, Ont.	1
*Ottawa, Ont.	9	Red Rock, Ont.	3	St-Eustache, Que.	5
Otter Lake, Ont.	4	Renfrew, Ont.	4	St-Félicien, Que.	3
Oterville, Ont.	1	Richmond, Ont.	3	St-Félix de Valois, Que.	2
Owen Sound, Ont.	5	Richmond Hill, Ont.	5	St-Ferdinand d'Halifax, Que.	1
Pakenham, Ont.	1	Ridgetown, Ont.	4	St-Fidèle, Que.	1
Palmerston, Ont.	2	Ridgeville, Ont.	6		
Papineauville, Que.	3	Ridgeway, Ont.	4		
Paris, Ont.	4	Rigaud, Que.	2		
Parkhill, Ont.	2	Rivières-des- Prairies, Que.	10		
Parry Sound, Ont.	4	Rivière-du-Loup, Que.	4		
Pembroke, Ont.	5	Roberval, Que.	4		
Penetanguishene, Ont.	3	Roches Point, Que.	3		
Peribonka, Que.	1				

\*See also Locality Rates (pages 417 to 427)

†See also Temporary Four-Party-Line Service (page 427)

## LIST OF EXCHANGES AND RATE GROUPS—Tariff Item 60.2

<i>Exchange</i>	<i>Rate Group</i>	<i>Exchange</i>	<i>Rate Group</i>	<i>Exchange</i>	<i>Rate Group</i>
St-Fulgence, Que. ....	1	St-Romuald d'Etchemin, Que. ....	8	Stoney Creek, Ont. ....	8
St-Gabriel de Brandon, Que. . .	3	Ste-Rose, Que. . .	5	Stratford, Ont. . .	5
St-Gédéon, Que. . .	1	Ste-Rose-du-Déglé, Que. . .	1	Strathroy, Ont. . .	3
Ste-Geneviève de Pierrefonds, Que. ....	4	Ste-Rose du Nord, Que. ....	1	Streetsville, Ont. . .	6
St. George, Ont. . .	3	St-Sauveur, Que. 4		Sturgeon Falls, Ont. ....	4
St-Hilarion, Que. 1		Ste-Scholastique, Que. ....	3	Sturgeon Point, Ont. ....	1
St-Honoré, (Chicoutimi Co.), Que. ....	1	St-Siméon, Que. . .	1	*Sudbury-Copper Cliff, Ont. ....	7
St-Honoré, (Temiscouata Co.), Que. ....	1	Ste-Thérèse, Que. 5		Sundridge, Ont. . .	2
St-Hyacinthe, Que. ....	5	St. Thomas, Ont. . .	6	Sutton, Ont. ....	3
St-Irénée, Que. . .	1	St-Urbain, Que. . .	1	Sutton, Que. ....	2
St. Jacobs, Ont. . .	4	St-Vincent-de-Paul, Que. ....	10	Sydenham, Ont. . .	2
St-Jacques, Que. . .	3	St-Zénon, Que. . .	1	Tadoussac, Que. . .	1
St-Jean, Que. . .	6	Sarnia, Ont. ....	7	Tara, Ont. ....	1
St-Jean-de-Dieu, Que. ....	1	Sault Ste. Marie, Ont. ....	6	Tavistock, Ont. . .	1
St-Jean-de-Matha, Que. . .	1	Sault-au-Mouton, Que. ....	1	Tecumseh, Ont. . .	8
St-Jean Ile d'Orléans, Que. 2		Sawyerville, Que. 1		*Temiskaming, Que. ....	2
St-Jérôme, Que. . .	5	Scarborough, Ont. 10A		Terrace Bay, Ont. 3	
St-Jérôme du Lac St-Jean, Que. . .	2	Schomberg, Ont. . .	3	Terrebonne, Que. 3	
St-Jovite, Que. . .	3	Schreiber, Ont. . .	3	Terrebonne Heights, Que. . .	3
*St-Lambert, Que. 10		Scotland, Ont. . .	1	Thamesford, Ont. 4	
St-Lin, Que. ....	2	Scotstown, Que. . .	1	Thessalon, Ont. . .	2
St-Malo, Que. . .	1	Searforth, Ont. . .	3	Thetford Mines, Que. ....	5
Ste-Marguerite, Que. ....	2	Selkirk, Ont. ....	1	Thornbury, Ont. . .	2
Ste-Martine, Que. 2		Severn Bridge, Ont. ....	1	*Thornhill, Ont. . .	10B
St. Marys, Ont. . .	3	Shawbridge, Que. 5		Thurso, Que. ....	2
St-Michel des Saints, Que. . .	1	*Shawinigan Falls, Que. ....	6	Tilbury, Ont. . .	3
St-Pacôme, Que. . .	1	Shelburne, Ont. . .	3	Tillsonburg, Ont. . .	4
St-Pascal, Que. . .	2	Sherbrooke, Que. 7		Toronto, Ont. . .	10A
*St-Paul-l'Ermite, Que. ....	3	Simcoe, Ont. ....	5	Tottenham, Ont. . .	2
Ste-Pétronille, Que. ....	8	Sioux Lookout, Ont. ....	2	Trenton, Ont. . .	5
St-Philippe, Que. 4		Smith Falls, Ont. . .	4	Trois-Pistoles, Que. ....	2
St-Philippe de Neri, Que. ....	1	Smithville, Ont. . .	3	Trois-Rivières, Que. ....	7
St-Pie, Que. ....	5	Snelgrove, Ont. . .	5	Trout Creek, Ont. 2	
St-Prime, Que. . .	4	Sombra, Ont. . .	1	Tweed, Ont. ....	3
St-Regis, Que. . .	2	Sorel, Que. ....	5	Unionville, Ont. . .	5
St-Rémi, Que. . .	3	Southampton, Ont. ....	2	Uxbridge, Ont. . .	3
		South Mountain, Ont. ....	2	Val Barrette, Que. 1	
		South River, Ont. 2		*Valleyfield, Que. . .	5
		Spanish, Ont. ....	1	Vankleek Hill, Ont. ....	2
		Sparta, Ont. ....	6	Varenes, Que. . .	2
		†Stayner, Ont. ....	3	Vaudreuil, Que. . .	3
		Stevensville, Ont. 2		Verchères, Que. . .	1
		Stirling, Ont. ....	3		

\*See also Locality Rates (pages 417 to 427)

†See also Temporary Four-Party-Line Service (page 427)

## LIST OF EXCHANGES AND RATE GROUPS—Tariff Item 60.2

Exchange	Rate Group	Exchange	Rate Group	Exchange	Rate Group
Vermilion Bay, Ont. ....	1	Waterville, Que. . .	1	Willowdale-Don Mills, Ont. ....	10A
Verner, Ont. ....	4	Watford, Ont. ....	2	Winchester, Ont. . .	2
Victoria, Ont. ....	5	Waubauskene, Ont. ....	1	Windsor, Ont. ....	8
Victoriaville, Que.	4	Welland, Ont. ....	7	Windsor, Que. ....	3
Vineland, Ont. ....	4	Wellandport, Ont.	3	Wingham, Ont. . .	3
Wainfleet, Ont. . .	3	Wellington, Ont. . .	2	Winona, Ont. ....	5
Wakefield, Que. . .	1	*West Hill, Ont. . .	10B	Wolfe Island, Ont.	1
Walkerton, Ont. . .	3	West Lorne, Ont.	3	*Woodbridge, Ont.	10B
Wallaceburg, Ont.	4	Weston, Ont. ....	10A	Woodstock, Ont. . .	5
Warren, Ont. ....	1	Wheatley, Ont. . .	2	Woodville, Ont. . .	1
†Wasaga Beach, Ont. ....	3	Whitby, Ont. ....	4	Wooler, Ont. ....	3
Waterdown, Ont. . .	8	Whitefish, Ont. . .	1	Wyoming, Ont. . .	4
Waterford, Ont. . .	5	White Lake, Ont.	1	Yamachiche, Que.	4
Waterloo, Que. . .	4	White River, Ont.	1		
		Whitney, Ont. ....	1		
		Warton, Ont. ....	2		

†See also Temporary Four-Party-Line Service (page 427)

\*See also Locality Rates (pages 417 to 427)

## LOCALITY RATES

	Monthly Rate
<i>Arvida, Que. Exchange, C.T.C. No. 6876, D1</i>	
<i>Flat rate service</i>	
Business: Individual line .....	\$11.40
P.B.X. trunk line .....	16.65
Residence: Individual line .....	5.55
Two-party line .....	4.15
P.B.X. trunk line .....	6.65
<i>Message rate service</i>	
Business individual line .....	7.95
<i>Aylmer, Que. Exchange, C.T.C. No. 6254, F1</i>	
<i>Flat rate service</i>	
Business: Individual line .....	14.90
P.B.X. trunk line .....	21.75
Residence: Individual line .....	6.50
Two-party line .....	4.80
P.B.X. trunk line .....	7.85
<i>Message rate service</i>	
Business individual line .....	9.25
<i>Belleville, Ont. Exchange, C.T.C. No. 6110, D1</i>	
Business: Individual line .....	10.30
Two-party line .....	7.75
P.B.X. trunk line .....	14.85
Residence: Individual line .....	5.60
Two-party line .....	4.15
P.B.X. trunk line .....	6.60

## LOCALITY RATES—Continued

Monthly Rate

*Bolton, Ont. Exchange, C.T.C. No. 6979, E1*

Business:	Individual line .....	7.45
	Two-party line .....	5.70
	P.B.X. trunk line .....	10.60
Residence:	Individual line .....	4.85
	Two-party line .....	3.60
	P.B.X. trunk line .....	5.80

*Buckingham, Que. Exchange, C.T.C. No. 6529, C1*

Business:	Individual line .....	8.15
	Two-party line .....	6.25
	P.B.X. trunk line .....	11.70
Residence:	Individual line .....	5.00
	Two-party line .....	3.65
	P.B.X. trunk line .....	6.00

*Cooksville, Ont. Exchange, C.T.C. No. 6150, E1**Locality rate area 1**Flat rate service*

Business:	Individual line .....	18.00
	P.B.X. trunk line .....	26.00
Residence:	Individual line .....	7.10
	Two-party line .....	5.45
	P.B.X. trunk line .....	8.65

*Message rate service*

Business individual line .....	10.80
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*Locality rate area 2**Flat rate service*

Business:	Individual line .....	18.75
	P.B.X. trunk line .....	26.75
Residence:	Individual line .....	7.85
	Two-party line .....	5.90
	P.B.X. trunk line .....	9.40

*Message rate service*

Business individual line .....	11.55
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*Locality rate area 3**Flat rate service*

Business:	Individual line .....	19.50
	P.B.X. trunk line .....	27.50
Residence:	Individual line .....	8.60
	Two-party line .....	6.35
	P.B.X. trunk line .....	10.15

*Message rate service*

Business individual line .....	12.30
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## LOCALITY RATES—Continued

Monthly Rate

*Locality rate area 4**Flat rate service*

Business: Individual line .....	20.25
P.B.X. trunk line .....	28.25
Residence: Individual line .....	9.35
Two-party line .....	6.80
P.B.X. trunk line .....	10.90

*Message rate service*

Business individual line .....	13.05
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*Drummondville, Que. Exchange, C.T.C. No. 6708, C1*

Business: Individual line .....	8.70
Two-party line .....	6.70
P.B.X. trunk line .....	12.70
Residence: Individual line .....	4.85
Two-party line .....	3.65
P.B.X. trunk line .....	5.85

*Garson, Ont. Exchange, C.T.C. No. 6855, D1**Flat rate service*

Business: Individual line .....	11.95
P.B.X. trunk line .....	17.20
Residence: Individual line .....	6.10
Two-party line .....	4.50
P.B.X. trunk line .....	7.20

*Message rate service*

Business individual line .....	8.50
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*Geraldton, Ont. Exchange, C.T.C. No. 6860, C1*

Business: Individual line .....	6.65
Two-party line .....	5.10
P.B.X. trunk line .....	9.45
Residence: Individual line .....	4.50
Two-party line .....	3.45
P.B.X. trunk line .....	5.45

*Goose Bay, Nfld. Exchange, C.T.C. No. 7020, C1*

Business: Individual line .....	7.80
Two-party line .....	5.85
P.B.X. trunk line .....	10.95
Residence: Individual line .....	5.20
Two-party line .....	3.75
P.B.X. trunk line .....	6.15

*Hawkesbury, Ont. Exchange, C.T.C. No. 6313, D1*

Business: Individual line .....	8.30
Two-party line .....	6.35
P.B.X. trunk line .....	11.85
Residence: Individual line .....	5.15
Two-party line .....	3.75
P.B.X. trunk line .....	6.15

## LOCALITY RATES—Continued

Monthly Rate

*Joliette, Que. Exchange, C.T.C. No. 6454, C1*

Business: Individual line .....	9.25
Two-party line .....	7.00
P.B.X. trunk line .....	13.25
Residence: Individual line .....	5.40
Two-party line .....	3.95
P.B.X. trunk line .....	6.40

*Kingston, Ont. Exchange, C.T.C. No. 6693, C**Reddendale-Point Pleasant locality**Flat rate service*

Business: Individual line .....	11.50
P.B.X. trunk line .....	16.75
Residence: Individual line .....	5.65
Two-party line .....	4.25
P.B.X. trunk line .....	6.75

*Message rate service*

Business individual line .....	8.05
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*Collins Bay locality**Flat rate service*

Business: Individual line .....	12.60
P.B.X. trunk line .....	17.85
Residence: Individual line .....	6.75
Two-party line .....	4.85
P.B.X. trunk line .....	7.85

*Message rate service*

Business individual line .....	9.15
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*Les Eboulements, Que. Exchange, C.T.C. No. 6914, C1*

Business: Individual line .....	7.60
Two-party line .....	5.60
P.B.X. trunk line .....	10.40
Residence: Individual line .....	5.45
Two-party line .....	3.95
P.B.X. trunk line .....	6.40

*London, Ont. Exchange, C.T.C. No. 6101, D1**Flat rate service*

Business: Individual line .....	12.95
P.B.X. trunk line .....	19.00
Residence: Individual line .....	5.85
Two-party line .....	4.40
P.B.X. trunk line .....	7.10

*Message rate service*

Business individual line .....	8.45
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## LOCALITY RATES—Continued

Monthly Rate

*Longueuil, Que. Exchange, C.T.C. No. 6195, E1**Flat rate service*

Business: Individual line .....	16.75
P.B.X. trunk line .....	24.75
Residence: Individual line .....	6.50
Two-party line .....	4.85
P.B.X. trunk line .....	8.05

*Message rate service*

Business individual line .....	9.55
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*Loretteville, Que. Exchange, C.T.C. No. 6332, E1**Flat rate service*

Business: Individual line .....	12.65
P.B.X. trunk line .....	18.70
Residence: Individual line .....	5.55
Two-party line .....	4.20
P.B.X. trunk line .....	6.80

*Message rate service*

Business individual line .....	8.15
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*Montreal, Que. Exchange, C.T.C. No. 6689, E1**Flat rate service*

Business: Individual line .....	16.75
P.B.X. trunk line .....	24.75
Residence: Individual line .....	6.50
Two-party line .....	4.85
P.B.X. trunk line .....	8.05

*Message rate service*

Business individual line .....	9.55
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*Niagara Falls, Ont. Exchange, C.T.C. No. 6712, D1**Queenston locality*

Business: Individual line .....	12.80
P.B.X. trunk line .....	18.05
Residence: Individual line .....	6.95
Two-party line .....	5.00
P.B.X. trunk line .....	8.05

*Message rate service*

Business individual line .....	9.35
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*St. Davids locality*

Business: Individual line .....	12.00
P.B.X. trunk line .....	17.25
Residence: Individual line .....	6.15
Two-party line .....	4.50
P.B.X. trunk line .....	7.25

*Message rate service*

Business individual line .....	8.55
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## LOCALITY RATES—Continued

Monthly Rate

North Bay, Ont. Exchange, C.T.C. No. 6686, E1

## Locality rate area 1

Business:	Individual line .....	9.70
	Two-party line .....	7.40
	Four-party line (a) .....	6.15
	P.B.X. trunk line .....	14.25
Residence:	Individual line .....	5.00
	Two-party line .....	3.80
	Four-party line (a) .....	3.50
	P.B.X. trunk line .....	6.00

## Locality rate area 2

Business:	Individual line .....	10.30
	Two-party line .....	7.75
	Four-party line (a) .....	6.35
	P.B.X. trunk line .....	14.85
Residence:	Individual line .....	5.60
	Two-party line .....	4.15
	Four-party line (a) .....	3.70
	P.B.X. trunk line .....	6.60

## Locality rate area 3

Business:	Individual line .....	10.90
	Two-party line .....	8.10
	Four-party line (a) .....	6.55
	P.B.X. trunk line .....	15.45
Residence:	Individual line .....	6.20
	Two-party line .....	4.50
	Four-party line (a) .....	3.90
	P.B.X. trunk line .....	7.20

(a) Four-party line service is furnished temporarily, subject to discontinuance and replacement by a standard grade of service on thirty-days' notice to each customer.

Notre-Dame des Laurentides, Que. Exchange, C.T.C. No. 6700, E

## Flat rate service

Business:	Individual line .....	14.45
	P.B.X. trunk line .....	20.50
Residence:	Individual line .....	7.35
	Two-party line .....	5.25
	P.B.X. trunk line .....	8.60

## Message rate service

Business individual line .....	9.95
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Ottawa, Ont. Exchange, C.T.C. No. 6555, E1

## Flat rate service

Business:	Individual line .....	14.80
	P.B.X. trunk line .....	21.65
Residence:	Individual line .....	6.40
	Two-party line .....	4.75
	P.B.X. trunk line .....	7.75

## Message rate service

Business individual line .....	9.15
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## LOCALITY RATES—Continued

Monthly Rate

*Pointe-aux-Trembles, Que. Exchange, C.T.C. No. 6372, E1**La Chapelle de la Reparation**Flat rate service*

Business: Individual line .....	16.75
P.B.X. trunk line .....	24.75
Residence: Individual line .....	6.50
Two-party line .....	4.85
P.B.X. trunk line .....	8.05

*Message rate service*

Business individual line .....	9.55
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*Bout de l'île No. 1**Flat rate service*

Business: Individual line .....	17.50
P.B.X. trunk line .....	25.50
Residence: Individual line .....	7.25
Two-party line .....	5.30
P.B.X. trunk line .....	8.80

*Message rate service*

Business individual line .....	10.30
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*Bout de l'île No. 2**Flat rate service*

Business: Individual line .....	18.25
P.B.X. trunk line .....	26.25
Residence: Individual line .....	8.00
Two-party line .....	5.75
P.B.X. trunk line .....	9.55

*Message rate service*

Business individual line .....	11.05
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*Pont Viau, Que. Exchange, C.T.C. No. 6810, E1**Flat rate service*

Business: Individual line .....	17.65
P.B.X. trunk line .....	25.65
Residence: Individual line .....	7.40
Two-party line .....	5.40
P.B.X. trunk line .....	8.95

*Message rate service*

Business individual line .....	10.45
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*Rock Island, Que. Exchange, C.T.C. No. 6845, E1*

Business: Individual line .....	7.20
Two-party line .....	5.55
P.B.X. trunk line .....	10.35
Residence: Individual line .....	4.60
Two-party line .....	3.45
P.B.X. trunk line .....	5.55

## LOCALITY RATES—Continued

Monthly Rate

*St-Bruno, Que. Exchange, C.T.C. No. 6538, CI*

Business:	Individual line .....	7.20
	Two-party line .....	5.55
	P.B.X. trunk line .....	10.35
Residence:	Individual line .....	4.60
	Two-party line .....	3.45
	P.B.X. trunk line .....	5.55

*Ste-Dorothée, Que. Exchange, C.T.C. No. 7010, FI**Flat rate service*

Business:	Individual line .....	17.30
	P.B.X. trunk line .....	25.30
Residence:	Individual line .....	7.05
	Two-party line .....	5.15
	P.B.X. trunk line .....	8.60

*Message rate service*

Business individual line .....	10.10
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*St-Lambert, Que. Exchange, C.T.C. No. 6157, F**Brookline locality**Flat rate service*

Business:	Individual line .....	20.15
	P.B.X. trunk line .....	28.15
Residence:	Individual line .....	9.90
	Two-party line .....	6.90
	P.B.X. trunk line .....	11.45

*Message rate service*

Business individual line .....	12.95
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*East Greenfield locality**Flat rate service*

Business:	Individual line .....	16.75
	P.B.X. trunk line .....	24.75
Residence:	Individual line .....	6.50
	Two-party line .....	4.85
	P.B.X. trunk line .....	8.05

*Message rate service*

Business individual line .....	9.55
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*St-Paul-l'Ermitte, Que. Exchange, C.T.C. No. 6742, CI*

Business:	Individual line .....	6.85
	Two-party line .....	5.35
	P.B.X. trunk line .....	10.00
Residence:	Individual line .....	4.25
	Two-party line .....	3.25
	P.B.X. trunk line .....	5.20

## LOCALITY RATES—Continued

Monthly Rate

*Shawinigan Falls, Que. Exchange, C.T.C. No. 6219, E1*

Business: Individual line .....	10.80
Two-party line .....	8.05
P.B.X. trunk line .....	15.35
Residence: Individual line .....	6.10
Two-party line .....	4.45
P.B.X. trunk line .....	7.10

*Sudbury-Copper Cliff, Ont. Exchange, C.T.C. No. 6125, F1**Locality rate area 1**Flat rate service*

Business: Individual line .....	11.10
P.B.X. trunk line .....	16.35
Residence: Individual line .....	5.25
Two-party line .....	4.00
P.B.X. trunk line .....	6.35

*Message rate service*

Business individual line .....	7.65
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*Locality rate area 2**Flat rate service*

Business: Individual line .....	11.70
P.B.X. trunk line .....	16.95
Residence: Individual line .....	5.85
Two-party line .....	4.35
P.B.X. trunk line .....	6.95

*Message rate service*

Business individual line .....	8.25
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*Temiskaming, Que. Exchange, C.T.C. No. 6969, C1*

Business: Individual line .....	6.10
Two-party line .....	4.80
P.B.X. trunk line .....	8.90
Residence: Individual line .....	3.95
Two-party line .....	3.15
P.B.X. trunk line .....	4.90

*Thornhill, Ont. Exchange, C.T.C. No. 6490, E1**Locality rate area 1**Flat rate service*

Business: Individual line .....	18.60
P.B.X. trunk line .....	26.60
Residence: Individual line .....	7.70
Two-party line .....	5.85
P.B.X. trunk line .....	9.25

*Message rate service*

Business individual line .....	11.40
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## LOCALITY RATES—Continued

Monthly Rate

## Locality rate area 2

## Flat rate service

Business: Individual line .....	20.10
P.B.X. trunk line .....	28.10
Residence: Individual line .....	9.20
Two-party line .....	6.75
P.B.X. trunk line .....	10.75

## Message rate service

Business individual line .....	12.90
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## Valleyfield, Que. Exchange, C.T.C. No. 6463, D1

Business: Individual line .....	8.55
Two-party line .....	6.60
P.B.X. trunk line .....	12.55
Residence: Individual line .....	4.70
Two-party line .....	3.55
P.B.X. trunk line .....	5.70

## West Hill, Ont. Exchange, C.T.C. No. 6827, F

## Locality rate area 1

## Flat rate service

Business: Individual line .....	18.00
P.B.X. trunk line .....	26.00
Residence: Individual line .....	7.10
Two-party line .....	5.45
P.B.X. trunk line .....	8.65

## Message rate service

Business individual line .....	10.80
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## Locality rate area 2

## Flat rate service

Business: Individual line .....	18.75
P.B.X. trunk line .....	26.75
Residence: Individual line .....	7.85
Two-party line .....	5.90
P.B.X. trunk line .....	9.40

## Message rate service

Business individual line .....	11.55
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## Locality rate area 3

## Flat rate service

Business: Individual line .....	19.50
P.B.X. trunk line .....	27.50
Residence: Individual line .....	8.60
Two-party line .....	6.35
P.B.X. trunk line .....	10.15

## Message rate service

Business individual line .....	12.30
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LOCALITY RATES—*Concluded**Monthly Rate*

Woodbridge, Ont. Exchange, C.T.C. No. 6800, E1

*Flat rate service*

Business: Individual line .....	18.60
P.B.X. trunk line .....	26.60
Residence: Individual line .....	7.70
Two-party line .....	5.80
P.B.X. trunk line .....	9.25

*Message rate service*

Business individual line .....	11.40
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## TEMPORARY FOUR-PARTY LINE SERVICE

In the following exchanges, four-party line service is furnished temporarily at the following rates, subject to discontinuance and replacement by a standard grade of service on thirty days' notice to each customer:

*Monthly Rate*

Creemore, Ont. C.T.C. No. 6973, D1

Business .....	\$4.15
Residence .....	2.80

Stayner, Ont. C.T.C. No. 6976, D1

Business .....	4.55
Residence .....	2.90

Wasaga Beach, Ont. C.T.C. 6977, F1

Business .....	4.55
Residence .....	2.90

*In the matter of the application of the Municipality of the Village of St. Agapitville, P.Q., dated May 16, 1955, for an Order directing the Canadian National Railways to repair their viaduct and lateral sidewalks.*

File No. 30905

*Before:*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
H. B. CHASE, C.B.E., *Commissioner.*

*Heard at:*

CITY OF QUEBEC, P.Q., on Sept. 9th, 1958.

*Appearances:*

SENATOR LEON METHOT, Q.C., for the Department of Roads, Province of Quebec.

J. W. G. MACDOUGALL, Q.C., LIONEL COTE, Q.C., and GUSTAVE GARNEAU, Q.C., for the Canadian National Railways.

HON. HUGHES LAPOINTE, Q.C., for the Village of St. Agapitville, P.Q.

## J U D G M E N T

*CHASE, Commissioner:*

In reality, this is an application of the Village of St. Agapitville for an Order authorizing the reconstruction of the overhead bridge at mileage 11.7, Danville Subdivision of the Canadian National Railways, and apportioning the costs thereof.

The matter was heard in the City of Quebec, Province of Quebec, on September 9th, 1958, and during the hearing Mr. Methot, Counsel for the Department of Roads of the Province of Quebec, stated:

"I am ready to declare that the Department of Roads will accept the order given by the Commission and will support the costs, if there are any, of what the municipality should be obliged to pay." (See page 6475 of the Transcript.)

The Department of Roads of the Province of Quebec, hereinafter sometimes referred to as the "Department", submitted a plan and estimates for the reconstruction of the bridge, amounting to \$133,000, and it was further estimated that it would cost \$5,000 to re-locate certain public utilities, plus an amount of \$22,000 to cover the costs of certain expropriations.

The Canadian National Railways, hereinafter sometimes referred to as the "Railways", submitted another plan, with an estimated cost of \$115,000, but as the Department and the Municipality favoured the first plan and, in view of the fact that the bridge is being reconstructed in order to facilitate the movement of highway traffic, it was agreed that the plans submitted by the Department should be adopted.

With respect to the apportionment of costs, the Department suggested that:

- (1) 50% of the cost of the bridge should be paid from the Railway Grade Crossing Fund.
- (2) The Department should pay the costs of expropriations in the estimated amount of \$22,000.
- (3) The Public Utilities should pay 50% of the cost of re-location, i.e., \$2,500.
- (4) The Department should pay \$23,000 towards the cost of the bridge structure and 50% of the maintenance of the bridge structure, also

the full maintenance costs of the wearing surface of the bridge, the sidewalks and guard rails; the Railways should pay \$46,000.

The contention of the Railways was that their contribution should be limited to \$30,000, and half of the maintenance costs of the bridge structure.

As there is no question with respect to the need of a bigger and stronger bridge, I would approve of the application and would apportion the costs as follows:

- (1) 50%, not exceeding the sum of \$66,500, to be paid from the Railway Grade Crossing Fund towards the cost of the reconstruction of the bridge; and 50% of the cost of re-locating the public utilities, not exceeding the sum of \$2,500, to be paid from the Railway Grade Crossing Fund.
- (2) The Department of Roads of the Province of Quebec to pay the sum of \$33,250 towards the reconstruction of the bridge, and to pay all costs of the expropriations, plus 50% of the maintenance of the bridge structure and the entire maintenance costs of the wearing surface of the bridge, sidewalks and guard rails.
- (3) The Canadian National Railways to pay the sum of \$33,250 towards the cost of the reconstruction of the bridge, plus 50% of the maintenance costs of the bridge structure.
- (4) The Public Utilities to pay 50% of the costs of re-location of their plant.

H. B. CHASE.

Order to issue accordingly.

Oct. 21, 1958.

*I concur:* A. SYLVESTRE.

## Order No. 96042

*In the matter of the application of the Municipality of the Village of St. Agapitville, in the Province of Quebec, for an Order directing Canadian National Railways to repair their viaduct and lateral sidewalks:*

File No. 30905

TUESDAY, the 21st day of October, A.D. 1958.

HUGH WARDROPE, Q.C., *Asst. Chief Commissioner.*A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing the application at a sittings of the Board held in the City of Quebec, Province of Quebec, on September 9, 1958, in the presence of Counsel for the Department of Roads of the Province of Quebec, Canadian National Railways and the Village of St. Agapitville; and upon the consent of the Department of Roads of the Province of Quebec—*

*It is hereby ordered as follows:*

1. Canadian National Railways are authorized to reconstruct the overhead bridge at mileage 11.7 Danville Subdivision, in the Province of Quebec, as shown on Plans Nos. D-12712-1, dated October, 1956, and D-12712-10, dated February, 1957, on file with the Board under file No. 30905.
2. The said overhead bridge shall be reconstructed in accordance with the provisions of General Order No. 589; detailed plans showing the reconstruction thereof shall be submitted for the approval of an Engineer of the Board.
3. Fifty per cent of the cost of reconstruction of the said overhead bridge, not exceeding, however, the sum of \$66,500.00, shall be paid out of The Railway Grade Crossing Fund; \$33,250.00 shall be paid each by the Department of Roads of the Province of Quebec and Canadian National Railways.
4. Fifty per cent of the cost of re-locating the public utilities, not exceeding, however, the sum of \$2,500.00, shall be paid out of The Railway Grade Crossing Fund, and the remaining fifty per cent of such cost shall be paid by the public utilities.
5. Fifty per cent of the cost of maintenance of the bridge structure shall be paid by Canadian National Railways, and the remaining fifty per cent shall be paid by the Department of Roads of the Province of Quebec who shall, in addition, bear the entire costs of maintenance of the wearing surface of the overhead bridge, sidewalks and guard rails.
6. All costs of expropriations shall be paid by the Department of Roads of the Province of Quebec.

HUGH WARDROPE,

*Assistant Chief Commissioner,**The Board of Transport Commissioners for Canada.*

## COMMISSION DES TRANSPORTS DU CANADA

*Relative à la requête de la Municipalité du village de St-Agapitville (P.Q.), en date du 16 mai 1955 en vue d'obtenir une ordonnance enjoignant aux chemins de fer Nationaux du Canada de réparer leur viaduc et leurs trottoirs latéraux.*

Dossier n° 30905

*Par-devant:*

A. SYLVESTRE, C.R., *commissaire en chef suppléant.*  
H. B. CHASE, C.B.E., *commissaire.*

*Requête entendue à:*

VILLE DE QUÉBEC (P.Q.), le 9 septembre 1958.

*Ont comparu:*

LE SÉNATEUR LÉON MÉTHOT, C.R., pour le ministère de la Voirie de la province de Québec.  
J. W. G. MACDOUGALL, C.R., LIONEL CÔTÉ, C.R., et GUSTAVE GARNEAU, C.R., pour les chemins de fer Nationaux du Canada.  
L'HON. HUGHES LAPOINTE, C.R., pour la ville de St-Agapitville (P.Q.)

## J U G E M E N T

*CHASE, commissaire:*

La présente cause est, en réalité, une requête du village de St-Agapitville en vue d'obtenir une ordonnance autorisant la reconstruction du viaduc qui enjambe la voie ferrée au point milliaire 11.7 de la subdivision de Danville des chemins de fer Nationaux du Canada et répartissant le coût de cette reconstruction.

La cause a été entendue dans la ville de Québec, province de Québec, le 9 septembre 1958 et, au cours de l'audience M. Méthot, avocat du ministère de la Voirie de la province de Québec, a déclaré:

"Je suis prêt à déclarer que le ministère de la Voirie acceptera l'ordonnance qui sera émise par la Commission et supportera les frais, s'il y en a, que la municipalité pourra être obligée de payer." (Voir page 6475 des Témoignages.)

Le ministère de la Voirie de la province de Québec, ci-après dénommé parfois le "ministère", a soumis un plan pour la reconstruction du viaduc et une estimation des frais de cette entreprise qui s'élèvent à \$133,000, avec une estimation supplémentaire de \$5,000 pour déplacer certaines installations de services d'utilité publique, plus un montant de \$22,000 pour payer le coût de certaines expropriations.

Les chemins de fer Nationaux du Canada, ci-après dénommés parfois les "chemins de fer", ont soumis un autre plan et une estimation du coût de l'entreprise qui s'élève à \$115,000; mais, comme le ministère et la municipalité préfèrent le premier plan et que le viaduc est reconstruit pour faciliter la circulation des voitures sur le grand chemin, il a été entendu que le plan proposé par le ministère sera adopté.

Quant à la répartition des frais, le ministère a proposé ce qui suit:

- (1) 50 p. 100 du coût du viaduc seront payés à même la Caisse des passages à niveau des chemins de fer.
- (2) Le ministère payera les frais d'expropriation au montant prévu de \$22,000.

- (3) Les services d'utilité publique payeront 50 p. 100 du coût du déplacement, soit \$2,500.
- (4) Le ministère payera \$23,000 du coût de la structure du viaduc et 50 p. 100 des frais d'entretien de la structure ainsi que le coût total des frais d'entretien de la surface sujette à l'usure des trottoirs et des garde-fous; le chemin de fer devra payer \$46,000.

Le chemin de fer a prétendu que sa contribution devrait être limitée à \$30,000 et à la moitié des frais d'entretien de la structure du viaduc.

Comme il est incontestable qu'il faut un viaduc plus considérable et plus fort, j'approuve la requête et je répartis les frais comme il suit:

- (1) 50 p. 100 du coût de la reconstruction du viaduc, mais pas plus que \$66,500, seront payés à même la Caisse des passages à niveau des chemins de fer, et 50 p. 100 du coût du déplacement des installations des services d'utilité publique, mais pas plus de \$2,500, seront aussi payés à même la Caisse des passages à niveau des chemins de fer.
- (2) Le ministère de la Voirie de la province de Québec devra verser la somme de \$33,250 pour la reconstruction du viaduc et payer tous les frais d'expropriation, plus 50 p. 100 de l'entretien de la structure du viaduc et le coût total de l'entretien de la surface du viaduc sujette à l'usure des trottoirs et des garde-fous.
- (3) Les chemins de fer Nationaux du Canada devront verser la somme de \$33,250 pour la reconstruction du viaduc, plus 50 p. 100 des frais d'entretien de la structure du viaduc.
- (4) Les services d'utilité publique devront payer 50 p. 100 du coût du déplacement de leurs installations.

H. B. CHASE.

Une ordonnance sera émise  
en conséquence.

21 octobre 1958.

*J'agrée:* A. Sylvestre.

*Relative à la requête de la Municipalité du village de St-Agapitville, dans la province de Québec, en vue d'obtenir une ordonnance enjoignant aux chemins de fer Nationaux du Canada de réparer leur viaduc et leurs trottoirs latéraux.*

Dossier n° 30905.

Mardi 21 octobre 1958.

HUGH WARDROPE, C.R., *commissaire en chef adjoint.*

A. SYLVESTRE, C.R., *commissaire en chef suppléant.*

H. B. CHASE, C.B.E., *commissaire.*

Après l'audition de la requête, au cours de séances de la Commission tenues dans la ville de Québec, province de Québec, le 9 septembre 1958, en présence des avocats du ministère de la Voirie de la province de Québec, des chemins de fer Nationaux du Canada et du village de St-Agapitville et avec le consentement du ministère de la Voirie de la province de Québec—

*Il est par les présentes ordonné ce qui suit:*

1. Les chemins de fer Nationaux du Canada sont autorisés à reconstruire le viaduc au point milliaire 11.7 de la subdivision de Danville, dans la province de Québec, selon le Plan n° D-12712-1 d'octobre 1956 et le Plan D-12712-10 de février 1957, versés au dossier n° 30905 de la Commission.

2. Ledit viaduc sera reconstruit conformément aux dispositions de l'ordonnance générale n° 589; des plans détaillés indiquant la reconstruction dudit viaduc seront soumis à l'approbation d'un ingénieur de la Commission.

3. Cinquante pour cent du coût de la reconstruction dudit viaduc, mais pas plus de \$66,500 seront payés à même la Caisse des passages à niveau des chemins de fer et la somme de \$33,250 sera payée par le ministère de la Voirie de la province de Québec et une somme égale par les chemins de fer Nationaux du Canada.

4. Cinquante pour cent du coût du déplacement des installations des services d'utilité publique, mais pas plus de \$2,500, seront payés à même la Caisse des passages à niveau des chemins de fer et les autres cinquante pour cent du coût de ce déplacement seront à la charge des services d'utilité publique.

5. Cinquante pour cent du coût d'entretien de la structure du viaduc seront payés par les chemins de fer Nationaux du Canada et les autres cinquante pour cent seront payés par le ministère de la Voirie de la province de Québec qui, de plus, devra supporter les frais d'entretien de la surface du viaduc sujette à l'usure ainsi que les frais d'entretien des trottoirs et des garde-fous.

6. Tous les frais d'expropriation seront à la charge du ministère de la Voirie de la province de Québec.

*Commissaire en chef adjoint,  
Commission des transports du Canada*

HUGH WARDROPE.

## GENERAL ORDER NO. 835

*In the matter of tariff mileage distances of licensed water carriers within the watershed of the Mackenzie River:*

File No. 40996.12

MONDAY, the 20th day of October, A.D. 1958.

HUGH WARDROPE, Q.C., Asst. Chief Commissioner.

F. M. MACPHERSON, Commissioner.

H. B. CHASE, C.B.E., Commissioner.

WHEREAS by regulations of the Board licensees are required to publish and file a tariff entitled "Official Distance Table" containing the exact distance between each port or place served by such licensees:

AND WHEREAS the Board is of the opinion that, for toll and statistical purposes, uniform distances between the same ports or places should be so published and filed by each licensee.

THEREFORE the Board Orders as follows:

- (1) That the Official Distance Tables of licensed water carriers within the Mackenzie River watershed shall be computed and based upon the mileage between each port or place as set out in Appendix "B" to this Order:
- (2) That as the necessity arises to compute mileages to or from ports or places not named in Appendix "B" to this Order, such additional ports or places shall be reported in detail to the Board with sufficient information to show the exact location thereof; the Board will then fix the official mileage to be published:
- (3) That, pending the fixing of the official mileage as stated in the next preceding paragraph, the licensee is hereby authorized to compute the mileage between ports or places named in Appendix "B" hereto and ports and places not so named by the following methods:

By scaling on Dominion Government maps or charts the distances by the most direct navigable route:

(a) *In river channels:*

To the nearest port or place in each direction named in Appendix "B" to this Order:

(b) *On lakes:*

To the nearest port or place named in Appendix "B" to this Order in the line of route to the ultimate destination.

Fractional mileages obtained by this method are to be brought to the nearest whole number and are to be added to or deducted from, as the case may be, the mileage stated in the Official Distance Table of the licensee.

When mileage is required between two ports or places neither of which is named in Appendix "B" to this Order, and the computation of such distance does not involve the use of paragraphs (a) and (b) of this Section, the distances shall be scaled between such unnamed ports or places by the most direct navigable route.

And it is ordered further that nothing contained in this Order shall be interpreted as fixing the routes for the actual navigation of vessels between ports or places in the area referred to.

Order No. 68549, dated January 31, 1947; Order No. 70449, dated April 1, 1948; Order No. 76199, dated March 3, 1951; Order No. 86149, dated May 9, 1955; and Order No. 88654, dated April 23, 1956, are hereby rescinded.

HUGH WARDROPE,  
*Assistant Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

## APPENDIX "A"

## OFFICIAL MILEAGES—MACKENZIE RIVER WATERSHED

Alphabetical list of points from and to which mileages are prescribed,  
showing geographical list Section numbers.

Points	Section No.
Aklavik, N.W.T. ....	7
Aklavik East 3, N.W.T. ....	7
Allain's Landing, Alta., (See White Mud, Alta.) ....	11
Anderson Landing, N.W.T. ....	6
Arctic Red River, N.W.T. ....	6, 7
Armstrong, Alta. ....	11
Athabasca River, Alta. (Junction-Lake Athabasca) ....	1, 2
Axe Point, (Mills Lake), N.W.T. ....	6
Bear River Rapids (foot), N.W.T. ....	9
Bear River Rapids (head), N.W.T. ....	9
Bear Island, Alta. ....	4
Bear Island, N.W.T. ....	6
Beauchamp, Alta. ....	11
Beaver Lodge Lake, Sask. ....	12
Beaver Lodge Lake Portage, Sask. ....	12
Bell Rock, N.W.T. ....	4
Big Eddy, N.W.T. ....	4
Bitumont, Alta. ....	1
Blackwater River, N.W.T. ....	6
Boreal Mine, N.W.T. ....	5
Boyer Rapids (foot), N.W.T. ....	9, 11
Boyer Rapids (head), N.W.T. ....	9, 11
Bushell, Sask. ....	2
Cadotte River, Alta. ....	11
Camsell Portage, Sask. ....	2
Carcajou, (Keg River Landing), Alta. ....	11
Carcque, N.W.T. ....	6
Caribou Island, Alta. ....	4
Champagne, Alta. ....	11
Chipewyan, (Fort Chipewyan), Sask. ....	2, 4
Coal Mine, N.W.T. ....	6
Dennison Landing, Alta. ....	11
Dry Island, N.W.T. ....	6
Embarras Airport, Alta. ....	1
Embarras Portage, Alta. ....	1
Fifth Meridian, Alta. ....	11
Firebag, Alta. ....	1
Fish Hook Bay, Sask. ....	2
Fitzgerald, (Fort Fitzgerald), Alta. ....	4
Fond du Lac, Sask. ....	2, 3
Fort Chipewyan, Sask. ....	2, 4
Fort Fitzgerald, N.W.T. ....	4, 9, 10
Fort Franklin, N.W.T. ....	9, 10
Fort Good Hope, N.W.T. ....	6
Fort Liard, N.W.T. ....	8
Fort McKay, N.W.T. ....	1
Fort McMurray, Alta. ....	1
Fort McPherson, N.W.T. ....	7
Fort Nelson, N.W.T. ....	8
Fort Norman, N.W.T. ....	6, 9

Points	Section No.
Fort Providence, N.W.T. ....	6
Fort Rae, N.W.T. ....	5
Fort Reliance, N.W.T. ....	5
Fort Resolution, N.W.T. ....	5
Fort Simpson, N.W.T. ....	8
Fort Smith, N.W.T. ....	4
Fort Vermilion, N.W.T. ....	11
Fort Wrigley, N.W.T. ....	6
Frank Channel ....	5
Franklin, (Fort Franklin), N.W.T. ....	9, 10
Glacier Landing, Alta. ....	11
Goldfields, Sask. ....	2, 12
Good Hope, (Fort Good Hope), N.W.T. ....	6
Government Air Base, Sask. ....	4
Government Hay Camp, Sask. ....	4
Gravel River, N.W.T. ....	6
Gunnar Dock, Sask. ....	2
Hay Island, Alta. ....	4
Hay River, N.W.T. ....	5
Head of the Line, N.W.T. ....	6
Herbisons, Alta. ....	11
Inuvik, N.W.T. (see Aklavik East 3, N.W.T.) ....	7
Jackfish Creek, Alta. ....	1, 11
Johnson's Landing, Alta. ....	4
Jones Landing, N.W.T. ....	6
Junction—Lake Athabasca-Athabasca River, Alta. ....	1, 2
Junction—Great Slave Lake, N.W.T. ....	4
Junction—Slave River, N.W.T. ....	5
Keg River Landing, Alta. (See Carcajou, Alta.) ....	11
Keplers Landing, Alta. ....	11
La Butte, Alta. ....	4
La Crate Landing, Alta. ....	11
Lake Athabasca-Junction, Alta. ....	1
Landry River, N.W.T. ....	4
Lehmans, Alta. ....	1
Liard, (Fort Liard), N.W.T. ....	8
Little Rapids, Alta. ....	4
Lodge Bay, Sask. ....	2, 12
Martin River, N.W.T. ....	6
McConnell Island (foot of), N.W.T. ....	4
McKay, (Fort McKay), N.W.T. ....	1
McMurray, (Fort McMurray), Alta. ....	1
McPherson, (Fort McPherson), N.W.T. ....	7
Meridian Island, N.W.T. ....	6
Mills Lake, N.W.T. (See Axe Point) ....	6
Moore Island, Alta. ....	11
Mouth of Peace River, Alta. ....	4, 11
Nagle's Snye—Old Fort, N.W.T. ....	4
Nelson, (Fort Nelson), N.W.T. ....	8
Nelson Forks, N.W.T. ....	8
New Chicago, N.W.T. ....	6
Norman, (Fort Norman), N.W.T. ....	6
Norman Wells, N.W.T. ....	6
North Nahanni, N.W.T. ....	6

Points	Section No.
Ogilvie Island, N.W.T. ....	6
Peace Point, Alta. ....	11
Peace River, Alta. ....	11
Peace River, (mouth of), Alta. ....	4, 11
Peel River, N.W.T. ....	7
Pine Point, N.W.T. ....	5
Pipe Cache, N.W.T. ....	6
Point Brule, Alta. ....	1
Point Providence, Alta. ....	11
Point Separation, N.W.T. ....	7
Poplar Point, Alta. ....	1
Port Brabant, (Tuktuk), N.W.T. ....	7
Port Radium, N.W.T. ....	10
Providence, (Fort Providence), N.W.T. ....	6
Rae, (Fort Rae), N.W.T. ....	5
Red River Post, Alta. ....	11
Reindeer Station, N.W.T. ....	7
Reliance, (Fort Reliance), N.W.T. ....	5
Resdelta, N.W.T. ....	4
Resolution, (Fort Resolution), N.W.T. ....	5
Riley, Alta. ....	11
River Marie, N.W.T. ....	6
Rocher River, N.W.T. ....	5
Round Island, N.W.T. ....	6
Ryan's Hay Camp, Alta. ....	4
Saline, Alta. ....	1
Sans Sault Rapids, N.W.T. ....	6
Sherwood's Sawmill, N.W.T. ....	6
Simpson, (Fort Simpson), N.W.T. ....	6
Slave River—Junction, N.W.T. ....	5
Sled Island, Alta. ....	1
Snowdrift, N.W.T. ....	5
South Nahanni, N.W.T. ....	8
Stoney Rapids, Sask. ....	3
Tar Island, Alta. ....	1, 11
Tar River, Alta. ....	1
Thunder River, N.W.T. ....	6
Tompkins Landing, Alta. ....	11
Traviar River, N.W.T. ....	6
Tree River, N.W.T. ....	6
24th Base Line, Alta. ....	1
27th Base Line, Alta. ....	1
30th Base Line, Alta. ....	4
Tuktooyaktuk, N.W.T. (see Port Brabant) ....	7
Vermilion, (Fort Vermilion), Alta. ....	11
Vermilion Chutes, Alta. ....	11
Ward's Landing, Alta. ....	11
Waterways, Alta. ....	1
Whitefish Creek, Alta. ....	1
White Mud, (Allain's Landing), Alta. ....	11
Willows, Alta. ....	1
Wrigley, (Fort Wrigley), N.W.T. ....	6
Wrigley Harbour, N.W.T. ....	5, 6
Yellowknife, N.W.T. ....	5

## OFFICIAL MILEAGES—MACKENZIE RIVER WATERSHED

Section No.	From	To	Miles
<b>1. ATHABASCA RIVER:</b>			
	<b>WATERWAYS, ALTA.</b>	McMurray, Fort,	Alta. .... 3
		Lehmans,	" ..... 9
		Tar Island,	" ..... 24
		24th Base Line,	" ..... 25
		Saline,	" ..... 28
		McKay, Fort,	" ..... 37
		Tar River,	" ..... 47
		Bitumount,	" ..... 51
		Sled Island,	" ..... 67
		Firebag,	" ..... 80
		Poplar Point,	" ..... 91
		Point Brule,	" ..... 101
		27th Base Line,	" ..... 106
		Embarras Airport,	" ..... 115
		Embarras Portage,	" ..... 139
		Whitefish Creek,	" ..... 148
		Jackfish Creek,	" ..... 162
		Willows,	" ..... 179
	<b>JUNCTION-LAKE ATHABASCA,</b>	" (2).....	180
		(Approx: Lat. 58°37'10"N. Long. 110°47'40"W.)	
<b>2. LAKE ATHABASCA:</b>			
	<b>JUNCTION-ATHABASCA RIVER, ALTA. (1)</b>	Bushell,	Sask. .... 93
		Camsell Portage,	" ..... 93
		CHIPEWYAN, FORT,	Alta. (4)..... 20
		FOND DU LAC,	Sask. (3)..... 149
		Goldfields,	" ..... 109
		LODGE BAY,	" (12)..... 108
		Gunnar Dock,	" ..... 84
		Fish Hook Bay	" ..... 111
	<b>CAMSELL PORTAGE, SASK.</b>	Bushell,	" ..... 28
		CHIPEWYAN, FORT,	Alta. (4)..... 96
		FOND DU LAC,	Sask. (3)..... 92
		Goldfields,	" ..... 53
		LODGE BAY,	" (12)..... 52
		Gunnar Dock,	" ..... 36
		Fish Hook Bay,	" ..... 48
	<b>CHIPEWYAN, FORT, ALTA. (4)</b>	Bushell,	" ..... 104
		FOND DU LAC,	" (3)..... 153
		Goldfields,	" ..... 114
		LODGE BAY,	" (12)..... 113
		Gunnar Dock,	" ..... 95
		Fish Hook Bay,	" ..... 114
	<b>FOND DU LAC, SASK. (3)</b>	Bushell,	" ..... 79
		Goldfields,	" ..... 49
		LODGE BAY,	" (12)..... 51
		Gunnar Dock,	" ..... 61
		Fish Hook Bay,	" ..... 47

Section No.	From	To	Miles
<b>2. LAKE ATHABASCA (Continued)</b>			
	BUSHELL, SASK.	Goldfields,	Sask. .... 34
		LODGE BAY,	" (12) ..... 34
		Gunnar Dock,	" ..... 18
		Fish Hook Bay,	" ..... 38
	LODGE BAY, SASK. (12)	Gunnar Dock,	" ..... 16
		Fish Hook Bay,	" ..... 7
<hr/>			
<b>3. FOND DU LAC RIVER:</b>			
	FOND DU LAC, SASK. (2)	Stoney Rapids,	Sask. .... 50
<hr/>			
<b>4. SLAVE RIVER:</b>			
	CHIPEWYAN, FORT, ALTA. (2)	Little Rapids,	Alta. .... 21
		PEACE RIVER,	
		(MOUTH OF),	" (11) ..... 32
		30th Base Line,	" ..... 41
		Johnson's Landing,	" ..... 48
		Bear Island,	" ..... 52
		Ryan's Hay Camp,	" ..... 56
		La Butte,	" ..... 66
		Government Hay Camp,	" ..... 70
		Caribou Island,	" ..... 91
		Government Air Base,	" ..... 95
		Hay Island,	" ..... 98
		Fitzgerald, Fort,	" ..... 102
		Fort Smith,	N.W.T. .... 118
		Bell Rock,	" ..... 127
		Landry River,	" ..... 210
		McConnell Island,	
		(foot of)	" ..... 240
		Nagle's Snye-Old Fort,	" ..... 275
		Big Eddy,	" ..... 282
		Resdelta,	" ..... 290
		JUNCTION GREAT	
		SLAVE LAKE,	" (5) ..... 298
		(Approx: Lat. 61°20'00"N,	
		Long. 113°36'10"W.)	
<hr/>			
<b>5. GREAT SLAVE LAKE:</b>			
	JUNCTION-SLAVE RIVER,		
	N.W.T. (4)	Boreal Mine,	N.W.T. .... 109
		Frank Channel,	" ..... 130
		Hay River,	" ..... 83
		Pine Point,	" ..... 43
		Rae, Fort,	" ..... 135
		Reliance, Fort,	" ..... 234
		Resolution, Fort,	" ..... 25
		Rocher River,	" ..... 43
		Snowdrift,	" ..... 135
		WRIGLEY HARBOUR,	" (6) ..... 104
		Yellowknife,	" ..... 83

Section No.	From	To	Miles
5. GREAT SLAVE LAKE (Continued)			
BOREAL MINE, N.W.T.		Frank Channel, N.W.T.	161
		Hay River, "	168
		Pine Point, "	146
		Rae, Fort, "	166
		Reliance, Fort, "	126
		Resolution, Fort, "	128
		Rocher River, "	83
		Snowdrift, "	48
		WRIGLEY HARBOUR, " (6)	181
		Yellowknife, "	108
HAY RIVER, N.W.T.		Frank Channel, N.W.T.	166
		Pine Point, "	52
		Rae, Fort, "	171
		Reliance, Fort, "	293
		Resolution, Fort, "	74
		Rocher River, "	119
		Snowdrift, "	212
		WRIGLEY HARBOUR, " (6)	34
Yellowknife, "	126		
PINE POINT, N.W.T.	Frank Channel, N.W.T.	142	
RAE, FORT, N.W.T.		Frank Channel, N.W.T.	6
		Pine Point, "	148
		Reliance, Fort, "	291
		Resolution Fort, "	146
		Rocher River, "	159
		Snowdrift, "	213
		WRIGLEY HARBOUR, " (6)	183
Yellowknife, "	82		
RELIANCE, FORT, N.W.T.		Frank Channel, "	286
		Pine Point, "	271
		Resolution, Fort, "	253
		Rocher River, "	208
		Snowdrift, "	154
		WRIGLEY HARBOUR, " (6)	306
Yellowknife, "	233		
RESOLUTION, FORT, N.W.T.		Frank Channel, "	141
		Pine Point, "	22
		Rocher River, "	61
		Snowdrift, "	153
		WRIGLEY HARBOUR, " (6)	98
		Yellowknife, "	97
ROCHER RIVER, N.W.T.		Frank Channel, "	154
		Pine Point, "	79
		Snowdrift, "	109
		WRIGLEY HARBOUR, " (6)	139
		Yellowknife, "	104
SNOWDRIFT, N.W.T.		Frank Channel, "	208
		Pine Point, "	171
		WRIGLEY HARBOUR, " (6)	228
		Yellowknife, "	155
WRIGLEY HARBOUR, N.W.T. (6)		Frank Channel, "	178
		Pine Point, "	78
		Yellowknife, "	138
YELLOWKNIFE, N.W.T.		Frank Channel, "	77
		Pine Point, "	101

Section No.	From	To	Miles
6. MACKENZIE RIVER:			
	WRIGLEY HARBOUR, N.W.T. (5)	Providence, Fort, Meridian Island, Pipe Cache, Axe Point, (Mills Lake), Head of the Line, River Marie, SIMPSON, FORT, Martin River, North Nahanni, Round Island, Jones Landing, Wrigley, Fort, Blackwater River, Gravel River, Dry Island, Sherwood's Sawmill	N.W.T. .... 46 " ..... 60 " ..... 74 " ..... 86 " ..... 136 " ..... 161 " (8)..... 204 " ..... 213 " ..... 277 " ..... 293 " ..... 321 " ..... 356 " ..... 407 " ..... 454 " ..... 466 " ..... 478
	WRIGLEY HARBOUR, N.W.T. (5)	Coal Mine, NORMAN, FORT, Norman Wells, Bear Island, Ogilvie Island, Sans Sault Rapids, Good Hope, Fort, Anderson Landing, Carcque, New Chicago, Traviar River, Thunder River, Tree River, ARCTIC RED RIVER,	N.W.T. .... 486 " (9)..... 506 " ..... 557 " ..... 559 " ..... 575 " ..... 626 " ..... 677 " ..... 732 " ..... 754 " ..... 766 " ..... 779 " ..... 813 " ..... 843 " (7)..... 891
7. MACKENZIE RIVER DELTA:			
	ARCTIC RED RIVER, N.W.T. (6)	Aklavik, McPherson, Fort, Peel River, Point Separation, Port Brabant, (Tuk Tuk), Reindeer Station, Aklavik East 3,	N.W.T. .... 100 " ..... 55 " ..... 27 " ..... 15 " ..... 197 " ..... 108 " ..... 117
	AKLAVIK, N.W.T.	McPherson, Fort, Peel River, Point Separation, Port Brabant, (Tuk Tuk), Reindeer Station, Aklavik East 3,	" ..... 96 " ..... 73 " ..... 85 " ..... 179 " ..... 90 " ..... 99
	McPHERSON, FORT, N.W.T.	Peel River, Point Separation, Port Brabant, (Tuk Tuk), Reindeer Station, Aklavik East 3,	" ..... 28 " ..... 40 " ..... 204 " ..... 115 " ..... 124

Section No.	From	To	Miles
7. MACKENZIE RIVER DELTA (Continued)			
	PEEL RIVER, N.W.T.	Point Separation,	" ..... 12
		Port Brabant,	" ..... 176
		(Tuk Tuk),	" ..... 87
		Reindeer Station,	" ..... 96
		Aklavik East 3,	" ..... 182
	POINT SEPARATION, N.W.T.	Port Brabant,	" ..... 93
		(Tuk Tuk),	" ..... 102
		Reindeer Station,	" ..... 89
		Aklavik East 3,	" ..... 109
	PORT BRABANT, (TUK TUK), N.W.T.	Reindeer Station,	" ..... 89
		Aklavik East 3,	" ..... 109
8. LIARD RIVER:			
	SIMPSON, FORT, N.W.T. (6)	South Nahanni,	N.W.T. .... 117
		Liard, Fort,	" ..... 208
		Nelson Forks,	" ..... 272
		Fort Nelson,	" ..... 367
9. GREAT BEAR RIVER:			
	NORMAN, FORT, N.W.T. (6)	Bear River Rapids,	N.W.T. .... 31
		(Foot),	" ..... 39
		Bear River Rapids,	" ..... 77
		(Head),	" (10) ..... 77
		FRANKLIN, FORT,	" (10) ..... 77
10. GREAT BEAR LAKE:			
	FRANKLIN, FORT, N.W.T. (9)	Port Radium,	N.W.T. .... 170
11. PEACE RIVER:			
	PEACE RIVER, ALTA.	Champagne,	Alta. .... 12
		Riley,	" ..... 12
		Glasier Landing,	" ..... 15
		Tar Island,	" ..... 25
		White Mud, (Allain's Landing),	" ..... 35
		Cadette River,	" ..... 42
		Beauchamp,	" ..... 42
		Herbisons,	" ..... 55
		Dennison Landing,	" ..... 58
		Kepler's Landing,	" ..... 97
		Carcajou, (Keg River Landing),	" ..... 157
		Armstrong,	" ..... 161
		Tompkins Landing,	" ..... 173
		Lacrate Landing,	" ..... 204
		Ward's Landing,	" ..... 237
		Vermilion, Fort,	" ..... 256
		Vermilion Chutes,	" ..... 307

Section No.	From	To	Miles
11. PEACE RIVER (Continued)			
	PEACE RIVER, (Mouth of), ALTA. (4)	Moore Island,	" ..... 18
		Point Providence,	" ..... 36
		Peace Point,	" ..... 67
		Boyer Rapids, (Foot),	" ..... 77
		Boyer Rapids, (Head),	" ..... 82
		Jackfish Creek,	" ..... 88
		Fifth Meridian,	" ..... 162
		Red River Post,	" ..... 197
		Vermilion Chutes,	" ..... 201
12. BEAVER LODGE LAKE:			
	LODGE BAY, SASK. (2)	Goldfields, Sask.	..... 3
		Beaver Lodge Lake	
		Portage,	" ..... 1
		Beaver Lodge Lake,	" ..... 9

*Explanatory Notes:*

Numbers in parenthesis following names of certain places indicate the connecting section for computing through mileage.

Names of ports or places shown herein are those furnished by the carriers as designating places to or from which traffic is carried, and are located as marked on maps by such carriers. Distances have been scaled on such maps via the most direct courses from place to place.

In river channels, places are arranged geographically with mileage from one point only. To obtain mileage between places in such channels simply deduct the smaller mileage from the greater; i.e., Section 1, McKay to Bitumount, 51 less 37, equals 14 miles.

On lakes, distances are computed from place to place via the most direct course. Mileage to or from un-named points on such lakes must be scaled on the map.

Mileage between points located in different sections may be obtained by computing the distance in each section and adding the result, i.e., Bitumount to Liard:—

Section 1	Waterways to Junction, Lake Athabasca	.....	180
"	" Bitumount	.....	51
	Bitumount to Junction Section 2	.....	129
Section 2	Junction, Section 1 to Chipewyan	.....	20
Section 4	Chipewyan—Junction Section 5	.....	298
Section 5	Junction Section 4—Wrigley Harbour	.....	104
Section 6	Wrigley Harbour—Simpson	.....	204
Section 8	Simpson—Liard	.....	208
	Total	.....	963

## GENERAL ORDER NO. 836

*In the matter of Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service:*

File No. 1717-B

FRIDAY, the 31st day of October, A.D. 1958

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*It is hereby ordered as follows:*

1. The attached regulations entitled "Regulations for the Transportation of Dangerous Commodities by Rail", on file with the Board under file No. 1717-B, marked "D", are prescribed and apply to all railway and express companies subject to the jurisdiction of the Board which accept explosives and other dangerous articles for carriage.

2. The said regulations shall come into force on March 1, 1959.

3. Upon the coming into force of the said regulations, General Orders No. 779, dated January 9, 1953, No. 825, dated November 16, 1956, No. 827, dated March 28, 1957, and No. 831, dated February 18, 1958, are rescinded.

HUGH WARDROPE,

*Assistant Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

## ORDER No. 96348

*In the matter of the application of the Corporation of the City of Calgary, Alberta, hereinafter called the "Applicant", for an Order authorizing the reconstruction of the Alyth Bridge over the tracks of the Canadian Pacific Railway Company, in the City of Calgary, Alberta, as shown on Plans Nos. 818-1, 818-2A, 818-3 to 818-25, inclusive, all dated February, 1957, on file with the Board under file No. 15542:*

*And in the matter of Order No. 94184, dated April 23, 1958:*

File No. 15542

FRIDAY, the 21st day of November, A.D. 1958

ROD KERR, Q.C., *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing the application at a sitting of the Board held at Calgary, Alberta, on February 27, 1958, in the presence of Counsel for the City of Calgary, the Canadian Pacific Railway Company and the Canadian National Railways; and upon the submissions filed by the Applicant and the Canadian Pacific Railway Company following an amendment to section 265 of the Railway Act, being ch. 40 of 7 Eliz. II of the Statutes of Canada 1958—*

*It is hereby ordered as follows:*

Order No. 94184 is rescinded and the following substituted therefor:

"1. The Applicant is authorized to reconstruct the Alyth Bridge over the tracks of Canadian Pacific Railway Company in the City of Calgary, Alberta, as shown on the said plans on file with the Board under file No. 15542.

2. Fifty per cent of the cost of reconstruction of the said bridge, not exceeding, however, the sum of \$250,000.00, shall be paid out of The Railway Grade Crossing Fund; \$51,530.74 shall be paid by Canadian Pacific Railway Company, and the remainder of such cost shall be borne and paid by the Applicant.

3. The said bridge shall be reconstructed in accordance with the provisions of General Order No. 589.

4. The cost of maintenance of the said structure shall be borne and paid \$100.00 annually by Canadian Pacific Railway Company and the remainder of such cost shall be paid by the Applicant."

ROD KERR,

*Assistant Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

## ORDER No. 96358

*In the matter of the application of Canadian National Railway Company, hereinafter called the "Applicant", for an Order authorizing the discontinuance of commuter service operated between Quebec City and St-Joachim, P.Q., on the Montmorency Subdivision, a distance of 25.1 miles:*

ROD KERR, Q.C., Assistant Chief Commissioner.  
 A. SYLVESTRE, Q.C., Deputy Chief Commissioner.  
 H. B. CHASE, C.B.E., Commissioner.

File No. 27563.381

MONDAY, the 24th day of November, A.D. 1958

*Upon hearing the application of a sittings of the Board at Quebec, P.Q., on the 9th day of September, 1958, in the presence of Counsel for Canadian National Railway Company, the Municipalities of Boischatel, Ange-Gardien, Chateau Richer, Ste-Anne de Beaupre, Ste-Anne Village, St-Joachim, St-Tite des Caps and St-Fereol and other parties; and upon consideration of the submissions on file and for reasons which will be given in a written judgment at a later date—*

*It is hereby ordered as follows:*

1. The Applicant is authorized to wholly discontinue the commuter service at present provided between Quebec City and St-Joachim, P.Q., on its Montmorency Subdivision.

2. The discontinuance authorized in paragraph numbered one hereof shall not take effect before sixth days after public notice of such discontinuance has been given by the Applicant; such notice to consist of one publication in one English newspaper and one publication in one French newspaper published in the City of Quebec, and one publication in each daily newspaper, if any, published in the municipalities presently served by the Applicant. In addition to the newspaper notices the Applicant shall post in all ticket offices and stations on the said line the following notice:

"The commuter service at present provided between Quebec City and St-Joachim, P.Q., and all intermediate points on the said line will be discontinued effective ..... 1959."

A copy of such notice shall be forwarded to the Director of Operation of the Board.

ROD KERR,  
 Assistant Chief Commissioner,  
 The Board of Transport Commissioners for Canada.

## ORDONNANCE N° 96358

*In re requête des Chemins de fer Nationaux du Canada, ci-après appelés les "Requérants", demandant qu'une Ordonnance soit émise autorisant la discontinuation du service de banlieue exploité entre la cité de Québec et St-Joachim, P.Q., sur la subdivision Montmorency, une distance de 25.1 milles:*

Dossier n° 27563.381

LUNDI, le 24ième jour de novembre, A.D. 1958

ROD KERR, C.R., *Commissaire en chef adjoint.*

A. SYLVESTRE, C.R., *Commissaire en chef suppléant.*

H. B. CHASE, C.B.E., *Commissaire.*

*La Commission,*

Après avoir entendu la requête à une audition tenue à Québec, P.Q., le 9 septembre 1958, en présence des avocats des Chemins de fer Nationaux du Canada, des municipalités de Boischatel, Ange-Gardien, Château-Richer, Ste-Anne-de-Beaupré, du village de Ste-Anne, St-Joachim, St-Tite-des-Caps et St-Féréol et autres et après avoir considéré les représentations au dossier, et pour les raisons et motifs qui seront énoncés dans un jugement qui sera rendu à une date ultérieure—

*Ordonne comme suit:*

1. Les Requérants sont autorisés à discontinuer entièrement le service de banlieue présentement exploité entre la cité de Québec et St-Joachim, P.Q., sur leur subdivision Montmorency.

2. La discontinuation du service autorisé au paragraphe 1 de la présente ordonnance ne deviendra pas en vigueur avant soixante jours après qu'un avis public de telle discontinuation aura été donné par les Requérants; tel avis devra être publié une fois dans un journal de langue anglaise et dans un journal de langue française de la cité de Québec, ainsi que dans chaque journal quotidien, s'il y en a, des municipalités présentement desservies par les Requérants. En plus des avis publiés dans les journaux les Requérants devront afficher dans tous les bureaux préposés à la vente des billets et dans toutes les gares de ladite ligne de chemin de fer l'avis suivant:

"Le service de banlieue fourni entre Québec et St-Joachim, P.Q., et à tous les points intermédiaires de ladite ligne, sera discontinué effectif le ..... 1959."

Copie de tel avis devra être adressée au Directeur du service d'exploitation de la Commission.

ROD KERR,

*Commissaire en chef adjoint,*

*La Commission des Transports du Canada.*

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
SEPTEMBER, 1958.

Railway Accidents .....	184	Killed	14	Injured	200
Level Crossing Accidents ...	38	Killed	15	Injured	52
Total .....	222		29		252

	Killed	Injured
Passengers .....	1	45
Employees .....	3	146
Others .....	25	61
Total .....	29	252

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

NOVA SCOTIA

- 2 1 Automobile struck by train. Licence: Ont. 553-992.  
1 — Automobile struck by train. Licence: N.S. 491-92.

QUEBEC

- 1 Automobile struck by train. Licence: Que. 206429.  
— 1 Automobile ran into side of train. Licence not given.  
— 1 Automobile struck by train. Licence: Que. 694631.  
— 3 Automobile struck by train. Licence: Que. 3-173.  
— 5 Automobile ran into side of train. Licence: N.B. 95888.  
— 1 Automobile ran into side of train. Licence: Que. 505429.  
— 3 Automobile struck by train. Licence: Que. 456-841.

ONTARIO

- 1 — Pedestrian struck by train.  
— 2 Automobile ran into side of train. Licence: Ont. 480-796.  
— 1 Automobile ran into side of train. Licence: Ont. 825-551.  
— 1 Automobile struck by train. Licence: Ont. A-67444.  
— 4 Auto truck struck by train. Licence: Ont. 27344-P.  
— 1 Auto truck ran into side of train. Licence: Ont. 53176-A.  
— 1 Automobile struck by train. Licence: Ont. 521-093.  
1 5 Automobile ran into side of train. Licence: Ont. 947-569.  
— 1 Automobile struck by train. Licence: Ont. H-11274.  
— 1 Automobile ran into side of train. Licence: Ont. 207-188.  
1 — Auto truck struck by train. Licence: Ont. 95084-B.  
— 2 Automobile struck by train. Licence: Ont. H-12360.  
— 1 Automobile struck by train. Licence: Ont. J-68233.  
— 1 Automobile struck by train. Licence: Ont. 14299-D.  
— 1 Automobile ran into side of train. Licence: Ont. 740-437.  
1 1 Automobile struck by train. Licence: Ont. 636-877.  
— 1 Automobile struck by train. Licence: Ont. 581-142.  
1 — Automobile struck by train. Licence: Ont. 809-488.  
1 1 Automobile struck by train. Licence: Ont. 521-346.

MANITOBA

- 1 Bakery truck ran into side of track motor car. Licence: Man. CT-120.  
— 2 Automobile ran into side of train. Licence: 4-K-603.

*Killed Injured*

## SASKATCHEWAN

- 4 — Automobile struck by train. Licence: Sask. 106-628.  
 1 1 Auto truck struck by train. Licence: Sask. 538-381.  
 — 1 Auto truck struck by train. Licence: Sask. F-26-705.

## ALBERTA

- 1 1 Automobile struck by train. Licence: Alta. HI-185.  
 — 2 Automobile struck by track motor car. Licence: Alta. VA-017.

## BRITISH COLUMBIA

- 1 Automobile struck by train. Licence not given.  
 — 1 Automobile ran into side of train. Licence: B.C. 341-043.  
 — 1 Automobile struck by train. Licence: Calif. LFS-596.

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Of the 38 accidents at highway crossings, 30 occurred at unprotected crossings, 8 at protected crossings, 21 occurred after sunrise and 17 after sunset.

OTTAWA, Ontario, November 14, 1958.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 96167 Nov. 3—Approving application of the County of Wellington, Ont., for the installation of automatic protection at crossing of the C.N.R. and Suburban Road No. 62 near Marden, Ont., Mileage 34.02 Fergus Subd.
- 96168 Nov. 3—Approving application of the Co. of Lennox and Addington, Ont., for installation of automatic protection at crossing of the C.P.R. and County Road No. 14, Mileage 60.91 Belleville Subd.
- 96169 Nov. 3—Approving application of the C.N.R. for the installation of improved protection at crossing of its railway and St. Albert St., Village of Casselman, Ont., Mileage 104.45 Alexandria Subd.
- 96170 Nov. 3—Authorizing the removal of the speed limitation at crossing of the highway and the C.N.R. at Mileage 46.86 Alexandria Subd., P.Q.
- 96171 Nov. 3—Approving application of the County of Simcoe, for the installation of automatic protection at crossing of the C.P.R. and County Road, north of Baxter Station, Ont., Mileage 51.85 MacTier Subd.
- 96172 Nov. 3—Authorizing the C.N.R. to install automatic protection at the crossing of its railway and Highway No. 10 at Ashville, Man., Mileage 11.27 Togo Subd.
- 96173 Nov. 3—Approving application of the County of Simcoe to install automatic protection at crossing of the C.P.R. and County Road north of Alliston, Ont., Mileage 49.0 MacTier Subd.
- 96174 Nov. 3—Approving plan submitted by the C.N.R. showing the protection at crossing of Highway No. 39 (Tecumseh Road) and Chrysler spur, Twp. of Sandwich East, Ont.
- 96175 Nov. 3—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and La Cie de Telephone de L'Avenir.
- 96176 Nov. 3—Authorizing the Co. of Lanark, Ont., to relocate Highway No. 3A where it crosses the C.P.R. near Perth, Ont.
- 96177 Nov. 3—Authorizing the Twps. of Alfred and Caledonia, Ont., to construct the highway over the C.P.R. at Mileage 42.71 Montreal and Ottawa Subd.
- 96178 Nov. 3—In the matter of application of Trans-Canada Pipe Lines Limited on behalf of the Northern Ontario Pipe Line Crown Corp. for an order approving plan, and amending the said Order No. 93331.
- 96179 Nov. 4—Authorizing the N.Y.C. Railroad Company to operate its trains over the lift span in the Valleyfield Bridge crossing of the Beauharnois Canal, Soulanges Section of the St. Lawrence Seaway, P.Q.
- 96180 Nov. 4—Authorizing the N.Y.C. Railroad Company to operate its trains over the swing span of the Melocheville Bridge over the Beauharnois Canal, Soulanges Section of the St. Lawrence Seaway at Melocheville, P.Q.
- 96181 Nov. 6—Authorizing the Chesapeake & Ohio Railway to construct a service track over Highway No. 40 in the City of Sarnia, Ontario, and to construct a siding over Highway No. 40, in Sarnia, to serve Dow Chemical of Canada Limited.
- 96182 Nov. 6—Granting the C.N.R. an extension of time within which to install automatic protection at crossing of their railway and Peppett St. in the Town of North Sydney, N.S.
- 96183 Nov. 6—Authorizing the C.P.R. to reconstruct the subway at the crossing of its railway and Salaberry St. in Megantic, P.Q., Mileage 116.96 Moosehead Subd.
- 96184 Nov. 6—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Galloway Road, east of the station at Scarborough, Ont., Mileage 320.95 Oshawa Subd.
- 96185 Nov. 6—Authorizing the Ontario Dept. of Highways to construct the highway over the C.N.R. in Lot 6, Con. 3, Twp. of Hutton, District of Sudbury, Ont., Mileage 2.98 on the spur track leading off the Ruel Subd. of the C.N.R.
- 96186 Nov. 6—Authorizing the C.N.R. to operate under the overhead bridge in Lot 5, Con. 2, Murray Twp., Ontario, Mileage 2.2 Maynooth Subd.

- 96187 Nov. 6—Amending Order No. 95648 which authorized the City of Montreal to construct Western Ave. over the C.P.R. by means of a subway, in the City of Montreal, P.Q.
- 96188 Nov. 6—Amending Order 93081 in the matter of the application of the C.P.R. for authority to operate over the tracks joining those of the Pacific Great Eastern Railway Company in North Vancouver, B.C.
- 96189 Nov. 6—Authorizing the Montreal-Laurentian Autoroute Board to construct the highway over the pipe line of Trans Northern Pipe Line Company in Lot 75, Co. of Laval, P.Q.
- 96190 Nov. 6—Requiring the C.N.R. to install automatic protection at McGuires Crossing and their railway, Mileage 16.02 Bedford Subd., N.S.
- 96191 Nov. 6—Authorizing the Township of North York to construct a concrete sewer pipe across and under the pipe line of Trans-Northern Pipe Line Company in Lots 19 and 20, Con. 2, E.Y.S. Twp. of North York, Ont.
- 96192 Nov. 6—Rescinding Order No. 58813 in the matter of plan submitted by The British American Oil Company Limited, showing location of facilities for storage of flammable liquids at Adelaide St., London, Ont.
- 96193 Nov. 6—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 96194 Nov. 6—Relieving the C.P.R. from erecting right of way fencing between certain mileages on its Emerson Subd., Man.
- 96195 Nov. 6—Approving revised plan submitted by the C.N.R. showing the protection as installed at crossing of its railway and Kennedy Road in Brampton, Ont., Mileage 20.17 Brampton Subd.
- 96196 Nov. 6—Relieving the C.P.R. from erecting right of way fencing between certain mileages on its Lacombe Subd., Alta.
- 96197 Nov. 6—Rescinding Order 67075 which approved plan submitted to the C.N.R. by The Good Rich Refining Company Limited, showing location of facilities for handling and storage of flammable liquids at London, Ont.
- 96198 Nov. 7—Authorizing the C.N.R. to remove the caretaker at Colgate, Sask.
- 96199 Nov. 6—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Prov. Highway No. 17, second crossing north of station at Coniston, Ont., Mileage 110.4 Sudbury Subd.
- 96200 Nov. 6—Authorizing the C.N.R. to retire the station building and erect a freight and passenger shelter in lieu thereof at Decker Lake, B.C.
- 96201 Nov. 6—Extending the time within which the C.N.R. is required to install automatic protection at crossing of the C.N.R. and Mutual St., Ingersoll, Ont., Mileage 58.7 Dundas Subd.
- 96202 Nov. 6—Authorizing the United Suburban Gas Company Limited to construct a gas main over the pipe line of the Inter-Provincial Pipe Line Company between Lots 25 and 26, Con. 1 South of Dundas St., in the Twp. of Trafalgar, Ont.
- 96203 Nov. 7—Approving application of the Esquimalt and Nanaimo Railway (C.P.R.) for approval of location of facilities for the storage of liquefied petroleum gas at Wellington, B.C., Mileage 77.3 Victoria Subd.
- 96204 Nov. 7—Approving proposed location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Alsask, Sask., Mileage 44.07 Oyen Subd.
- 96205 Nov. 7—Approving proposed location of facilities of North Star Oil Limited, for the handling and storage of flammable liquids at Roblin, Man., Mileage 62.6 Togo Subd.
- 96206 Nov. 7—Approving proposed location of facilities of W.S. Rogers and Company for the handling and storage of flammable liquids at Fort Langley, B.C.
- 96207 Nov. 7—Approving proposed location of facilities of Devon Palmer Oils Limited for the handling and storage of flammable liquids at Chauvin, Alta., Mileage 106.6 Unity Subd.

- 96208 Nov. 7—Reinstating Order No. 64095, dated October 15, 1943, in respect of facilities of the Dept. of National Defence, Naval Services, for the handling and storage of flammable liquids at Morse Creek, Prince Rupert, B.C.
- 96209 Nov. 7—Authorizing the removal of the speed restriction at crossing of the C.P.R. and Keewatin St., Winnipeg, Man., Mileage 3.1 Carberry Subd.
- 96210 Nov. 7—Approving facilities of McColl-Frontenac Oil Company Limited, for the handling and storage of flammable liquids at Sault Ste. Marie, Ont.
- 96211 Nov. 7—Authorizing the Ontario Dept. of Highways to construct its highway over the C.N.R. in Lot 10, Con. 10, Twp. of Monaghan, Co. of Peterborough, Ont., Mileage 10.48 Lakefield Subd.
- 96212 Nov. 7—Authorizing the Manitoba Dept. of Public Works to install automatic protection at the crossing of the highway and the C.P.R. at Morden, Man., Mileage 80.4 LaRiviere Subd.
- 96213 Nov. 7—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Highway No. 98, Mileage 43.04 Teeswater Subd., Ont.
- 96214 Nov. 7—Authorizing the removal of the speed limitation at the crossing of the C.P.R. at Mileage 13.61 Galt Subd., Ont.
- 96215 Nov. 7—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at Mileage 62 Okanagan Subd., B.C.
- 96216 Nov. 7—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at first public crossing west of station at St. Pauls, Ont., Mileage 5.32 Thorndale Subd.
- 96217 Nov. 7—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and the C.P.R. and Haines Road in the Twp. of Toronto, Ont., Mileage 13.62 Galt Subd.
- 96218 Nov. 10—Authorizing the C.P.R. to operate over the bridge at Mileage 23.45 Teeswater Subd., Ont.
- 96219 Nov. 10—Exempting the C.N.R. from erecting right of way fencing between certain mileages on its Avonlea Subd., Sask.
- 96220 Nov. 10—Authorizing the City of Port Arthur to construct Court Street over the C.P.R. and to relocate the C.P.R. tracks on Queen Street, Port Arthur, Ont.
- 96221 Nov. 10—Rescinding Order No. 75996 in the matter of the proposed facilities for handling and storage of flammable liquids at Mileage 9.20 Oakville Subd., Ont.
- 96222 Nov. 10—Approving plan, profile and book of reference, showing the deviation of a portion of the C.N.R. Cowichan Subd. between Mileages 27.03 and 27.31, B.C.
- 96223 Nov. 10—Amending Order No. 95312, re apportionment of cost of reconstructing the protection at crossing of the C.N.R. at Jasper, Alta., Mileage 104.9 Brule Subd.
- 96224 Nov. 10—In the matter of revision of the automatic protection at crossing of 127th St. and the C.N.R. in Edmonton, Alta., Mileage 4.35 "B" line, Edmonton Terminals Subd.
- 96225 Nov. 13—Amending Order No. 92144 in the matter of the pedestrian overpass over the C.N.R. and C.P.R. at Riverdale Park, Toronto, Ont., at Mileage 2.60 Bala Subd. C.N.R. and Mileage 106.40 Oshawa Subd. C.P.R.
- 96226 Nov. 12—Approving proposed location for the handling and storage of flammable liquids by Canadian Oil Companies Limited, at Melville, Sask., Mileage 0.40 Touchwood Subd.
- 96227 Nov. 12—Approving tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 96228 Nov. 12—Authorizing the removal of the speed limitation at crossing of the C.P.R. in the City of Vancouver, Mileage 127.96 Cascade Subd.

- 96229 Nov. 12—Approving application of the Canadian Freight Assoc. for authority to publish a rate of 168 cents per 100 lbs. on Uranium Oxides, Salts or Uranates from Port Hope, Ontario, to Blair and Oak Ridge, Tennessee, etc.
- 96230 Nov. 12—Authorizing the Parish of St. Henri de Lauzon, P.Q. to widen the highway across the Quebec Central Rly. Company tracks at St. Henri, Mileage 19.80 Levis Subd.
- 96231 Nov. 12—Approving tariffs filed by The Bell Telephone Company of Canada.
- 96232 Nov. 13—Approving tariffs filed by The Bell Telephone Company of Canada.
- 96233 Nov. 13—Exempting the C.N.R. from erecting right of way fencing between certain mileages on its Brule Subd., Alta.
- 96234 Nov. 13—Rescinding Order No. 66240 respecting facilities of Imperial Oil Limited for handling and storage of flammable liquids at Vimy, Alta.
- 96235 Nov. 13—Rescinding Orders 66578, 69899 and 77061, respecting facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Wembly, Alta.
- 96236 Nov. 13—Rescinding Orders 68744 and 69737 respecting facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Sangudo, Alta.
- 96237 Nov. 13—Exempting the C.N.R. from erecting right of way fencing between certain mileages on its Lewvan Subd., Sask.
- 96238 Nov. 13—Authorizing the C.N.R. to remove the caretaker at St. Norbert, Man.
- 96239 Nov. 13—Authorizing the Federal Dept. of Agriculture to construct an access road at grade over the C.P.R. between Secs. 2 and 11, Twp. 27, Rge. 5, W3M., Sask., Mileage 87.78 Outlook Subd.
- 96240 Nov. 14—Amending Order 90726, respecting the installation of automatic protection at crossing of the C.N.R. and Haig Ave., P.Q.
- 96241 Nov. 14—Authorizing the removal of the speed limitation at crossing of the highway and the C.N.R. at the first public crossing east of station at Tillsonburg, Ont., Mileage 93.31 Cayuga Subd.
- 96242 Nov. 14—Authorizing the removal of the speed limitation at crossing of the highway and the C.N.R. west of St. Vincent de Paul, P.Q., Mileage 4.76 Trois-Rivieres Subd.
- 96243 Nov. 14—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and The Public Utilities Commission of the City of Port Arthur, Ont.
- 96244 Nov. 14—Approving Service Station Contract between The Bell Telephone Company of Canada and The Blanshard Munic. Telephone System.
- 96245 Nov. 14—Authorizing the C.P.R. to remove the caretaker at Keyes, Man.
- 96246 Nov. 14—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Highway No. 43 between Conc. 2 and 3, Lots 9 and 10, Twp. of Roxborough, Ont., Mileage 63.02 Winchester Subd.
- 96247 Nov. 14—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Corporation of the Twp. of Tay.
- 96248 Nov. 14—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Wightman Telephone System.
- 96249 Nov. 14—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Corporation of the Twp. of Maidstone.
- 96250 Nov. 14—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and The Corp. of the City of Fort William.
- 96251 Nov. 14—Authorizing the removal of the speed limitation at crossing of the C.N.R. and the highway at Mileage 13.15 Matapedia Subd., P.Q.
- 96252 Nov. 14—Authorizing the C.P.R. to construct an industrial spur track in certain locations in the City of Regina, Sask.

- 96253 Nov. 14—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Vallee Municipal Telephone System.
- 96254 Nov. 14—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Téléphone Locale de St-Albert de Warwick.
- 96255 Nov. 14—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Cie Electricque de Rivière Bleue Limitée.
- 96256 Nov. 14—In the matter of the installation of automatic protection at the crossing of the C.P.R. and Laurin Boulevard, (Perkins Road) at Templeton, P.Q., Mileage 109.73 Lachute Subd.
- 96258 Nov. 14—Authorizing the New York Central Railroad Company to install an interlocking signal system at its Melocheville swing bridge, P.Q., Adirondack Division.
- 96259 Nov. 14—Authorizing the New York Central Railroad Company to install an interlocking signal system at the Valleyfield lift bridge, south of Valleyfield, P.Q., Canada-Adirondack Division.
- 96260 Nov. 14—Extending the time within which the C.N.R. are required to install automatic protection in lieu of the existing protection at crossing of the C.N.R. and Ogden Avenue, at Mileage 10.84 Oakville Subd., Ont.
- 96261 Nov. 17—Approving plan showing the protection as now installed at the crossing of the C.P.R. and Bank Street (Metcalf Highway) in Ottawa, Ont., Mileage 1.29 Sussex Street Subd.
- 96262 Nov. 17—Requiring the C.N.R. to install two flashing light signals and one bell at the crossing of Hirtle Road at Mileage 92.6 Chester Subd., N.S.
- 96263 Nov. 17—Rescinding Orders 60399 and 76114 in the matter of the location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at London, Ontario.
- 96264 Nov. 17—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 17-536 at Mileage 8.91 Webbwood Subd., Ont.
- 96265 Nov. 17—Extending the time within which the C.N.R. is required to install automatic protection at the crossing of their railway and Alexander Ave., Ont., Mileage 11.03 Oakville Subd.
- 96266 Nov. 17—Authorizing the removal of the speed limitation at crossing of the C.N.R. and Cedar Bay Road west of Sherks, Ont., Mileage 15.3 Dunnville Subd.
- 96267 Nov. 17—Authorizing the Union Oil Company of California to construct an oil pipe line over the company pipe line of Trans-Mountain Oil Pipe Line Company in the E.½ Sec. 30, Twp. 52, Rge. 25, West 4M., Alta.
- 96268 Nov. 17—Authorizing the removal of the speed limitation at crossing of the highway and the C.P.R. at Mileage 32.98 Arcola Subd., Man.
- 96269 Nov. 17—Authorizing the C.N.R. to remove the caretaker at Fairfax, Man.
- 96270 Nov. 17—Approving Plan 480/12642 dated August 22, 1958, showing the protection as installed at crossing of the C.N.R. and Albert St., City of Regina, Sask., Mileage 1.21 Regina Terminal Subd.
- 96271 Nov. 17—Approving plan showing the protection as installed at crossing of the C.N.R. and Albert St., Mileage 93.5 Qu'Appelle Subd., Sask.
- 96272 Nov. 17—Requiring the C.N.R. to install automatic protection at the crossing of its railway and Highway No. 36, west of Lavoy, Alta., Mileage 44.68 Vegreville Subd.
- 96273 Nov. 17—Authorizing the C.P.R. to relocate the crossing protection at crossing of its railway and Highway No. 22, Mileage 10.78 MacLeod Subd., Alta. to the new crossing of its railway and Highway No. 22A.
- 96274 Nov. 18—Exempting the C.P.R. from erecting right of way fencing on certain mileages on its Neptune Subd., Sask.

- 96275 Nov. 18—Authorizing the B.C. Electric Company Limited to construct a gas main across the company pipe line of Trans Mountain Oil Pipe Line Company at Vedder Road, at Sardis, Township of Chilliwack, B.C.
- 96276 Nov. 19—Authorizing the Great Northern Railway Company to operate its trains over a private siding serving Northern Asbestos and Construction Supplies Ltd., at Endot, B.C.
- 96277 Nov. 19—Extending the time within which the C.N.R. is required to install automatic protection at crossing of its railway and Stavebank Road, Twp. of Toronto, County of Peel, Ont., Mileage 13.10 Oakville Subd.
- 96278 Nov. 19—Extending the time within which the C.N.R. is required to install certain protection at crossing of its railway and Kerr St. in Oakville, Ont., Mileage 22.0 Oakville Subd.
- 96279 Nov. 19—Extending the time within which the C.N.R. is required to install automatic protection at crossing of its railway and 9th Line Road, Ont., Mileage 19.25 Oakville Subd.
- 96280 Nov. 19—Authorizing the removal of the speed limitation at crossing of the C.P.R. and William St., Smiths Falls, Ont., Mileage 0.17 Brockville Subd.
- 96281 Nov. 19—Authorizing the removal of the speed limitation at the crossing of County Road No. 12 and the C.N.R. at Cannington, Ont., Mileage 8.90 Cobocok Subd.
- 96282 Nov. 19—Approving application of The London & Port Stanley Rly. for approval of clearances on its track serving the Emery Industries (Canada) Ltd., in London, Ont.
- 96283 Nov. 19—Authorizing the Quebec Central Railway Company to operate its trains over the bridge at Mileage 16.8 Chaudiere Subd., P.Q.
- 96284 Nov. 19—Authorizing the removal of the speed limitation at the crossing of Edward St. and the C.N.R. in the Town of Prescott, Ont., Mileage 113.44 Cornwall Subd.
- 96285 Nov. 19—Authorizing the C.N.R. to operate their trains through the interlocking at crossing of their railway and the C.P.R. at certain mileages on the St. Thomas and Cayuga Subds., St. Thomas, Ont.
- 96286 Nov. 19—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 64, at Rutter, Ont., Mileage 90.5 Parry Sound Subd.
- 96287 Nov. 19—Approving proposed location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Birch Hills, Sask., Mileage 136.0 Tisdale Subd.
- 96288 Nov. 19—Rescinding Order No. 89233 respecting facilities of North Star Oil Limited for the handling and storage of flammable liquids at Rycroft, Alta.
- 96289 Nov. 19—Approving temporary facilities of Tidewater Oil Company for the loading of crude oil at Neelby, Sask.
- 96290 Nov. 19—Approving application of Imperial Oil Limited, for the relocation of facilities for the handling and storage of flammable liquids at Olds, Alta.
- 96291 Nov. 19—Rescinding Order 88208 respecting facilities of Gibson Petroleum Company Limited for the handling and storage of crude oil at Whitecourt, Alta.
- 96292 Nov. 19—Exempting the C.P.R. from erecting right of way fencing on certain mileages on its Kisbey Subd., Sask.
- 96293 Nov. 19—Authorizing the C.N.R. to operate their trains through the interlocking at crossing of their railway and the C.P.R. at Mileage 14.33 Gladstone Subd., Man.
- 96294 Nov. 19—Authorizing the C.N.R. to remove the caretaker at Hilliard, Alta.
- 96295 Nov. 19—Authorizing the C.N.R. to remove the caretaker at Cavell, Sask.
- 96296 Nov. 19—Authorizing the C.N.R. to operate their trains over the crossing of their railway and the C.P.R. near Knox, Man., Mileage 121.8 Harte Subd. at a speed not exceeding fifty miles an hour.

- 96297 Nov. 19—Approving application of the C.P.R. to operate its trains, etc. over a private siding serving the MacKenzie Storage Limited, in St. James, Man.
- 96298 Nov. 19—Rescinding Orders 66472 and 76152 respecting facilities of British American Oil Company, Limited, for the handling and storage of flammable liquids at Wanham, Alta.
- 96299 Nov. 20—In the matter of Order No. 86775, authorizing the C.N.R. to operate over the main line diversion between Mileages 98.7 and 100.1 Newmarket Subd., Ont.
- 96300 Nov. 17—Approving the application of The Railway Association of Canada and certain of its member lines to increase rates and charges on freight traffic other than coal and coke, etc.
- 96301 Nov. 20—Extending the time limit within which the C.N.R. is required to install automatic protection at the crossing of their railway and Haig Blvd., Twp. of Toronto, County of Peel, Ont., Mileage 10.59 Oakville Subd.
- 96302 Nov. 20—Rescinding Order No. 95169 which authorized Gibson Petroleum Company Limited to load crude oil into tank cars from tank trucks at Donnelly, Alta., Mileage 270.2.
- 96303 Nov. 20—Rescinding Orders respecting the facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Berwyn, Alta.
- 96304 Nov. 20—Rescinding order which approved plan of The British American Oil Company Limited, showing proposed facilities for the handling and storage of flammable liquids at Whitelaw, Alta.
- 96305 Nov. 20—Rescinding order which approved plan showing the proposed location of facilities of the Tomlinson Construction Company Limited, for the handling and storage of flammable liquids at Dawson Creek, B.C.
- 96306 Nov. 20—Rescinding order which approved plan showing the proposed location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Pouce Coupe, B.C.
- 96307 Nov. 20—Authorizing the removal of the speed limitation at crossing of the C.P.R. and Wilkes Ave., Winnipeg, Man., Mileage 5.3 La Riviere Subd.
- 96308 Nov. 20—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at St. Arsene, P.Q.
- 96309 Nov. 20—Requiring the C.P.R. to install automatic protection at the crossing of the railway and Highway No. 9, west of Orangeville, Ont., Mileage 1.42 Owen Sound Subd.
- 96310 Nov. 20—Approving the proposed facilities of Canadian Oil Companies Limited, for the handling and storage of flammable liquids at O'Brien, Ont., Mileage 120.4 White River Subd.
- 96311 Nov. 20—Authorizing the removal of the speed limitation at the crossing of Township Road Crossing and the C.N.R. at Grasshill, Ont., Mileage 12.00 Midland Subd.
- 96312 Nov. 20—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de St-Theodore.
- 96313 Nov. 20—Extending the time within which the C.N.R. is required to install automatic protection at the crossing of their railway and 8th Line Road, Town of Oakville, Ont., Mileage 20.55 Oakville Subd.
- 96314 Nov. 20—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de St-Nazaire.
- 96315 Nov. 20—Extending the time within which the C.N.R. is required to install automatic protection in lieu of the existing protection at crossing of the C.N.R. and Shaw Drive, Village of Port Credit, Ont., Mileage 12.02 Oakville Subd.
- 96316 Nov. 20—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 86.90 Oshawa Subd., Cherrywood, Ont.

- 96317 Nov. 20—Authorizing the removal of the speed limitation at crossing of the highway and the C.N.R. at Mileage 56.9 Wabamun Subd., Alta.
- 96318 Nov. 20—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 2.88 Fraser Subd., B.C.
- 96319 Nov. 20—Authorizing the C.N.R. to operate over the bridge over Mink Creek, Man., Mileage 18.0 Cowan Subd.
- 96320 Nov. 20—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Irwin St., in Granby, P.Q., Mileage 47.53 Granby Subd.
- 96321 Nov. 20—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at Mileage 512.89 Port aux Basques Subd., Nfld.
- 96322 Nov. 20—Authorizing the C.N.R. to construct and maintain a timber bridge over the narrows between Morgan Lake and Woosey Lake, Mileage 7.5 Section "B" Branch Line Optic Lake to Chisel Lake, Man.
- 96323 Nov. 20—Authorizing the C.N.R. to construct a timber bridge over the Grass River at Mileage 13.5 Section "A" Branch Line Optic Lake to Chisel Lake, Man.
- 96324 Nov. 20—Rescinding Order 89239 respecting facilities of North Star Oil Limited for the handling and storage of flammable liquids at Nampa, Alta.
- 96325 Nov. 20—Approving tariffs filed by the C.N.R. under the Maritime Freight Rates Act.
- 96326 Nov. 20—Extending the time within which automatic protection is to be installed by the C.N.R. at the crossing of their railway and 5th Line Road west of Clarkson, Ont., Mileage 16.62 Oakville Subd.
- 96327 Nov. 20—Approving location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Turin, Alta.
- 96328 Nov. 20—Authorizing the C.N.R. to operate their trains over the crossing of their railway and the New York Central Railroad Company at Canfield Junction, Ont.
- 96329 Nov. 20—Authorizing the removal of the speed limitation at crossing of the highway and the C.P.R. at Mileage 109.82 Swift Current Subd., Sask.
- 96330 Nov. 20—Authorizing the C.N.R. to operate their trains over the Second Narrows Bridge, in Vancouver, B.C.
- 96331 Nov. 20—Rescinding Order 73372 in the matter of facilities of Northland Utilities Limited, for the handling and storage of flammable liquids at Mayerthorpe, Alta.
- 96332 Nov. 20—Authorizing the C.N.R. to remove the Agent at Munson, Alta.
- 96333 Nov. 20—Rescinding Orders respecting facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Jarvie, Alta.
- 96334 Nov. 20—Rescinding Order respecting facilities of Husky Oil and Refining Limited for the handling and storage of flammable liquids at Spirit River, Alta.
- 96335 Nov. 20—Rescinding Order respecting facilities of the Northern Alberta Railways Company for the handling and storage of flammable liquids at Tangent, Alta.
- 96336 Nov. 20—Rescinding Order respecting facilities of The British American Oil Co. Ltd., for the handling and storage of flammable liquids at Clairmont, Alta.
- 96337 Nov. 20—Rescinding Order respecting facilities of Husky Oil and Refining Limited for the handling and storage of flammable liquids at Tangent, Alta.
- 96338 Nov. 20—Authorizing the C.N.R. to operate their trains over the crossing of their railway and the C.P.R. near Deer, Man., Mileage 72.55 Harte Subd.
- 96339 Nov. 20—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and the Telephone System of the Munic. of the Twp. of Blanshard.
- 96340 Nov. 20—Extending the time within which the C.N.R. is required to install automatic protection at the crossing of their railway and Town Line West at Mileage 17.93 Oakville Subd., Ont.

- 96341 Nov. 20—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de St-Ephrem de Bagot.
- 96342 Nov. 20—Approving revised plan submitted by the C.N.R. showing the protection as installed at crossing of their railway and Garson Road, Sudbury Junction, Ont.
- 96343 Nov. 21—Authorizing the C.N.R. to make signal changes in the Hamilton-Bayview area, Ont.
- 96344 Nov. 21—Authorizing the C.N.R. to remove the caretaker at Foothills, Alta.
- 96345 Nov. 21—Authorizing the C.N.R. to remove the station agent and appoint a caretaker at St. Pierre, P.Q.
- 96346 Nov. 21—Authorizing the C.P.R. (British Columbia Electric Railway Company Limited) to remove the wig wag signals at the crossings of its railway and Cypress St., Maple Street and 10th Avenue, Vancouver, B.C.
- 96347 Nov. 21—Authorizing the C.P.R. to construct an industrial spur track at certain locations on its Red Deer Subd. and across Highway No. 2 and certain unopened streets in the City of Calgary, and to install automatic protection at said crossing.
- 96348 Nov. 21—Authorizing the Corp. of the City of Calgary, Alta. to reconstruct the Alyth Bridge over the C.P.R. as shown on plans filed with the Board.
- 96349 Nov. 24—Relieving the New York Central Railroad Co. from any future obligations with respect to physical maintenance and operation of the protection installed at crossing of its railway and the C.N.R. and Highway No. 2, Twp. of Cornwall, Ont., Mileage 8.01 Ottawa Subd.
- 96350 Nov. 24—Authorizing the C.N.R. to make changes in the protection at crossing of their railway and Tupper St., Portage la Prairie, Man.
- 96351 Nov. 24—Rescinding Order respecting facilities of The British American Oil Company Limited for the handling and storage of flammable liquids at Berwyn, Alta.
- 96352 Nov. 24—Rescinding Orders respecting facilities of British American Oil Co. Ltd. for the handling and storage of flammable liquids at Girouxville, Alta.
- 96353 Nov. 24—Authorizing the C.N.R. to install signals from Napadogan to Edmundston, N.B.
- 96354 Nov. 24—Approving the proposed location of additional facilities of Imperial Oil Limited, for the handling and storage of flammable liquids at Watson, Sask.
- 96355 Nov. 24—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and 30th St., Long Branch, Ont., Mileage 8.76 Oakville Subd.
- 96356 Nov. 24—Authorizing the removal of the speed limitation at the crossing of the Niagara, St. Catharines and Toronto Rly. and Port Robinson Road, Ont., Mileage 12.33, Welland Subd.
- 96357 Nov. 24—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Thorncliffe Road near Obico, Ont., Mileage 10.13 Galt Subd.
- 96358 Nov. 24—Authorizing the C.N.R. to wholly discontinue the commuter service between Quebec City and St-Joachim, P.Q. on the Montmorency Subd.
- 96359 Nov. 24—Authorizing the C.N.R. to construct their railway across Toll Gate Road, Cornwall, Ont.
- 96360 Nov. 24—In the matter of Order No. 77597 dated Oct. 22, 1951, which authorized the C.P.R. to operate its trains through the interlocking plant at crossing of its railway and the C.N.R. at Simcoe, Ont., Mileage 44.3 Lake Erie and Northern Rly.
- 96361 Nov. 24—Authorizing the C.N.R. to remove the caretaker at Eden, Man.
- 96362 Nov. 24—Approving application of Shell Oil Company of Canada for approval of the proposed location of facilities for the handling and storage of flammable liquids at Ashcroft, B.C.

- 96363 Nov. 24—Approving the plan showing the protection as installed by the C.N.R. at crossing of their railway and Provincial Highway No. 22 at Hyde Park, Ont., Mileage 1.72 Exeter Subd.
- 96364 Nov. 24—Authorizing the Rural Munic. of Brokenshell No. 68 to construct the highway over the C.P.R. at Mileage 16.4 Assiniboia Subd., Sask.
- 96365 Nov. 24—Approving proposed location of facilities of The British American Oil Company Limited, for the handling and storage of flammable liquids at Roblin, Man., Mileage 62.45 Togo Subd.
- 96366 Nov. 24—Approving proposed location of facilities of Shell Oil Company of Canada Limited for the handling and storage of Class II flammable liquids at Sept-Iles, P.Q.
- 96367 Nov. 24—Approving proposed location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Ashcroft, B.C., Mileage 47.68 Thompson Subd.
- 96368 Nov. 24—Approving proposed location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Schefferville, P.Q.
- 96369 Nov. 24—Approving proposed location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Regina, Sask.
- 96370 Nov. 24—Authorizing the C.P.R. to remove the caretaker-agent and appoint a caretaker at Plaisance, P.Q.

# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations, and Rulings

Vol. XLVIII

OTTAWA, JANUARY 1, 1959

No. 19

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### ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT BOARD OF TRANSPORT COMMISSIONERS FOR CANADA, OCTOBER, 1958.

Railway Accidents .....	178	Killed	12	Injured	187
Level Crossing Accidents .....	52	Killed	14	Injured	69
Total .....	230		26		256

		<i>Killed</i>		<i>Injured</i>
Passengers .....	—			38
Employees .....	3			147
Others .....	23			71
Total .....	26			256

### DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

#### NEWFOUNDLAND

- 1 Auto truck struck by train. Licence: Nfld. C-8244.

#### NOVA SCOTIA

- 1 Automobile struck by train. Licence: P.E.I. 25087.
- 2 Automobile ran into side of train. Licence: N.S. 4-21-98.

## Killed Injured

## QUEBEC

—	1	Auto truck struck by train. Licence: Que. FA-8199.
1	—	Automobile struck by train. Licence: Que. F-19728.
3	—	Automobile ran into side of train. Licence: Que. 456293.
—	1	Auto truck struck by train. Licence: Que. C-15542.
—	5	Automobile ran into side of train. Licence: Ont. C-8416.
—	1	Auto truck struck by train. Licence: Que. FT-7839.
—	1	Automobile struck by train. Licence: Que. 22710.
1	—	Auto truck ran into side of train. Licence: Que. FP-1907.
—	1	Automobile struck by train. Licence: Que. 64-670.
1	—	Automobile struck by train. Licence: Ont. H-48107.
—	2	Automobile struck by train. Licence: Que. 685-338.
—	1	Track motor car struck automobile. Licence: Que. T-1830.
—	3	Automobile ran into side of train. Licence: Que. 96-856.
—	1	Automobile ran into side of train. Licence: Que. 58-2607.
—	1	Automobile ran into side of train. Licence: Que. 306-411.

## ONTARIO

1	—	Automobile struck by train. Licence: Ont. 878-532.
—	2	Automobile struck by train. Licence: Ont. 842-125.
—	2	Track motor car struck automobile. Licence: Ont. 936-395.
—	1	Automobile ran into side of train. Licence: Ont. A-96208.
1	—	Automobile struck by train. Licence: Ont. 206-646.
—	1	Automobile ran into side of train. Licence: Ont. 619-737.
—	4	Automobile ran into side of train. Licence not given.
1	3	Automobile struck by train. Licence: Ont. 758629.
—	2	Automobile ran into side of train. Licence: Ont. 228-083.
1	1	Automobile struck by train. Licence: Ont. C-85428.
—	1	Automobile ran into side of engine derailing same. Licence: Ont. 685-828.
—	1	Tractor trailer truck ran into side of train. Licence: Ont. 11466-A.
—	1	Automobile ran into side of train. Licence not given.
—	1	Tractor trailer ran into side of train. Licence: Ont. 2181-B.
—	1	Automobile struck by train. Licence: Ont. 937-203.
—	1	Automobile ran into side of train. Licence: Ont. 617164.
—	1	Automobile struck by train. Licence: Ont. 419-080.
1	1	Automobile ran into side of train. Licence: Ont. 904306.
1	—	Automobile struck by train. Licence: Ont. 440-280.
—	4	Automobile struck by train. Licence: Ont. C-57915.
—	1	Automobile struck by train. Licence: Ont. F-44907.
—	2	Automobile struck by train. Licence: Ont. 389-772.
—	2	Automobile struck by train. Licence: Ont. 713-290.
—	2	Automobile struck by train. Licence: Ont. 683-212.

## SASKATCHEWAN

—	2	Automobile struck by train. Licence: Sask. 55-584.
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## ALBERTA

1	—	Grader struck by train.
1	—	Auto truck struck by train. Licence: Alta. X-112567.
—	1	Automobile ran into side of train. Licence: Alta. DA-255.
—	1	Automobile struck by train. Licence: Alta. BU-5105.
—	3	Track motor car struck automobile. Licence not given.

## BRITISH COLUMBIA

—	1	Automobile ran into side of train. Licence: B.C. 388036.
—	1	Automobile struck by train. Licence: B.C. 216660.
—	2	Automobile ran into side of train. Licence: Oreg. 8-B-2139.
—	1	Automobile struck by train. Licence: B.C. 364-691.

Of the 52 accidents at highway crossings, 45 occurred at unprotected crossings, 7 at protected crossings, 30 occurred after sunrise and 22 after sunset.

OTTAWA, Ontario, December 10, 1958.

P.C. 1958-1480

## AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of OCTOBER, 1958

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, pursuant to section 53 of the Railway Act, in order to provide time for the determination of the appeals dated October 22, 1958 to the Governor in Council against Order No. 95930 of the Board of Transport Commissioners for Canada of October 10, 1958, made by the Provinces of British Columbia, Alberta, Saskatchewan, Manitoba, the Maritimes Transportation Commission representing the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland, and the Union of British Columbia Municipalities, and by certain municipalities in the Provinces of Ontario and Quebec, is pleased hereby to vary the said Order of the Board of Transport Commissioners for Canada by deleting from the second paragraph thereof the words "November 1, 1958" and substituting therefor the words "December 1, 1958".

R. B. BRYCE

*Clerk of the Privy Council*

P.C. 1958-1625

## AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of NOVEMBER, 1958

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, pursuant to section 53 of the Railway Act, having received, held hearings upon and considered petitions to rescind Order No. 95930 of the Board of Transport Commissioners for Canada dated October 10, 1958 and relating to the Bell Telephone Company, as varied in respect of its effective date by Order in Council P.C. 1958-1480 of October 23, 1958, is pleased hereby to determine that he will not rescind or further vary that Order.

R. B. BRYCE,

*Clerk of the Privy Council.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 96371 Nov. 24—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and Road No. 7, east of the station at Yamachiche, P.Q., Mileage 68.04 Trois Rivieres Subd.
- 96372 Nov. 24—Approving proposed location of facilities of the C.N.R. for the handling and storage of flammable liquids at Allandale, Ont., Mileage 62.6 Newmarket Subd.
- 96373 Nov. 25—Rescinding Order respecting facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Scotstown, P.Q.
- 96374 Nov. 25—Approving tariffs filed by the Canadian Freight Assoc., under Section 3 of the Maritime Freight Rates Act.
- 96375 Nov. 25—Approving tariffs filed by the Canadian Freight Assoc. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 96376 Nov. 25—Approving tariffs filed by the Canadian Freight Assoc. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 96377 Nov. 25—Approving tariffs filed by the Canadian Freight Assoc. under Section 3 of the Maritime Freight Rates Act.
- 96378 Nov. 26—Rescinding Order which approved plan submitted by Rufus Dalton showing proposed location of facilities for the handling and storage of flammable liquids at Delhi, Ont.
- 96379 Nov. 26—Rescinding Orders which approved plans submitted by McManus Petroleum Limited, showing proposed relocation of facilities for the handling and storage of flammable liquids at Simcoe, Ont.
- 96380 Nov. 26—Rescinding Order which approved plan submitted by Crown-Dominion Oil Company Limited showing proposed location of facilities for the handling and storage of flammable liquids at Simcoe, Ont.
- 96381 Nov. 26—Rescinding Order which approved plan submitted by Graham Oil Company showing the proposed location of facilities for the handling and storage of flammable liquids at Aylmer, Ont.
- 96382 Nov. 26—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Cooksville, Ont., Mileage 16.56 Galt Subd.
- 96383 Nov. 26—Exempting the C.P.R. from erecting cattle guards at certain highway crossings on its Coumts Subd., Alta.
- 96384 Nov. 26—Exempting the C.P.R. from erecting cattle guards at certain highway crossings on its Cardston Subd., Alta.
- 96385 Nov. 26—Exempting the C.P.R. from erecting cattle guards at certain highway crossings on its Stirling Subd., Alta.
- 96386 No. 26—Authorizing the Corp. of the District of Surrey to construct a sewer pipe across and under Trans Mountain Oil Pipe Line Company at Ferguson Ave. and Archibald Road, District of Surrey, B.C.
- 96387 Nov. 26—Authorizing The Toronto Harbour Commissioners to construct a siding to serve Commissioners' Marine Terminal No. 15, in the City of Toronto, Ont.
- 96388 Nov. 26—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Lingwick Municipal Telephone System.
- 96389 Nov. 26—Approving Agreement between The Bell Telephone Company of Canada and The North American Telegraph Company.
- 96390 Nov. 26—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de Notre-Dame de Ham.
- 96391 Nov. 26—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone Rural de Ste-Christine.

- 96392 Nov. 26—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de St-Paul de Chester.
- 96393 Nov. 26—Approving plan showing the automatic protection as installed at crossing of the C.N.R. and Finch Ave., Mileage 11.65 Newmarket Subd., Ont.
- 96394 Nov. 26—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Telephone d'Harricana et Gatineau Limitee.
- 96395 Nov. 26—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Horton & McNab Telephone Assoc. Ltd.
- 96396 Nov. 27—Rescinding orders which approved plans submitted by Maple Leaf Petroleum Limited showing location of facilities for handling and storage of flammable liquids at Barrhead, Alta.
- 96397 Nov. 27—Approving the relocation of facilities of The British American Oil Company Limited for the handling and storage of flammable liquids at Digby N.S., Mileage 20.72 Yarmouth Subd.
- 96398 Nov. 27—Approving the relocation of facilities of North Star Oil Limited for the handling and storage of flammable liquids at Wawota, Sask.
- 96399 Nov. 27—Approving the proposed location of facilities of Imperial Oil Limited, for the handling and storage of flammable liquids at Napinka, Man.
- 96400 Nov. 27—Approving the installation of automatic protection at the crossing of the C.N.R. and D'Arcy Corner-Farnham Road at D'Arcy Corner, P.Q., Mileage 35.95 Granby Subd.
- 96401 Nov. 27—Authorizing the Ont. Dept. of Highways to install automatic protection at the crossing of the C.N.R. and Highway No. 6 at Mileage 30.2 Hagersville Subd., Ont.
- 96402 Nov. 27—Authorizing the Alta. Dept. of Highways to construct 7th Ave. at grade over the C.P.R. at Mileage 0.28 Canmore Coal Mine Spur, in the Village of Canmore, Alta.
- 96403 Nov. 27—Authorizing the Sask. Dept. of Highways to widen Highway No. 9 where it crosses the C.N.R. at Mileage 113.44 Cromer Subd., near Langbank, Sask.
- 96404 Nov. 27—Prescribing the 1959 issue of "Uniform Classification of Accounts for Class I Common Carriers by Railway" and "Supplementary Regulations for Class II, Class III and Class IV Carriers", effective on January 1, 1959.
- 96405 Nov. 27—Authorizing the C.N.R. to remove the caretaker at Hepworth, Ont., Mileage 2.4 Warton Subd.
- 96406 Nov. 27—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone Rural de Ste-Helene de Bagot.
- 96407 Nov. 27—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Lanark and Ramsay Telephone Company Limited.
- 96408 Nov. 27—Authorizing the C.P.R. to remove the caretaker-agent at St. Augustin, P.Q., and appoint a caretaker.
- 96409 Nov. 27—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 76.27 Viking Subd., Alta.
- 96410 Nov. 27—Rescinding order which approved plan submitted by Shell Oil Co. of Canada Limited, showing the proposed location of facilities for the handling and storage of flammable liquids at Simcoe, Ont.
- 96411 Nov. 27—Rescinding order respecting facilities of Gibson Petroleum Co. Ltd., for the handling and storage of flammable liquids at Glenevis, Alta.
- 96412 Nov. 27—Rescinding order which approved plan submitted by Revelstoke Consolidated Mines showing proposed facilities for handling and storage of flammable liquids near Albert Canyon, B.C.

- 96413 Nov. 27—Amending Order 95767 re apportionment of cost of the construction of Second Ave. east over the C.P.R. by means of an overhead bridge in Swift Current, Sask., Mileage 110.34 Swift Current Subd.
- 96414 Nov. 27—Authorizing the removal of the speed limitation at crossing of Highway No. 9 and the C.N.R. at Mileage 24 Assiniboine Subd., Sask.
- 96415 Nov. 28—Authorizing the Inland Natural Gas Company Limited to construct a natural gas pipe line over the track of the C.N.R. and under the bridge of the C.N.R. where it crosses the Fraser River at Prince George, B.C.
- 96416 Nov. 28—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at first public crossing west of station at Fisher, P.Q., Mileage 28.44 Amos Subd.
- 96417 Nov. 28—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Sir Wilfrid Laurier Blvd. (Highway No. 9) at Mackayville, P.Q., Mileage 6.12 Granby Subd.
- 96418 Nov. 28—Authorizing the C.N.R. to remove the station agent at Villeroy, P.Q. and appoint a caretaker.
- 96419 Nov. 28—Authorizing the C.N.R. to remove the caretaker at Bluevale, Ont.
- 96420 Nov. 28—Authorizing the removal of the speed limitation at No. 18 Colliery crossings and the Sydney and Louisburg Railway Co. at approximately 0.75 miles from Mileage 6, Waterford Subd., N.S.
- 96421 Nov. 28—Authorizing the C.N.R. to remove the caretaker at Dorion, Ont., Mileage 99.9 Dorion Subd.
- 96422 Nov. 28—Authorizing the Saskatchewan Dept. of Highways and Transportation to widen Highway No. 15 where it crosses the C.P.R. at Mileage 69.72 Lanigan Subd.
- 96423 Nov. 28—In the matter of the application of the Winnipeg Chamber of Commerce for an Order directing the railway and water carriers under the jurisdiction of the Board to remove alleged unjust discrimination and undue preference in tariffs of the said carriers on traffic moving between eastern and western Canada.
- 96424 Nov. 28—Approving tolls published in tariffs filed by the C.P.R. under section 8 of the Maritime Freight Rates Act.
- 96425 Nov. 28—Authorizing the C.N.R. to open for the operation of freight traffic that portion of its reconstructed line of railway in and adjoining the City of Cornwall, Ont., between points A and B and C and D.
- 96426 Nov. 28—Authorizing the C.P.R. to operate over the subway at Mileage 61.03 Peterborough Subd., Ont.
- 96427 Nov. 28—Approving tariffs filed by the C.P.R. under section 8 of the Maritime Freight Rates Act.
- 96428 Nov. 28—Approving tariffs filed by The Bell Telephone Company of Canada.
- 96429 Nov. 28—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 132.5 Unity Subd., Alta.
- 96430 Nov. 28—Authorizing The Consumers' Gas Company to construct a gas main over and under the company pipe line of Trans-Northern Pipe Line Company at Enterprise Road, Twp. of Etobicoke, Ont.
- 96431 Nov. 28—Authorizing the C.P.R. to make changes to the interlocking at the crossing of its railway and the C.N.R. at St. Johns, P.Q., Mileage 20.8 Adirondack Subd.
- 96432 Dec. 1—Approving tariffs filed by The Bell Telephone Company of Canada.
- 96433 Nov. 28—Authorizing the C.N.R. to install signals from Mileage 0.00 to Mileage 90.0 Yale Subd., B.C.
- 96434 Nov. 28—Authorizing the New York Central Railroad Company to discontinue as an agency its station at Dutton, Ont.
- 96435 Nov. 28—Authorizing the C.N.R. to install signals from Mileage 0.9 to Mileage 121.0 Minaki Subd., Man.

- 96436 Nov. 28—Extending the time within which the C.N.R. is required to install automatic protection at the crossing of its railway and Dixie Road, Twp. of Toronto, Mileage 10.19 Oakville Subd.
- 96437 Nov. 28—Authorizing the Rural Munic. of Bjorkdale No. 426, Sask. to construct the highway over the C.N.R. at Government Road, Mileage 45.18 Tisdale Subd.
- 96438 Nov. 28—Authorizing the Sask. Dept. of Highways and Transportation to relocate and widen Highway No. 9 over the C.P.R. at Mileage 111.5 Broadview Subd. at Whitewood, Sask.
- 96439 Nov. 28—Amending Order No. 64056 in the matter of apportioning the cost of maintenance of the subway under the tracks of the C.N.R. and C.P.R. at Brock Ave., Toronto, Ont.
- 96440 Nov. 28—Authorizing the C.N.R. to install automatic protection at the crossing of the C.N.R. and McCowan Road, Mileage 323.63 Oshawa Subd., Ont.
- 96441 Nov 28—Authorizing the C.N.R. and C.P.R. to operate through the interlocker at crossing of their railways at Mileage 4.8 Govel Subd., of the C.N.R. and Mileage 2.3 Wilkie Subd., of the C.P.R. at Saskatoon, Sask.
- 96442 Dec. 1—Approving tariffs filed by the Canadian Freight Association under sections 3 and 8 of the Maritime Freight Rates Act.
- 96443 Dec. 1—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Munic. of the Township of Bruce.
- 96444 Dec. 1—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and South Bruce Rural Telephone Company Limited.
- 96445 Dec. 1—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Monk Rural Telephone Company Limited.
- 96446 Dec. 1—Approving Traffic Agreement between The Bell Telephone Company of Canada and Erin Community Telephone Company Limited.



# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

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*In the matter of the application of the Canadian Pacific Railway Company under Sections 183, 184, 185 and 259 of the Railway Act, for authority to construct, maintain and operate an industrial spur track, to serve Meridian Investments Limited, etc., from a point on the applicant company's railway at Mileage 2.0 Red Deer Subdivision, in the SW $\frac{1}{4}$  of Section 24-24-1-W5M., a distance of 12,150 feet, to a point in the E. $\frac{1}{2}$  of Section 21-24-1W5M., and also at grade across provincial highway No. 2 and the following unopened streets in the City of Calgary, Alberta: Roy, Cooper, Sanders, Smith, and Center, Second and Fourth Avenues.*

File No. 26769.62

Before:

FRANK M. MACPHERSON, *Commissioner.*

Heard at:

Calgary, Alberta, on October 22, 1958.

Appearances:

H. A. V. GREEN, Q.C., and R. R. MITCHELL, Q.C., for Canadian Pacific Railway Company.

OWEN J. JONES, for Department of Highways, Province of Alberta.

HON. GORDON E. TAYLOR, Minister of Highways, Province of Alberta.

F. J. FLEMING, for City of Calgary.

A. G. MARTIN, City Planner.

A. R. SMITH, District Planning Commissioner.

## REPORT

MACPHERSON, Commissioner:

On December 18, 1957, the Canadian Pacific Railway Company made application for authority to construct, maintain and operate an industrial spur track from mileage 2.0 Red Deer Subdivision to the property of Meridian Investments Limited, located immediately east of Highway No. 2, and north of the Village of Forest Lawn.

The City of Calgary opposed the application on the grounds that the greatest part of the area through which the spur will pass has been zoned as residential land. The City also joined the Department of Highways of Alberta in opposing the establishment of a level crossing on Highway No. 2. In order to meet the objections of the City and the Department of Highways to a level crossing, the Board suggested that the crossing could be protected by flashing light signals and bell, that trains be not permitted to cross until a member of the train crew has started the operation of the protection, and that train movements be limited to hours in which they will not interfere with the volume of heavy highway traffic.

The Department of Highways reiterated its objection to the level crossing, and the Canadian Pacific Railway Company committed itself in a letter dated May 16, 1958, to assuming the remainder of the cost after the usual contribution from the Railway Grade Crossing Fund towards the cost of a grade separation, should such a grade separation become necessary after three or more years. The Department of Highways still objected to a level crossing of Highway No. 2, and the City of Calgary joined in this objection, and also objected to the construction of an industrial spur west of Highway No. 2.

In view of these objections, and the request made previously for a public hearing, the Board decided that Commissioner F. M. MacPherson would hold a public hearing in Calgary on October 22, 1958. In presenting its case at this public hearing, the Canadian Pacific Railway Company established that there is need for railway service to be provided on the property of Meridian Investments Limited. The Minister of Highways for Alberta, the Honourable Gordon E. Taylor, presented a brief in support of his objection to a level crossing of Highway No. 2. The City Planner and the Director of the Calgary District Planning Commission gave evidence in support of the City's objection to the construction of an industrial spur west of Highway No. 2, and also the crossing at grade of Highway No. 2 with the industrial spur.

In considering the Railway's application, the Board must be satisfied that there is need for an industrial siding to serve the proposed industrial area, and that the establishment of a level crossing will not create an unduly dangerous condition for highway and railway traffic. One industry has already been established on the property of Meridian Investments Limited. The City Planner and the Director of the Calgary District Planning Commission in their evidence suggested that the Canadian Pacific Railway Company build a railway line  $6\frac{3}{4}$  miles long so that this area could be served by both the Canadian Pacific Railway Company and the Canadian National Railways, without crossing Highway No. 2. This long spur would all be through an industrial zone which is only in the planning stage. It is clear from this that the City of Calgary does not oppose the establishment of railway service to the property of Meridian Investments Limited.

The spur suggested by the Railway is 2.3 miles long and begins in an area already industrialized. The greatest part of the land through which the line comes is land already owned by the Canadian Pacific Railway Company, and it has been slated for industrial development. It does not appear that the Board would be justified in asking the Canadian Pacific Railway Company to build a railway line three times as long as the one proposed by the Railway,

and at a location that would not permit the development of industrial area which the Railway already owns, simply because the planning of the City provides for a future residential area between an existing railway line and the Canadian Pacific Railway Company's property needed for industrial development.

Honourable Gordon E. Taylor spoke very strongly about the dangers of highway crossings, and the efforts of both his Government and the Federal Government to eliminate level crossings. He emphasized that Highway No. 2, across which the proposed spur would be constructed, will become the most important highway in Alberta, and that with very heavy and fast traffic at this location, a level crossing will result in loss of lives and injuries.

Highway No. 2 is a four-lane highway intersected by Trans-Canada Highway by means of a grade separation and clover leaf connections approximately one mile north of the proposed crossing. The four-lane highway extends less than a mile south of the proposed crossing where it becomes a two-lane highway through the Village of Forest Lawn. Immediately north and south of the crossing the highway is not permanently paved, and the traffic is not separated by a middle strip. Mr. Taylor has stated that Highway No. 2 will be completed in two years and will be carrying very heavy traffic by-passing the City of Calgary. Before this highway is completed however, the Department of Highways and the City must construct two river crossings, one crossing of the irrigation canal, and four major grade separations with highways and railways south of the Trans-Canada Highway.

Highway No. 2 is straight and motorists will have a clear view approaching the crossing of at least one quarter of a mile. Highway traffic south of the Trans-Canada Highway is probably less than 1,000 cars per day. Railway traffic over the proposed spur will not be more than two movements per day for the first few years. It is the Board's view that under such conditions as exist today, the level crossing protected by flashing light signals and bell will not create an unduly dangerous condition on this portion of Highway No. 2.

It is our understanding that the location of the proposed industrial spur could be modified to permit a crossing of a grade separation if it becomes necessary to do so in the future. The Board will be prepared to review the situation from time to time, and give consideration to eliminating this level crossing whenever it becomes justified by the circumstances. In the meantime, it is considered reasonable to approve the Canadian Pacific Railway Company's application, and I recommend to the Board that this report be adopted, and that an Order should go accordingly.

FRANK M. MACPHERSON.

OTTAWA, November 18, 1958.

## ORDER No. 96347

*In the matter of the application of Canadian Pacific Railway Company, hereinafter called the "Applicant Company", under sections 183, 184, 185 and 259 of the Railway Act, for authority to construct, maintain and operate an industrial spur track, to serve Meridian Investments Limited, etc., from a point on the Applicant Company's railway at Mileage 2.0 Red Deer Subdivision, in the southwest quarter of Section 24, Township 24, Range 1, West Fifth Meridian, a distance of 12,150 feet, to a point in the east half of Section 21, Township 24, Range 29, West Fifth Meridian, and also at grade across Provincial Highway No. 2 and the following unopened streets in the City of Calgary, Alberta: Roy, Cooper, Sanders, Smith and Center, Second and Fourth Avenues, all as shown on plan and profile and described in book of reference combined dated Calgary, October 28, 1957, registered in the Land Titles Office in the South Alberta Land Registration District, Calgary, on November 26, 1957, as No. 3777, Book HJ, Folio 106, on file with the Board under file No. 26769.62;*

*And in the matter of section 12 of the Railway Act:*

File No. 26769.62

FRIDAY, the 21st day of November, A.D. 1958

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*

ROD KERR, Q.C., *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

L. J. KNOWLES, *Commissioner.*

*Whereas by Order No. 95997, dated October 7, 1958, the Board, pursuant to the powers vested in it by section 12 of the Railway Act, authorized Commissioner MacPherson to report to the Board upon the questions and matters arising in connection with the said application, and to take evidence and acquire the necessary information for the purposes of such report;*

*And whereas Commissioner MacPherson did hear the said application and took evidence at Calgary, Alberta, on October 22, 1958, in the presence of Counsel and representatives of Canadian Pacific Railway Company, the Department of Highways for the Province of Alberta, the Minister of Highways, Province of Alberta, the City of Calgary, the City Planner and the District Planning Commissioner;*

*And whereas Commissioner MacPherson, on November 18, 1958, submitted his report with the request that it be adopted by the Board—*

*It is hereby ordered as follows:*

1. The report submitted by Commissioner MacPherson, dated November 18, 1958, on file with the Board under file No. 26769.62, is adopted.

2. The Applicant Company is authorized to construct and maintain an industrial spur track from a point on its railway at mileage 2.0 Red Deer Subdivision, in the southwest quarter of Section 24, Township 24, Range 1, West Fifth Meridian, a distance of 12,500 feet, to a point in the east half of Section 21, Township 24, Range 29, West Fifth Meridian, and also at grade across Provincial Highway No. 2 and the following unopened streets in the City of Calgary: Foy, Cooper, Sanders, Smith and Center, Second and Fourth Avenues, all as shown on the said plan on file with the Board under file No. 26769.62.

3. The said crossing shall be constructed in accordance with the Standard Regulations of the Board Affecting Highway Crossings.

4. Before the crossing hereby authorized is opened to railway traffic the Applicant Company shall install and thereafter maintain two flashing light signals and bell at the said crossing.

5. The said protection shall be installed in accordance with the provisions of General Orders Nos. 811 and 830, with the exception that the flashing light signals shall be operated manually by a member of the train crew.

6. The costs of construction and maintenance of the said crossing, as well as the costs of installation, operation and maintenance of the said automatic protection shall be borne and paid by the Applicant Company.

CLARENCE D. SHEPARD,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

## ORDER No. 96575

*In the matter of the application of Prairie Pipe Manufacturing Company Limited for an Order fixing a charge in respect of rates on Skelp from Hamilton and Sault Ste. Marie, Ontario, to Regina, Saskatchewan, and on Pipe from Regina, Saskatchewan, to Vancouver, British Columbia, and other places in the said Province, related to Agreed Charges C.T.C. (A.C.) No. 63 and C.T.C. (AC) No. 89, and in relation to the charges fixed by the Board in its Judgment of April 17, 1958, and Order No. 94129 of the same date to and from Edmonton, Alberta:*

File No. 48703

MONDAY, the 15th day of December, A.D. 1958

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*

ROD KERR, Q.C., *Assistant Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

Whereas Prairie Pipe Manufacturing Company Limited has made application under subsection 10 of section 32 of the Transport Act, and has represented to the Board that its business is unjustly discriminated against by Agreed Charge C.T.C. (AC) No. 63 on pipe, wrought iron or steel, as described in the said Agreed Charge, from Welland, Ontario, and other places in the Province of Ontario, to Vancouver and other points in the Province of British Columbia; and by Agreed Charge C.T.C. (AC) No. 89 on skelp, iron or steel, as described in the said Agreed Charge, from Hamilton and Sault Ste. Marie, Ontario, to Port Moody, British Columbia;

And whereas the Board by Judgment and Order No. 94129, dated April 17, A.D. 1958, fixed a charge for Alberta Phoenix Tube & Pipe Limited on skelp from eastern points to Edmonton, Alberta, and on pipe from Edmonton, Alberta, to Vancouver, British Columbia, and other points in the vicinity thereof, and such Judgment and Order were confirmed on rehearing by further oral Judgment of May 29, 1958, and Reasons for Judgment, dated September 23, 1958;

And whereas the Canadian National Railways and Canadian Pacific Railway Company by their submission dated November 18, 1958, have stated that so long as the said fixed charges remain in effect they do not oppose the fixing of charges for Prairie Pipe Manufacturing Company Limited to and from Regina, on a basis related to that of the charges to and from Edmonton;

And whereas other railway parties to the said Agreed Charges have not filed objections to the fixing of charges for the Applicant within the time limit prescribed by the Board;

And whereas the Board considers that the allegation of unjust discrimination is justified and that the said unjust discrimination should be removed by the fixing of relative charges for the Applicant;

*It is ordered* that a charge be, and it is hereby, fixed of 76 cents per 100 lbs. on skelp, in carloads, from Hamilton and Sault Ste. Marie, Ontario, to Regina, Saskatchewan, to be made by the carriers parties to the said Agreed Charge on skelp, and a charge of 58 cents per 100 lbs. on pipe in carloads, from Regina, Saskatchewan, to Vancouver and other stations and places in British Columbia to which the said Agreed Charge on pipe is applicable, to be made by the carriers parties thereto;

*And it is further ordered* that the said fixed charge on skelp shall only be applied upon proof submitted to the carrier that the said skelp has been converted into pipe and shipped from Regina, Saskatchewan, to the stations and places to which the said Agreed Charge on pipe is applicable, at the charge fixed herein on the said pipe;

*And it is further ordered* that all other conditions and requirements of the said Agreed Charges C.T.C. (AC) No. 63 and C.T.C. (AC) No. 89, and the conditions set forth in Judgment and Order No. 94129 of the 17th day of April, 1958, shall be attached to and incorporated with each of the charges hereby fixed for the Applicant insofar as they may be applicable thereto.

*And it is further ordered* that the effective date of the charges herein fixed shall be November 1, 1958.

CLARENCE D. SHEPARD,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 96447 Dec. 1—Authorizing the removal of the speed limitation at the crossing of Beech Street and the C.P.R. at Mileage 1.10 Prescott Subd., Ottawa, Ont.
- 96448 Dec. 1—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Municipality of the Township of Mersea.
- 96449 Dec. 1—Authorizing the New York Central Railroad Company to discontinue as an agency its station at Woodslee, Ont.
- 96450 Dec. 1—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Ste. Claire Road, being the third crossing east of the station at Allenby, Mileage 3.41 Laird Subd.
- 96451 Dec. 2—Approving facilities of British Canadian Propane Limited for the handling and storage of liquefied petroleum gas at Burns Lake, B.C., Mileage 34.85 Telkwa Subd.
- 96452 Dec. 2—Relieving the C.P.R. from erecting right of way fencing between certain mileages on its Reston Subd., Sask.
- 96453 Dec. 2—Amending Order No. 90824 in the matter of the installation of improved protection at the crossing of the C.P.R. and Jane Street, in the Munic. of Metropolitan Toronto, Ont., Mileage 2.9 MacTier Subd.
- 96454 Dec. 2—Authorizing the Corporation of the Township of Richmond, B.C., to construct William Road across the track of the C.N.R. at Mileage 14.27 Lulu Island Branch.
- 96455 Dec. 2—Amending Order No. 96325 in the matter of tariffs filed by the C.N.R. under the provisions of the Maritime Freight Rates Act.
- 96456 Dec. 2—Amending Order 88986 in the matter of the construction of the highway over the C.N.R. by means of an overhead bridge at Mileage 38.11 Central Butte Subd., Sask.
- 96457 Dec. 2—Authorizing the removal of the speed limitation at crossing of Highway No. 17 and the C.N.R. at second crossing west of station at Finchley, Ont., Mileage 81.3 Beachburg Subd.
- 96458 Dec. 2—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at third public crossing east of the station at Ayrness, P.Q., Mileage 35.5 Alexandria Subd.
- 96459 Dec. 2—Authorizing the Sask. Department of Highways and Transportation to widen Highway No. 15 where it crosses the C.P.R. at Mileage 80.75 Lanigan Subd.
- 96460 Dec. 2—Authorizing the C.N.R. to remove the station agent at Briercrest, Sask.
- 96461 Dec. 2—Amending Order 93758 re apportionment of cost of installing automatic protection at the crossing of Highway No. 4 and the Esquimalt and Nanaimo Railway Company at Mileage 95.28 Victoria Subd., and Mileage 0.1 Alberni Subd. at Parksville, B.C.
- 96462 Dec. 2—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Bayview Avenue, being first crossing north of siding at Thornlea, Ont., Mileage 16.9 Bala Subd.
- 96463 Dec. 3—Amending Order 93759 re apportionment of cost of installing automatic protection at crossing of the Esquimalt and Nanaimo Railway and Goldstream Ave., (Island Highway No. 1A) at Langford, B.C., Mileage 7.9 Victoria Subd.
- 96464 Dec. 3—Amending Order 93946 re apportionment of cost of replacing the existing protection at crossing of the C.P.R. and the highway at Deroche, B.C., Mileage 75.45 Cascade Subd. by automatic protection.
- 96465 Dec. 3—Exempting the C.P.R. from erecting cattle guards at certain highway crossings on its Vanguard Subd., Sask.
- 96466 Dec. 3—Amending Order No. 95468 which authorized the C.P.R. to relocate the automatic gates at crossing of its railway and Bas St. Martin Road, Munic. of St. Martin, Co. Laval, P.Q., Mileage 12.08 Park Ave. Subd.

- 96467 Dec. 3—Authorizing the removal of the speed limitation at crossing of the C.N.R. and County Road No. 16, Reaboro, Ont., Mileage 81.24 Campbellford Subd.
- 96468 Dec. 3—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Brimley Road, at Scarboro, Ont., Mileage 324.22 Oshawa Subd.
- 96469 Dec. 3—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and 44th Ave., Lachine, P.Q., Mileage 8.45 Cornwall Subd.
- 96470 Dec. 3—Approving tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 96471 Dec. 3—Authorizing the C.N.R. to install automatic protection at the crossing of its railway and Onslow Road, N.S., Mileage 2.47 Springhill Subd.
- 96472 Dec. 3—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and County Road No. 7 about one mile north of Shannonville, Ont., Mileage 84.03 Belleville Subd.
- 96473 Dec. 3—Authorizing the removal of the speed limitation at the crossing of the Sydney and Louisburg Railway and the highway (known as Mackie's Crossing) in the Village of Gardiner Mines, Co. of Cape Breton, N.S., Mileage 7.93.
- 96474 Dec. 3—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Cie de Telephone Rurale de St-Joseph de Kamouraska.
- 96475 Dec. 3—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Cie de Telephone de St-Athanase.
- 96476 Dec. 3—Authorizing the C.N.R. to install automatic protection at crossing of their railway and Sand Beach crossing, N.S., Mileage 135.61 Yarmouth Subd.
- 96477 Dec. 3—Approving tariffs filed by Canadian National Telegraphs.
- 96478 Dec. 3—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and The Glenview Rural Telephone Company Limited.
- 96479 Dec. 3—Amending Order No. 90021 which authorized the B.C. Dept. of Highways to reconstruct the overhead bridge carrying the highway over the C.N.R. at Mileage 83.66 Nechako Subd.
- 96480 Dec. 3—Approving tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 96481 Dec. 3—Granting leave to Northern Ontario Pipe Line Crown Corporation to carry its pipe line across all highways shown on Drawing on file with the Board.
- 96482 Dec. 4—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and La Ligne de Telephone Michaud.
- 96483 Dec. 4—Approving tariffs filed by The Bell Telephone Company of Canada.
- 96484 Dec. 4—Authorizing The Pacific Great Eastern Railway Company to connect its railway with the Northern Alberta Railways in Dawson Creek, B.C.
- 96485 Dec. 4—Authorizing The Chesapeake and Ohio Railway Company to render the draw span fixed, for railway traffic only, over the Sydenham River, near Wallaceburg, Ont., for the period Dec. 1, 1958 to April 15, 1959.
- 96486 Dec. 4—Authorizing the Northern Alberta Railways Company to install automatic protection at crossing of its railway and Highway No. 2 one mile north of Clairmont, Alta., Mileage 42.1 Grande Prairie Subd.
- 96487 Dec. 4—Authorizing the Northern Alberta Railways Company to install automatic protection at the crossing of its railway and Highway No. 2 at Nampa, Alta., Mileage 30.2 Peace River Subd.
- 96488 Dec. 4—Amending Order 94963 re apportionment of cost of diverting a portion of Merritt Subd. of the C.P.R. to eliminate two existing level crossings at Mileages 10.8 and 19.0 Merritt Subd., B.C.

- 96489 Dec. 4—Authorizing the synchronization of the traffic light signal to be installed at crossing of the C.P.R. and Dorchester St. with the traffic signals at intersection of Dorchester and Prince Edward Sts. and the crossing gates at Dorchester St., City of Quebec, P.Q.
- 96490 Dec. 4—Authorizing the C.N.R. to abandon a portion of its railway between Kearney, Mileage 48.0 Algonquin Subd. to Algonquin Park, Mileage 86.3 Algonquin Subd., a distance of 38.3 miles.
- 96491 Dec. 5—Rescinding Order 55556 in the matter of facilities of Shell Oil Company of Canada Limited for the handling and storage of flammable liquids at Ridgetown, Ont.
- 96492 Dec. 5—Rescinding Order 81019 in the matter of facilities of St. Thomas Metal Signs Limited, for the storage and handling of flammable liquids at St. Thomas, Ont.
- 96493 Dec. 5—Authorizing the removal of the speed limitation at the crossing of Cawthra Road and the C.N.R. at Mileage 11.47 Oakville Subd., Ont.
- 96494 Dec. 5—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 54 at Innisfail, Alta., Mileage 75.12 Red Deer Subd.
- 96495 Dec. 5—Approving facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Lomond, Alta.
- 96496 Dec. 5—Authorizing the Atlantic Gypsum Limited to construct a bridge for the conveyance of gypsum over the C.N.R. at Mileage 459.93 Port aux Basques Subd., Nfld.
- 96497 Dec. 5—Authorizing the Atlantic Gypsum Limited to construct a bridge to convey gypsum over the tail track on the wye of the C.N.R. at Mileage 459.63 Port aux Basques Subd., St. Georges, Nfld.
- 96498 Dec. 5—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Manitoulin Island Rural Telephone Company Limited.
- 96499 Dec. 5—Authorizing the C.N.R. to remove the Agent at St. Octave de Metis, P.Q.
- 96500 Dec. 8—Approving application of the C.P.R. as lessee exercising franchises of the Ontario and Quebec Rly. Company, for approval of clearances, etc. proposed to be erected on the catwalks in their Grovehill loading plant at Mileage 3.12 Winchester Subd., Ont.
- 96501 Dec. 8—Rescinding orders respecting facilities of Maple Leaf Petroleum Limited, for the handling and storage of flammable liquids at Grand Prairie, Alta.
- 96502 Dec. 8—Approving application of the C.N.R. re the proposed location of facilities for the handling and storage of flammable liquids at Limoilou, P.Q.
- 96503 Dec. 8—Authorizing the C.P.R. to construct a siding to serve John Deere Plow Company Limited across Grigg St. in the City of St. James, Man.
- 96504 Dec. 8—Amending Order No. 93562 re apportionment of cost of making certain improvements at the crossing of the C.N.R. and the highway at Mileage 115.11 Harte Subd., Man.
- 96505 Dec. 8—Approving proposed facilities of The British American Oil Company Limited for the handling and storage of flammable liquids at Elk Point, Alta., Mileage 139.35 Coronado Subd.
- 96506 Dec. 8—Amending Order No. 93749 re apportionment of cost of installing improved protection at crossing of the C.N.R. and Highways 4 and 14 near Biggar, Sask., Mileage 0.68 Unity Subd.
- 96507 Dec. 8—Amending Order No. 93698 re apportionment of cost of installing automatic protection at crossing of the C.N.R. and Highways Nos. 3 and 6, and the C.P.R. east of Melfort, Sask., Mileage 97.8 Tisdale Subd.
- 96508 Dec. 8—Authorizing the Niagara Gas Transmission Limited to construct a high pressure gas main across the pipe line of Trans-Northern Pipe Line Company, in the Twp. of Cornwall, Ont.

- 96509 Dec. 8—Dismissing without prejudice the application of the Napierville Junction Railway Company for authority to close the station at Napierville, P.Q.
- 96510 Dec. 8—Amending Order 90822 which authorized the C.N.R. to install automatic protection in lieu of the existing protection, at the crossing of its railway and Denison Ave. in the Town of Weston, Ont.
- 96511 Dec. 8—Amending Order 93959 re apportionment of cost of constructing the highway over the C.P.R. by means of an overhead bridge at Mileage 24.7 Shuswap Subd., B.C.
- 96512 Dec. 8—Amending Order 93713 re apportionment of cost of constructing the highway over the C.P.R. by means of an overhead bridge at Mileage 19.175 Shuswap Subd., B.C.
- 96513 Dec. 9—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. south of LePage, P.Q., Mileage 5.60 St. Lin Subd.
- 96514 Dec. 9—Amending Order 93525 in the matter of the application of the French Petroleum Company of Canada for an extension of time within which it is authorized to unload crude oil from tank wagons into tank cars at Torquay, Sask.
- 96515 Dec. 9—Rescinding Order 68272 in the matter of facilities of The British American Oil Company for the handling and storage of flammable liquids at Rycroft, Alta.
- 96516 Dec. 9—Rescinding certain Orders as of March 1, 1959, in the matter of regulations for the Transportation of Dangerous Commodities by Rail, and in the matter of express shipment of samples of flammable liquids.
- 96517 Dec. 9—Approving tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 96518 Dec. 9—Authorizing the C.N.R. to reconstruct the bridge over Twelve Mile Creek, Ont., Mileage 11.2 Grimsby Subd.
- 96519 Dec. 9—Approving application of the C.P.R. as lessee exercising franchises of the Ontario and Quebec Railway Company for approval of clearances at light standards to be installed at the North Queen Piggyback Terminal at Mileage 11.42 Galt Subd., Ont.
- 96520 Dec. 9—Authorizing the C.N.R. to construct a siding to serve British American Oil Company Limited along the public lane in Block 35 and across Stewart Ave., in the Town of Melfort, Sask.
- 96521 Dec. 9—Amending Order 95629 which authorized the N.S. Dept. of Highways to construct Yankestown Road across the right of way of the C.N.R. at Mileage 16.4 Chester Subd., near French Village, N.S.
- 96522 Dec. 9—Authorizing the Consumers' Gas Company to construct a high pressure natural gas main across and under the pipe line of Trans Northern Pipe Line Company in Lot 11, Con. 3, Twp. of Leeds, Ont.
- 96523 Dec. 9—Requiring the Toronto, Hamilton and Buffalo Railway Company to install automatic protection at the crossing of its railway and Stroud Road, Ewen Road, Broadway Avenue, Leland Avenue and Emerson Street, in the City of Hamilton, Ont.
- 96524 Dec. 9—Authorizing the Corp. of the District of Coquitlam, B.C., to construct a cast iron water main across and under the pipe line of Trans Mountain Oil Pipe Line Co. at Cottonwood Ave., approximately 200 feet east of Blue Mountain St., Dist. of Coquitlam, B.C.



The Board of  
**Transport Commissioners for Canada**

**Judgments, Orders, Regulations and Rulings**

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*In the matter of the application of the New York Central Railroad Company, lessee of St. Lawrence and Adirondack Railway Company, and the said St. Lawrence and Adirondack Railway Company, dated the 14th of April 1958, for authority to permit the New York Central Railroad Company to wholly discontinue passenger service at present provided over the line of railway between Malone, in the State of New York, and Montreal, in the Province of Quebec.*

File No. 28420

*Before:*

HUGH WARDROPE, Q.C., *Assistant Chief Commissioner.*  
A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
H. B. CHASE, C.B.E., *Commissioner.*

*Heard at:*

MONTREAL, P.Q., on September 11th, 1958.

*Appearances:*

H. R. MULVENA, Q.C., CUTHBERT SCOTT, Q.C., and GUY M. DRUMMOND	}	for the New York Central Railroad Company.
A. J. ALLISTON, for the Canadian Pacific Railway Company. GEORGE GOULD, for the City of Montreal.		
R. L. CRAIK, S. G. MODELAND and GORDON CONQUERGOOD		
O. H. BRADLEY, Chateaugay Heights. GERARD BRUCHESI, M.P., Beauharnois County. C. GILMOUR, a property owner in Chateaugay Heights.	}	representing Joint Committee for Im- proved Suburban Passenger Service, Montreal-Beauharnois.

## J U D G M E N T

CHASE, *Commissioner*:

This matter was heard at a sitting of the Board at Montreal, in the Province of Quebec, on September 11, 1958, following which Order No. 95597, dated September 17, 1958, was issued which, in part, "authorized the applicant to wholly discontinue its passenger train service at present provided over that part in Canada of the line of railway between Malone, in the State of New York, and Montreal, in the Province of Quebec"—the discontinuance authorized not to take effect before thirty days notice to the public, and the reasons for approving the application to be given in a written judgment at a later date.

In order to understand the situation with respect to the operation of passenger service of the New York Central Railroad Company, hereinafter sometimes referred to as the "Railroad", between Malone, New York State, and Montreal, Province of Quebec, I consider it necessary to develop a little of the history.

In the earlier years a considerable number of passenger trains were operated between the two points mentioned above. From time to time reductions were made and on April 17, 1953, the Board approved of the discontinuance of through trains Nos. 4 and 5, which left only one train to be operated in each direction.

Following complaints from various interested parties, the Board conducted a hearing in Valleyfield, Quebec, on June 25, 1953. The style of cause with respect to that hearing reads as follows:

"In the matter of complaints of various interested parties with respect to the passenger train service given by the New York Central Railroad Company on its line between Malone, N.Y., and Montreal, P.Q., following the recent cancellation of trains Nos. 4 and 5."

During that hearing, *inter alia*, it was contended that the Railroad was deliberately discouraging the patronage of its passenger service by not running enough passenger trains and by using very poor equipment, that the actions of the Railroad were retarding development of the area served by the Railroad, and that if the passenger service were improved, more patronage would be secured. Moreover, it was contended that freight service was profitable.

Mr. S. G. Modeland, Chairman of the Joint Committee for Improved Suburban Passenger Service, Montreal-Beauharnois, presented what he termed a questionnaire, but which might properly be called a petition signed by over 800 people requesting that an additional commuter train be put on between Montreal and Valleyfield and, after a full hearing, the Railroad agreed to operate two additional suburban trains daily and one additional train on Saturday afternoons between Montreal and Valleyfield, with the understanding that the Saturday afternoon train would terminate at Westmount instead of Windsor Station—these additional trains to be put on for a trial period to commence early in July and to carry through until the Fall change of timetable on September 27, also with the understanding that if the trains were not patronized they would be discontinued at the end of the trial period. In addition, the Railroad agreed to extend the commutation area from St. Timothy to Valleyfield. These trains were put on and operated from July 6, 1953, to September 27, 1953, when, due to lack of patronage, they were discontinued.

During this period the Board's Operating Inspectors rode these trains on different occasions, and for the whole period during which they operated, the trains carried an average of 50 passengers per train.

Under date of September 15, 1956, the Railroad filed a further application with the Board, seeking authority to entirely discontinue its passenger service between Montreal and Malone. Included with the application were statements relating to revenues and expenses for the year 1955. The above-the-rail losses in the operation of the passenger service were said to be \$114,549.

Not being satisfied with the figures relating to the operation for the year 1955, the Board requested the Railroad—through its Counsel, Mr. Cuthbert Scott—to submit further statements showing the results of the operation for the year 1956, and, as in cases involving complete abandonment of passenger service or abandonment of a line of railway, the Board has required other railways to furnish information as to freight earnings, expenses, etc., relating to the branch line and relating to the system as a whole (this in order that the feeder value of the branch line to the main line could be determined and a decision arrived at based on the financial loss to the railways as compared to the inconvenience to the public) the Railroad was requested to prepare such statements and submit them to the Board. Subsequently, the Board decided to hold a further hearing in the City of Valleyfield, Province of Quebec, on March 26, 1957.

It is not necessary in this judgment to refer in any way to the evidence adduced during the hearing of March 26, 1957. The judgment of the Chief Commissioner, dated April 18, 1957, speaks for itself. For reasons given therein the Board authorized the Railroad to discontinue the operation of trains Nos. 25 and 26 on Saturdays and No. 35 on Sundays and dismissed the balance of the application. Mention should be made, however, of the reference in that judgment to the slow-down of highway traffic during the period when Mercier Bridge would be required to be raised for the completion of the St. Lawrence Seaway project.

Turning now to the hearing in Montreal on September 11, 1958.

In evidence, the Railroad submitted statements showing the number of passengers carried during different periods of time, which indicates that the average carryings per days was approximately 200 in each direction.

A statement showing the expenses and revenues for the year 1957 is reproduced immediately below and will be referred to later on in this judgment as Statement No. 1.

#### THE NEW YORK CENTRAL RAILROAD COMPANY

Statement of Expenses and Revenues Incident to the Operation of the St. Lawrence and Adirondack Railway in Canada. For the Year 1957

(A) "Above-the-Rail" loss to the New York Central System from the operation of St. Lawrence and Adirondack Railway Passenger Trains Nos. 25, 26, 32 and 35. (See Schedule No. 1) .....	(D) \$	83,904
(B) "Out-of-Pocket" Profit from the operation of St. Lawrence and Adirondack Railway Freight and Passenger Service. (See Schedule No. 2) .....	\$	255,845
(C) General Expenses not included in Items "A" and "B" above. (See Schedule No. 3) .....	\$	622,928
(D) Full Cost Deficit for 1957 from the operation of Freight and Passenger Service on the St. Lawrence and Adirondack Railway. ....	(D) \$	146,947
(E) "Feeder" Value to the remainder of New York Central System from Freight originating, terminating or moving over the St. Lawrence and Adirondack Railway for 1957. ....	\$	1,756,498
(F) St. Lawrence and Adirondack Railway proportion of the Freight "Feeder Value" for 1957 based on a freight road mileage pro rate .....	\$	10,120

In addition, another statement was submitted showing revenues and selected items of expenses (Not all expenses) relating to the operation of the passenger service for the first seven months of 1958 (which I will later on refer to as Statement No. 2).

The most important items in that statement were as follows:

Total revenues .....	\$29,302.79
Wages, train and engine crews .....	28,183.01
Payments to Canadian Pacific Railway account operation over the Adirondack Bridge and C.P.R. trackage into Montreal, etc. ....	33,194.93
Above-the-rail loss .....	54,747.80

Aside from the passenger carryings of the Railroad, the Board has information with respect to the passenger carryings of the Provincial Transport Company which operates in the same territory as the Railroad, showing that during the year 1955 the bus line carried 1,584,000 passengers; in 1956, 1,558,000; in 1957, 1,502,563, the daily average, we are informed, being in excess of 4,000 passengers.

For reasons which will appear later, I think I should at this time make some reference to the freight traffic. In evidence, it was stated that one freight train operates each way between Montreal and Malone, N.Y., every twenty-four hours, plus one switcher from Malone, N.Y., to Beauharnois, Que., and return to Malone each day.

The position of those opposing the application of the Railroad can be very briefly stated.

They do not want to be deprived of the passenger service.

They apparently do not want to realize or recognize the losses which the Railroad incurs.

They appear to be of the view that the Railroad, irrespective of the evidence submitted and which they all heard, is operating a very profitable freight service and therefore can well afford to lose money in the operation of the passenger service.

What I consider to be their main point, however, is that some arrangement should be made with the Canadian Pacific Railway Company for that railway to either take over the line or operate a passenger service, at least between Montreal and Valleyfield.

## SUMMARY

The evidence in this case, as indicated on Statement No. 1, shows the above-the-rail loss to the New York Central System from the operation of the passenger trains for the year 1957 to be \$83,904 (See Item A) and the freight feeder value for the year 1957, based on a freight road mileage pro rate, amounts to \$10,120 (See Item F).

By referring to Statement 2, which shows certain items of revenues and expenses for the first seven months of the year 1958 and projecting same through for a twelve-month period, if the passenger service were continued, the revenue would approximate \$50,232. The above-the-rail loss would approximate \$90,582. The wages of the train and engine crews would approximate \$48,313, and the payments to the C.P.R. would approximate \$56,804.

A quick analysis of the above figures shows that the total revenue from the operation of passenger service would be less than the amount payable to the Canadian Pacific Railway Company and barely more than enough to pay the wages of the train and engine crews.

Above-the-rail loss does not include all expenses and when all expenses are taken into consideration it is reasonably safe to assume that if the service were continued in operation the loss for the year 1958 would be in the neighbourhood of \$100,000, to which I would add that in evidence produced before the Board in the last three hearings, going back as far as 1953 it is clear that for the last four or five years the Railroad has suffered a loss of approximately \$100,000 each year in the operation of its passenger service between Malone, N.Y., and Montreal, Que., and has not made a big profit from its freight operations.

As to any deal being made between the Railroad and the Canadian Pacific Railway Company to either take over the operation of the line or for the Canadian Pacific Railway Company to operate a passenger service, say, between Montreal and Valleyfield, it is not the function of this Board to attempt in any way to bring about such an arrangement. During the hearing, the opposants were advised that the way was open for them to initiate negotiations leading towards an agreement with the Canadian Pacific Railway Company, if they cared to do so.

Mention has been made herein of the number of passengers carried by the Provincial Transport Company, which clearly indicates that there is in existence another adequate system of transportation.

In this case, as in previous cases, the Board has to take into consideration the loss to the Railroad and the inconvenience to the public and weigh one against the other, and when it is found that the losses to the Railroad outweigh the inconvenience to the public the application is approved, and vice versa.

In this case I consider, as above stated, that there is operating in the same territory an adequate system of transportation and the loss to the Railroad outweighs the inconvenience to the public. True, there will be some inconvenience and one can readily understand the feelings of the public who patronize the train service when it becomes necessary to discontinue the operation.

For the above reasons, Order No. 95597, dated September 17, 1958, was issued authorizing the Railroad to discontinue its passenger train service over that part in Canada of the line of railway between Malone, in the State of New York and Montreal, in the Province of Quebec.

In order that those who read may realize that this is not an isolated case, I am setting out below a number of recent decisions of the Board with respect to abandonment of lines and abandonment of passenger service.

1. Re C.N.R. Tweed Subdivision (1941) 53 C.R.T.C., 139. Abandonment of operation of the Tweed Subdivision between Yarker and Tweed, Ontario, a distance of 33.94 miles. System saving if line abandoned \$22,203. Application granted.
2. Re C.N.R. Lakefield Subdivision (1951) 66 C.R.T.C., 344. Abandonment of operation of 16.24 miles. System saving if line abandoned \$31,392. Application granted.
3. Re C.N.R. Westport Subdivision (1952) 69 C.R.T.C., 136. Abandonment of operation of 40.51 miles. System saving if line abandoned \$83,035. Application granted.
4. Re C.N.R. Algonquin Subdivision (1955) 72 C.R.T.C., 129. Abandonment of operation of 39.95 miles of the Algonquin Subdivision. System saving if line abandoned \$97,109. Application granted.
5. Re Lake Erie and Northern and Grand River Railways (1955) 72 C.R.T.C., 290. Discontinuance of passenger train service. Application granted.

6. Re London and Port Stanley Railway (1957) 74 C.R.T.C., 295. Discontinuance of passenger train service. In this case, the passenger train service was being operated from London, Ontario, to Port Stanley, Ontario, a distance of some 24 miles. The record shows that the average monthly loss was \$6,000. Application granted.

H. B. CHASE.

OTTAWA, November 4, 1958.

*I concur:* HUGH WARDROPE

*I concur:* A. SYLVESTRE

Relativement à la requête de la New York Central Railroad Company, locataire de la St. Lawrence and Adirondack Railway Company, et de ladite St. Lawrence and Adirondack Railway Company, en date du 14 avril 1958, en vue d'obtenir que la New York Central Railroad Company soit autorisée à discontinuer entièrement le service-voyageurs qu'elle assure actuellement sur la ligne de chemin de fer entre Malone, dans l'Etat de New York, et Montréal, dans la province de Québec.

Dossier n° 28420

Devant:

HUGH WARDROPE, C.R., *commissaire en chef adjoint*  
 A. SYLVESTRE, C.R., *commissaire en chef suppléant*  
 H. B. CHASE, C.B.E., *commissaire*

Entendue à:

Montréal (P.Q.), le 11 septembre 1958.

Ont comparu:

H. R. MULVENA, C.R.	}	pour la New York Central Railroad Company
CUTHBERT SCOTT, C.R., et		
GUY M. DRUMMOND		
A. J. ALLISTON pour la compagnie de chemin de fer du Pacifique Canadien		
GEORGE GOULD pour la cité de Montréal	}	représentants du Comité mixte pour l'amélioration du service-voyageurs de banlieue entre Montréal et Beauharnois
R. L. CRAIK,		
S. G. MODELAND		
et		
GORDON CONQUERGOOD		
O. H. BRADLEY, Chateauguay Heights		
GÉRARD BRUCHÉSI, député, Comté de Beauharnois		
C. GILMOUR, propriétaire, de Chateauguay Heights		

## JUGEMENT

CHASE, *commissaire*,

La présente requête a été entendue à une audience de la Commission tenue à Montréal, dans la province de Québec, le 11 septembre 1958, et à la suite de laquelle a été rendue l'ordonnance n° 95597 du 17 septembre 1958 qui, entre autres choses, "autorise la Requérente à discontinuer entièrement son service de trains de voyageurs sur le tronçon canadien de la ligne de chemin de fer reliant Malone, dans l'État de New York, et Montréal, dans la province de Québec," l'abandon autorisé ne devant pas entrer en vigueur avant l'expiration d'un avis public de trente jours et les raisons ayant motivé l'approbation de la requête devant être exposées dans un jugement écrit à une date ultérieure.

Pour bien comprendre le problème que pose l'exploitation du service-voyageurs de la New York Central Railroad Company, ci-après dénommée quelquefois le "Chemin de fer", entre Malone, État de New York, et Montréal, province de Québec, j'estime nécessaire d'examiner un peu l'histoire du service.

Au début, la compagnie exploitait un nombre considérable de trains de voyageurs entre les deux endroits mentionnés ci-dessus. De temps à autre, on a diminué le nombre des trains et, le 17 avril 1953, la Commission a approuvé la discontinuation du service des trains directs n<sup>os</sup> 4 et 5, ce qui n'a laissé qu'un train dans chaque direction.

A la suite de plaintes formulées par diverses parties intéressées, la Commission a tenu une audience à Valleyfield (P.Q.) le 25 juin 1953. L'objet de cette audience était exposé dans les termes suivants:

“Plaintes formulées par divers intéressés au sujet du service de train de voyageurs assuré par la New York Central Railroad Company sur sa ligne entre Malone (N.Y.) et Montréal (P.Q.), à la suite de la suppression récente des trains n° 4 et n° 5.”

Au cours de l'audience, on a allégué, entre autres choses, que le Chemin de fer éloignait délibérément la clientèle de son service-voyageurs en ne faisant pas circuler assez de trains de voyageurs et en se servant d'un matériel de qualité très inférieure, que la ligne de conduite du Chemin de fer retardait l'expansion de la région qu'il desservait, et que si on améliorait le service-voyageurs, la clientèle augmenterait. On alléguait de plus que le service-marchandises était rentable.

M. S. G. Modeland, président du Comité mixte pour l'amélioration du service-voyageurs de banlieue entre Montréal et Beauharnois, a présenté ce qu'il a appelé un questionnaire mais qui pourrait à juste titre s'appeler une pétition. Cette pétition signée par plus de 800 personnes demandait qu'un train supplémentaire soit ajouté au service de banlieue entre Montréal et Valleyfield. Après l'audition de la cause, le Chemin de fer consentit à ajouter deux trains de banlieue chaque jour et un le samedi après-midi entre Montréal et Valleyfield, avec l'entente que le train du samedi après-midi terminerait son voyage à Westmount et non à la gare Windsor. Ce service additionnel devait être assuré pendant une période d'essai commençant au début de juillet pour se terminer le 27 septembre avec la mise en vigueur de l'horaire d'automne; il était en outre entendu que si la clientèle n'était pas suffisante, ce service additionnel serait discontinué à la fin de la période d'essai. Le Chemin de fer consentait aussi à étendre la zone de banlieue de St-Timothée à Valleyfield. Ces trains ont circulé du 6 juillet au 27 septembre 1953, alors que, faute de clientèle suffisante, le service a été discontinué.

Au cours de cette période, les inspecteurs de la Commission, section de l'exploitation, ont voyagé à bord de ces trains à plusieurs reprises et, pendant toute la période où ces trains ont circulé, ils ont transporté en moyenne 50 voyageurs chacun.

Le 15 septembre 1956, le Chemin de fer a présenté une nouvelle requête à la Commission en vue d'obtenir l'autorisation de supprimer entièrement son service-voyageurs entre Montréal et Malone. La demande était accompagnée d'un état des recettes et dépenses pour l'année 1955. Les requérants ont allégué que l'exploitation proprement dite du service-voyageurs s'est soldée par une perte de \$114,549.

Ne jugeant pas satisfaisants les chiffres relatifs à l'exploitation de 1955, la Commission a demandé au Chemin de fer, par l'entremise de l'avocat de celle-ci, M. Cuthbert Scott, de présenter d'autres états indiquant les résultats de l'exploitation pour l'année 1956 et, comme dans tous les cas qui comportent l'abandon complet d'un service-voyageurs ou la suppression d'une ligne de chemin de fer, la Commission a demandé à d'autres chemins de fer de lui fournir des renseignements relatifs aux recettes et dépenses du service-marchandises sur l'embranchement en question et sur l'ensemble de la ligne en vue de déterminer la valeur de l'apport de l'embranchement à la ligne principale et d'en arriver à une décision fondée sur la comparaison de la perte financière subie par le Chemin de fer et de l'inconfort causée au public; le Chemin de

fer a été prié de préparer de tels états et de les soumettre à la Commission. Par la suite, la Commission a décidé de tenir une autre audience dans la ville de Valleyfield (P.Q.) le 26 mars 1957.

Il n'y a pas lieu de mentionner dans le présent jugement la preuve apportée au cours de l'audience du 26 mars 1957. Le jugement du commissaire en chef en date du 18 avril 1957 se passe de commentaires. Pour les raisons exposées dans ledit jugement, la Commission a autorisé le Chemin de fer à abandonner l'exploitation des trains nos 25 et 26 le samedi et du train n° 35 le dimanche, et elle a rejeté le reste de la demande. Il est bon cependant de rappeler que le jugement mentionnait le ralentissement de la circulation routière au cours de la période pendant laquelle on procéderait à l'exhaussement du pont Mercier en vue de l'achèvement des travaux de la voie maritime du Saint-Laurent.

Venons-en maintenant à l'audience qui a eu lieu à Montréal le 11 septembre 1958.

Le Chemin de fer a présenté des états du nombre de voyageurs transportés au cours de diverses périodes; ces états indiquent que la moyenne quotidienne des voyageurs était d'environ 200 dans chaque sens.

Suit un état des recettes et des dépenses pour l'année 1957 qui, dans la suite du présent jugement, sera cité sous le titre d'État n° 1.

#### NEW YORK CENTRAL RAILROAD COMPANY

État des recettes et des dépenses relatives à l'exploitation du St. Lawrence and Adirondack Railway au Canada pour l'année 1957.

(A) Perte subie par le réseau du New York Central dans l'exploitation propre des trains de voyageurs nos 25, 26, 32 et 35 du St. Lawrence and Adirondack Railway. (Voir Annexe n° 1) .....	(D) \$	83,904
(B) Bénéfices directs découlant de l'exploitation des services-voyageurs et marchandises du St. Lawrence and Adirondack Railway. (Voir Annexe n° 2) .....	\$	255,845
(C) Dépenses générales non comprises dans les postes (A) et (B) ci-dessus. (Voir Annexe n° 3) .....	\$	622,928
(D) Déficit global pour 1957 provenant de l'exploitation des services-voyageurs et marchandises du St. Lawrence and Adirondack Railway. ....	(D) \$	146,947
(E) Valeur d'apport pour le reste du réseau du New York Central du trafic-marchandises en provenance ou à destination du St. Lawrence and Adirondack Railway ou transporté sur ce chemin de fer, pour l'année 1957. ....	\$	1,756,498
(F) Proportion de l'apport en trafic-marchandises du St. Lawrence and Adirondack Railway pour 1957, basé sur le taux proportionnel de parcours milliaire des marchandises. ....	\$	10,120

On a déposé un autre état indiquant les recettes et certains postes de dépenses sélectionnés (pas toutes les dépenses) de l'exploitation du service-voyageurs pour les sept premiers mois de 1958, état qui sera désigné ci-après État n° 2.

Les postes les plus importants de cet état sont les suivants:

Total des recettes .....	\$29,302.79
Salaires du personnel des locomotives et des trains .....	28,183.01
Païement au compte du Pacifique-Canadien, usage du pont Adirondack et des voies ferrées du P.-C. donnant accès à la ville de Montréal .....	33,194.93
Perte afférente à l'exploitation propre .....	54,747.80

Outre les renseignements recueillis sur le nombre de voyageurs du Chemin de fer, la Commission a aussi obtenu des renseignements sur le nombre de voyageurs transportés par la Compagnie de transport provincial, qui dessert le même territoire que le Chemin de fer et les chiffres indiquent que la compagnie d'autobus a transporté 1,584,000 voyageurs en 1955, 1,558,000 en 1956 et 1,502,563 en 1957. La moyenne quotidienne excède, dit-on, 4,000 voyageurs.

Pour certaines raisons que j'exposerai plus loin, je crois qu'il est opportun que je fasse mention ici du trafic-marchandises. Au cours de la preuve, on a déclaré qu'un train de marchandises circule toutes les vingt-quatre heures entre Montréal et Malone (N.Y.) dans chaque sens et de plus un train par jour sur l'embranchement de Malone (N.Y.) à Beauharnois (P.Q.) aller et retour.

Le point de vue des adversaires de la requête du Chemin de fer peut être exposé très brièvement.

Ils ne veulent pas être privés du service-voyageurs.

Ils semblent ne pas vouloir se rendre compte des pertes subies par le Chemin de fer.

Ils semblent être d'avis que, malgré la preuve apportée et qu'ils ont tous entendue, le Chemin de fer exploite un service-marchandises très lucratif et que, par conséquent, il peut se permettre de perdre de l'argent dans l'exploitation du service-voyageurs.

Mais leur argument principal, à ce qu'il me semble, c'est qu'une entente devrait se conclure avec le Pacifique-Canadien pour que ce chemin de fer prenne charge de la ligne en question ou exploite un service-voyageurs, au moins entre Montréal et Valleyfield.

## RÉSUMÉ

La preuve apportée dans cette cause indique, tel qu'il apparaît dans l'état n° 1, que la perte subie par le réseau du New York Central dans l'exploitation propre des trains de voyageurs a été de \$83,904 pour l'année 1957 (Voir poste A) et que la valeur d'apport de cette ligne en trafic-marchandises pour l'année 1957, basée sur le taux proportionnel de parcours milliaire, a été de \$10,120 (Voir poste F).

L'état n° 2 donne certains postes de recettes et de dépenses pour les sept premiers mois de 1958 et si on augmentait proportionnellement ces montants pour qu'ils représentent une période de douze mois, les recettes seraient d'environ \$50,232 et la perte afférente à l'exploitation propre serait d'environ \$90,582. Les salaires du personnel des trains et des locomotives seraient d'environ \$48,313 et les paiements au Pacifique-Canadien d'environ \$56,804.

Une analyse rapide des chiffres ci-haut mentionnés révèle que le revenu total provenant de l'exploitation du service-voyageurs serait moindre que le montant payable au Pacifique-Canadien et à peine supérieur aux salaires des équipes des trains et des locomotives.

La perte afférente à l'exploitation propre du service ne comprend pas toutes les dépenses; si l'on tient compte de toutes les dépenses, on peut affirmer sans crainte de se tromper que si le service était maintenu, la perte pour 1958 s'élèverait à près de \$100,000. Je puis ajouter que la preuve soumise à la Commission au cours des trois dernières audiences, remontant jusqu'à 1953, indique clairement que le Chemin de fer, pendant les quatre ou cinq dernières années, a subi une perte d'environ \$100,000 par année dans l'exploitation de son service-voyageurs entre Malone (N.Y.) et Montréal (P.Q.) et n'a pas réalisé de bénéfices considérables avec son service-marchandises.

Quant à la possibilité d'une entente entre le Chemin de fer et le Pacifique-Canadien afin que ce dernier prenne charge de la ligne ou exploite un service-voyageurs entre Montréal et Valleyfield par exemple, il n'appartient pas à la

Commission d'intervenir en vue d'amener une entente de ce genre. Au cours de l'audience, les parties ont été avisées qu'elles avaient toute liberté d'entamer des négociations à cette fin si elles le désiraient.

Nous avons mentionné le nombre de voyageurs transportés par la Compagnie de transport provincial, et ce nombre indique clairement qu'il existe un autre moyen de transport convenable.

Dans cette cause, comme dans les causes antérieures, la Commission doit tenir compte de la perte subie par le Chemin de fer et de l'inconfort causée au public et comparer l'un à l'autre les deux inconvénients. Lorsqu'il est constaté que les pertes subies par le Chemin de fer sont plus considérables que l'inconfort causée au public, la requête est approuvée. Dans le cas contraire, elle est rejetée.

Dans la présente cause, je prends en considération, comme je l'ai dit plus haut, qu'il y a dans le même territoire un système de transport convenable et que la perte subie par le Chemin de fer est plus considérable que l'inconfort causée au public. Il est vrai que le public aura à subir certains inconvénients et, lorsqu'il est nécessaire de discontinuer un service de chemin de fer, on peut comprendre facilement les sentiments du public qui a coutume de l'utiliser.

Pour les raisons mentionnées ci-dessus, l'ordonnance n° 95597 du 17 septembre 1958 a été rendue pour autoriser le Chemin de fer à discontinuer son service-voyageurs sur le tronçon canadien de la ligne qui relie Malone, dans l'État de New York, et Montréal, dans la province de Québec.

Afin que ceux qui prendront connaissance du présent jugement puissent se rendre compte qu'il ne s'agit pas ici d'un cas isolé, je cite ci-dessous un certain nombre de décisions récentes de la Commission qui ont trait à l'abandon de certaines lignes et de certains services-voyageurs.

1. Subdivision de Tweed du National-Canadien (1941) 53 C.R.T.C., 139— Abandon de l'exploitation de la subdivision de Tweed entre Yarker et Tweed (Ont.), sur une distance de 33.94 milles. Economie de \$22,203 pour le réseau si la ligne est abandonnée. Demande accordée.
2. Subdivision de Lakefield du National-Canadien (1951) 66 C.R.T.C., 344— Abandon de l'exploitation de 16.24 milles. Economie de \$31,392 pour le réseau si la ligne est abandonnée. Demande accordée.
3. Subdivision de Westport du National-Canadien (1952) 69 C.R.T.C., 136— Abandon de l'exploitation de 40.51 milles. Economie de \$83,035 pour le réseau si la ligne est abandonnée. Demande accordée.
4. Subdivision d'Algonquin du National-Canadien (1955) 72 C.R.T.C., 129— Abandon de l'exploitation de 39.95 milles de la subdivision d'Algonquin. Economie de \$97,109 pour le réseau si la ligne est abandonnée. Demande accordée.
5. Lake Erie and Northern and Grand River Railways (1955) 72 C.R.T.C., 290— Suppression du service-voyageurs. Demande accordée.
6. London and Port Stanley Railway (1957) 74 C.R.T.C., 295— Suppression du service-voyageurs. Dans ce cas, le service-voyageurs était exploité entre London (Ont.) et Port Stanley (Ont.) sur une distance de 24 milles environ. Les documents démontrent que la perte mensuelle moyenne était de \$6,000. Demande accordée.

H. B. CHASE.

OTTAWA 4 novembre 1958.

*J'agrée:* HUGH WARDROPE

*J'agrée:* A. SYLVESTRE

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*In the matter of the application of The Winnipeg Chamber of Commerce for an Order directing the railway and water carriers under the jurisdiction of the Board to remove alleged unjust discrimination and undue preference in tariffs of the said carriers on traffic moving between eastern and western Canada:*

File No. 48315

Heard at Winnipeg, Manitoba, February 24-25, 1958.

Before:

ARMAND SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
LEONARD J. KNOWLES, *Commissioner.*

Appearances:

G. R. HUNTER, Q.C., for The Winnipeg Chamber of Commerce.  
LOVELL CARROLL, Q.C., for the Montreal Board of Trade.  
E. G. CHARNOCK, representing the Chamber of Commerce of Fort William and Port Arthur.  
D. H. JONES, for the Government of the Province of Manitoba.  
W. G. DOHERTY, for the Province of Saskatchewan.  
HAZEN HANSARD, Q.C., for the Canada Steamship Lines.  
F. AINSWORTH, representing the Canadian Industrial Traffic League.  
K. D. M. SPENCE, Q.C.,  
and  
A. J. ALLISTON,  
W. G. BOYD, for the Canadian National Railways.  
J. J. FRAWLEY, Q.C., for the Province of Alberta and the Edmonton Chamber of Commerce.

} for the Canadian Pacific Railway  
Company.

## J U D G M E N T

BY THE BOARD:

*The Application*

The Winnipeg Chamber of Commerce, by its application dated June 26, 1956, requested an Order of the Board directing the railway and water carriers under the jurisdiction of the Board to remove alleged unjust discrimination and undue preference in tariffs of the said carriers on traffic moving between eastern and western Canada.

The traffic referred to is transported partly by rail and partly by water, subject to the provisions of the Railway Act, Chapter 234, R.S.C. 1952, and the Transport Act, Chapter 271, R.S.C. 1952. Under the Transport Act, goods in bulk, as defined in section 2(d), are excluded from the provisions of the Act, in respect of the Great Lakes and St. Lawrence River, thus restricting its application there to what has come to be known as "package freight", i.e., articles which can readily be handled by the water lines.

The rates complained of are joint through rates on such package freight between eastern and western Canada and are variously known as lake-and-rail rates, rail-and-lake rates, and rail-lake-and-rail rates, and collectively as differential rates. The lake-and-rail rates are those applying westbound by water from ports and places on the Great Lakes and St. Lawrence River to the Head of the Lakes, thence by rail beyond; the rail-and-lake rates are the same kind of rates but applying in the opposite direction from west to east; the rail-lake-and-rail rates apply to a movement by rail in both eastern and western Canada with a movement by water in between the two rail movements; they may apply in either direction. These various rates are hereinafter sometimes designated collectively as "differential rates".

The all-rail rates between eastern and western Canada are referred to herein because the differential rates are related to the all-rail rates, but the applicant is not complaining of the all-rail rates per se, nor does it complain of the local rates of the water carriers between any ports and places on the St. Lawrence River and the Great Lakes.

Primarily the attack upon the differential rates by The Winnipeg Chamber of Commerce, as defined in the evidence and argument, is directed to alleged unjust discrimination against the City of Winnipeg and the Province of Manitoba, and undue preference to points further west, in the rates via the differential routes and in the divisions of such through rates alleged to be received by the water carriers between the eastern ports and the Head of the Lakes. The applicant also questions the inherent reasonableness of the rates, based on costs of operation of the water carriers.

One of the intervenors also brought into question the whole body of rates of the water lines, or participated in by the water lines, based on their cost of operation.

Examples of the rates complained of by The Winnipeg Chamber of Commerce were confined entirely to class rates, but it may be noted that there are numerous joint through commodity rates published between eastern and western Canada via the differential routes, made on a differential basis related to the all-rail commodity rates. These commodity rates would also be affected by any changes, if made, in the method of constructing or revising the differential class rates. There is also a limited number of commodity rates made by publishing proportional rates to Port Arthur and Fort William to be added to the rates beyond; these rates are not involved.

The all-rail rates are, of course, in effect the year round; the differential rates are seasonal rates effective only during the open season of navigation on the St. Lawrence River and the Great Lakes. These seasonal rates come into effect about March or April each year, and are suspended with the close of navigation, usually in the latter part of November or early December.

The submission attached to the application is divided into two principal allegations, (1) that the differential class rates were wrongly constructed by the carriers following the institution of the uniform all-rail equalized class rates on March 1, 1955; and (2) that when general increases occur, as they have occurred several times in the rate structure due to increased railway costs, the differential rates should not automatically be raised by the mere deduction of the usual differential from the increased all-rail rates without a showing that the water lines are actually in need of increases.

#### *Differential Routes*

Most of the railway companies in Canada participate in some or all of the differential routes, but the number of water carriers on the Great Lakes which participate is limited and consists of the Canada Steamship Lines, The Northern Navigation Company (now a subsidiary of the Canada Steamship Lines), the Northwest Steamships Ltd., and the Canadian Pacific Railway (Great Lakes Steamship Service).

Without detailing all of the available routes, the principal routes are as follows:

*Via lake-and-rail*  
(or vice-versa)

Between ports and places in eastern Canada served by the Canada Steamship Lines, thence by water to Port Arthur, Fort William or West Fort William, Ont., and Canadian National Railways, or Canadian Pacific Railway, and connections beyond.

*Via rail-lake-and-rail*

Rail via the Canadian National Railways to Sarnia (Point Edward), Ont., Northern Navigation Company by water to Port Arthur, Fort William or West Fort William, Ont., thence Canadian National Railways and connections beyond (or vice-versa); or Rail via Canadian Pacific Railway to Port McNicoll, Ont., C.P.R. Great Lakes Steamships to Fort William, Ont., and Canadian Pacific Railway and connections beyond (or vice-versa).

*Position of the Intervenors*

The application of The Winnipeg Chamber of Commerce was supported by the following intervenors on the grounds shown:

The Canadian Industrial Traffic League supports the application in general, but does not confine itself to alleged unjust discrimination in the differential rates. The League bases its support principally on the following grounds:

- (1) there have been several increases in the differential rates since 1948 without an actual showing of increased costs by the water lines;
- (2) that the rates should be based on the cost and value of the service of the water lines;
- (3) that, despite item (2), the large shipping group extending from Windsor, Ont. to Montreal, Que. should not be broken up through any change in the differential rates.

This position was emphasized by the appearance of the Vice-President of the League to give evidence on that basis.

The Canadian Manufacturers Association also supported the application in written submissions, dated July 6 and September 13, 1956, requesting an investigation by the Board into the costs of transportation by water as to whether such rates are just and reasonable in accordance with the requirements of the Statute. A later written submission, dated October 9, 1957, however, qualified materially the Association's support of the application and said that while the Association is in agreement with the principle urged by the applicant that rates via a particular form of transport should be based on its own characteristics, the principle would have particular validity if the local rates of water carriers were in issue; but that via the joint differential routes and in view of the service disadvantage of the water carriers, the Association contended that primary consideration is the relative level of rates via the respective routes. The Association, therefore, submitted calculations to show that the relative value of the differentials had shrunk by about two-thirds of their former value. For example, on Class I (now Class 100) the value of the deduction on lake-rail traffic had shrunk from 18.7% of the all-rail rate in 1914 to 6.5% on April 1, 1955.

The Association therefore recommends:

"We would respectfully submit that in the interest of preserving the joint rail-and-water routes for the benefit of the shipping public, the Board should examine the propriety of the existing differentials as a measure of the difference in the value of the respective rail and water services, and in view of their diminishing ratio to the all-rail rates, determine whether the differentials as prescribed in its (Class Rate) Judgment of December 12, 1952, would not be more appropriate in maintaining a balance between these competing classes of routes."

The Association, however, did not appear at the hearing by a witness to substantiate its written submissions.

The Windsor Chamber of Commerce, the Collingwood Chamber of Commerce, the Fort William-Port Arthur Joint Transportation Committee of the

Chamber of Commerce, the Brandon Chamber of Commerce and the Government of the Province of Manitoba expressed unqualified support of the application, but the Windsor and Collingwood Chambers of Commerce did not appear at the hearing to substantiate their written statements.

The application was opposed by the following intervenors on the grounds stated:

The Montreal Board of Trade and the Canada Starch Company, Montreal, on the grounds that they were concerned that the application might lead to disruption of the large shipping group in eastern Canada, covering generally the territory from Windsor, Ont. to Montreal, Que., if rates were based on the hauls and costs of the water lines.

The Province of Alberta and the Edmonton Chamber of Commerce opposed the application not because it might result in a reduction in rates, but because, as stated by Counsel, they were "not in favour of the restoration of the preferential position of Winnipeg in the matter of rates between eastern and western Canada". This has reference to the abolition of the former method of making rates between east and west by means of a "constructive mileage" rate between Fort William and western points, plus a fixed arbitrary between the east and the lakehead.

The Maritimes Transportation Commission, representing the Governments of the four Maritime Provinces, expressed, by letter, an interest in the matter without taking any position, but did not appear at the hearing either in opposition to or in favour of the application.

#### *Present Differentials*

The "differentials", i.e., the amounts in cents per 100 lbs., which are deducted from the through all-rail rates to arrive at the joint differential rates between eastern and western Canada, as at present constituted, are as follows:

##### *via rail-lake-rail routes*

Class	100	85	70	55	45	40	33	30	27
Cents per 100 lbs. ....	25	20	14	10	7	6	5	5	5

##### *via lake-rail or rail-lake routes*

Class	100	85	70	55	45	40	33	30	27
Cents per 100 lbs. ....	34	28	21	16	12	10	8	8	8

The Class 33, 30 and 27 rates will not be further shown, as the applicant did not refer to them in evidence.

#### *History of the Differential Rates*

A witness for the applicant, Mr. V. M. Stechishin, submitted on the record an elaborate history of the differential rates, covering a period of over 75 years and showing in detail over 30 changes in rates, divided into five separate parts, which indicates painstaking and valuable research.

The first period covers from prior to 1881 to about 1906. Before 1885 there was no rail communication north of Lake Superior between eastern and western Canada, and at that time traffic for western Canada was transported by rail through the United States via Chicago and St. Paul; then about 1885, with the completion of the Canadian Pacific Railway, all-rail rates were established between east and west through North Bay and Fort William, based on an "arbitrary" rate from the east to Fort William, plus the local, or proportional, rates between Fort William and western Canada.

The historical data also refers to "rail and lake" rates during this period, but is indefinite as to whether through rates were made effective at the same time as the all-rail rates. However, it does refer to a statement made by

Mr. W. B. Lanigan, former General Freight Traffic Manager of the Canadian Pacific Railway, before the Board on October 19, 1917, and reproduced in the transcript of the Board at page 12556 of November 30, 1953, respecting the rates made in the year 1885:

"Now, to show you that this was the fact, the first tariff, number FT1, that was made out at that time named all-rail rates to the Lakehead, and the through rate was arrived at by adding the rate to the rail head to the rate beyond. At that time, the proportionate rates that applied from Montreal to the Lakehead to be used in connection with the proportionate tariff west thereof were":

This statement would indicate that the first combinations of rates between east and west via an all-Canadian route were "all-rail" rates. No doubt, however, there were combinations of local rates by water to Fort William, and local or proportional rates between Fort William and western Canada some time before the through all-rail rates in C.P.R. Tariff No. F.T. 1 were published in 1885.

The first historical period (as set forth by Mr. Stechishin) was characterized by several experiments and changes in rate-making between east and west, resulting generally in reductions in the rates and in the arbitraries east of Fort William both all-rail and lake-and-rail. Several reductions also took place in the rates between Fort William and western Canada, resulting in further reductions in the through rates between east and west.

The last change between the east and west prior to the creation of this Board appears to have been on May 10, 1902.

For simplicity, only the Class I rates will be quoted, until it becomes necessary to set forth the scale on the remaining classes.

Prior to May 10, 1902, the through all-rail Class I rate from Montreal to Winnipeg was \$2.08 per 100 lbs., the "arbitrary" proportion to Fort William of that rate being \$1.15; at the same time the all-rail rate from Toronto to Winnipeg was \$1.88 per 100 lbs. and the arbitrary portion to Fort William was 95 cents, or a difference of 20 cents in each case.

On May 10, 1902, the Class I all-rail through rate from Montreal to Winnipeg was reduced to \$1.98 per 100 lbs., and from Toronto to Winnipeg to \$1.78 per 100 lbs.

Both before and after May 10, 1902, the "lake" or "all-water" arbitrary from both Montreal and Toronto appears to have been 50 cents per 100 lbs.

The changes made prior to 1904, when this Board was originally constituted under the title of the Board of Railway Commissioners for Canada, are not particularly pertinent.

The next principal change covered by the historical data occurred on December 23, 1907, when a drastic change was made in the through rates, both all-rail and via the differential routes, and in the "arbitrary" method of constructing such rates between the east and Fort William. The railways at that time decided to reduce the through rates from Toronto and concurrently made the Toronto rates applicable from Montreal, resulting in the following rate scales, arbitraries, and differentials:

*Classes in cents per 100 lbs.*

1	2	3	4	5	6	
164	139	112	86	71	64	Montreal-Toronto to Winnipeg all-rail
89	75	60	45	40	34	Fort William to Winnipeg (unchanged)
75	64	52	41	31	30	Eastern arbitrary (all-rail)
50	44	38	31	25	25	Rail, Lake and Rail arbitrary
25	20	14	10	6	5	Differential all-rail over rail-lake-rail
33	27	20	15	9	7½	"All-water" differential

It will be noted that the all-rail arbitrary had then been settled at 75 cents per 100 lbs. for Class I, and at 50 cents for the rail-lake-rail arbitrary, with a

difference of 25 cents between them. It is stated by the complainant that this difference is the "differential, all-rail over the lake-and-rail". The "lake-and-rail" designation in this case as quoted also by the applicant in several other places in the first historical period is now understood to mean "rail-lake-and-rail" differential; the lake-rail differential (formerly named the "all-water" differential) on Class I was 8 cents greater, or 33 cents per 100 lbs. below the all-rail rates.

Without detailing all the information in the historical data to show the numerous changes, it may be said that the second period from 1907 to 1918 shows some minor changes in the arbitraries and differentials, and in the corresponding through rates; the third period from 1918 to 1938 includes the general increases in rates made during and soon after the first World War; the fourth period from 1939 to the end of February 1955 includes the further changes made in 1952 in both the all-rail and the differential rates as the result of the reductions made by applying the "Bridge Subsidy" to both types of rates, and the further general increases as a result of the second World War; and finally the fifth period from March 1, 1955 details the further changes in rates between east and west which have taken place due to the equalization of the class rates throughout Canada, as the result of the national freight rates policy enacted by Parliament in 1951 in what is now section 336 of the Railway Act, and the consequent changes in the differential rates, and the general increases of 1956 and 1957.

The principal changes that have been made in the rates since the first historical period may be summarized as follows:

- (a) The percentage increases which now amount to 251.2% over the normal all-rail rates since December 23, 1907, i.e., from \$1.64 to \$5.76 per 100 lbs. on Class I; with corresponding increases in cents per 100 lbs. via the differential routes;
- (b) The introduction of a deduction which is now 28 cents per 100 lbs. on Class 100 for the subsidy provided in section 468 of the Railway Act, commonly known as the "bridge subsidy", via the all-rail routes only, which also caused the water carriers to make voluntarily the same reduction out of their revenues if they desired to remain in the carriage of traffic between eastern and western Canada;
- (c) The elimination of the method of making the all-rail class rates between east and west by means of an "arbitrary" east of Port Arthur which was added to the local rates beyond, and the substitution of a through continuous mileage scale on March 1, 1955 under the provisions of section 336 of the Railway Act, resulting in progressive tapering of the rates east and west of Fort William instead of a fixed amount east of Fort William; and
- (d) The consequent change in the differential rates by deducting the "differentials" from the all-rail rates referred to in paragraph (c) above.

As the result of these changes, the rates (as of March 1, 1957, when the history concludes) between Montreal-Toronto and Winnipeg via the various routes became as follows:

Old Class	1	2	3	4	5	6	
New Class 100	100	85	70	55	45	40	
Cents per 100 lbs.	576	490	403	316	260	231	All rail through rates
	28	25	22	19	17	16	Bridge subsidy deduction
	548	465	381	297	243	215	Shipper's rates (all-rail)
	25	20	14	10	7	6	Deduct differentials
	523	445	367	287	236	209	Resulting rail-lake-and-rail rates
	9	8	7	6	5	4	Less extra differential for lake-rail rate
	514	437	360	281	231	205	Resulting lake-rail rates

The above rates include the general increase of 11% of January 1, 1957. (The 3.6% further increase which was provided for by the Board's Judgment in J.O.R. & R. Vol. XLVII, No. 19A, and which was timed to become effective on January 15, 1958, was disallowed by the Governor-in-Council on appeal).

#### *Construction of the differential rates*

One of the principal contentions of the applicant is that the differential class rates were wrongly constructed by the carriers in relation to the general revision of the equalized all-rail class rates prescribed by the Board in Volume XLIII J.O.R. & R., No. 23A, which became effective on March 1, 1955. The error alleged is that the differentials have been deducted from the all-rail rates, instead of first making rates based on the characteristics of water transportation and then adding a premium for all-rail service. It was further submitted that the principle of making the water rates first was in effect up to and including December 23, 1907, but after that time the principle was erroneously reversed in the general freight rate increases, i.e., by advancing the all-rail rate first and then deducting the differentials.

On this point, Witness Stechishin said:

“Originally, the differential was the measure of the amount which the railways considered their speedier service was worth to the shipper, and it was added to the lake rate from Eastern Canada to Fort William to arrive at the all-rail rate between those points. Under those conditions, the lake rate to Fort William constituted a hold down on the all-rail rates.” Transcript Vol. 1013, p. 2061.

At that time the Class I lake-and-rail arbitrary was made 50 cents on Class I freight, and the all-rail rate is stated to have been made by adding 25 cents on Class I freight, thus making an “arbitrary” for all-rail movement from the Toronto-Montreal group of 75 cents for Class I (which, in turn, was added to the Class I rates west of Fort William). The lower classes (2 to 10) were made by adding graded arbitraries to Classes 2 to 10 west of Fort William.

The through all-rail rates, however, since March 1, 1955 have been made on a continuous mileage basis, prescribed by the Board, between the Toronto-Montreal group and western Canada (using the Toronto mileage as the key point) in accordance with the provisions of section 336 of the Railway Act.

It is now the suggestion of the applicant that, while leaving in effect the prescribed all-rail rates, the differential rates in which the water lines participate should be made on an entirely different basis unrelated to the all-rail rates. That basis, as submitted to the Board in this case, is to establish a “water factor” between eastern Canada and the Head of the Lakes, and add thereto the local rates of the rail lines beyond. In other words, the proposal is to revert to the “arbitrary” method used in 1907 so far as the differential rates are concerned.

On this point, considerable confliction appears in the evidence; while the witnesses for the applicant advocated the 1907 method of making the lake-rail and rail-lake-rail rates, they disclaimed, on the one hand, the disturbance to the prescribed all-rail rates that such a method of making the differential rates would probably engender, while, on the other hand, frankly admitting that if their proposed method had that ultimate effect on the all-rail rates, then the railways would have to meet it by competitive all-rail rates. The ultimate object of the applicant, therefore, is well expressed in the last words of the foregoing quotation—“the lake rate to Fort William constituted a hold down on the all-rail rates.” The method of making any rate, however, is not important; it is the resulting rate that must be considered.

*The allegation of unjust discrimination and undue preference*

The applicant contends that the present differential rates are unjustly discriminatory against the City of Winnipeg and the Province of Manitoba, and undue preferential in favour of points west thereof.

As previously stated, the applicant disclaims any intention of directly attacking the all-rail rates; in fact, it could hardly do so for two considerations: (1) that such rates were prescribed by the Board as just, reasonable and non-discriminatory rates, in compliance with section 336 of the Railway Act; (2) that the class rates were constructed by the Board in the very manner advocated by the Government of the Province of Manitoba in its brief to the Royal Commission on Transportation (1951):

"In other words, we feel that your Commission should recommend that standard mileage class rates, distributing class rates, and town tariffs should be consolidated into a single uniform basic class rate structure applicable to all parts of Canada and that any deviations from that uniform pattern should be treated as exceptions subject to the tests which have already been suggested." (page 10 of Chapter IX)

That recommendation was adopted by the Royal Commission with specific suggestions that the "arbitrary" method of making all-rail rates between east and west should be abolished and that the mileage scale should be tapered for the through distances between east and west.

No recommendation was made by any interested party to the Royal Commission, nor by the Royal Commission, with regard to differential rates, and it is a reasonable assumption that all parties expected that the differential rates would be made by deducting the usual differentials off the all-rail rates, which was done, with some minor changes.

The City of Winnipeg and the Province of Manitoba, however, now suggest that owing to what they term anomalies in the differential rates, the former method of making differential rates should be restored, i.e., by making fixed arbitrary proportions for the water or rail-water portions of the differential routes, and adding thereto the local rates of the railways from Port Arthur and Fort William to points west thereof.

The principal "anomaly" complained of is that the alleged portions of the rates for the water lines east of Port Arthur or Fort William vary with the destinations in western Canada, and it is stated, as a result, that the applicant's assumed rate for the portion of the water haul on traffic for Winnipeg is greater than for any point west thereof. To illustrate this allegation, a witness for The Winnipeg Chamber of Commerce, Mr. Evan McCormick, filed a statement as Appendix A-1 to his brief, based on class 45 rates (the former 5th class basis) as follows:

ANALYSIS OF LAKE AND RAIL RATES FROM WATER PORTS FROM  
LEAMINGTON EAST TO SELECTED POINTS IN WESTERN CANADA

	All Rail Rate	Differential	Lake and Rail	Rail Factor	Water Factor
Fort William, Ont. ....	174	12	162	0	162
Winnipeg, Man. ....	243	12	231	115	116
Portage la Prairie, Man. ....	252	12	240	124	116
Brandon, Man. ....	265	12	253	142	111
Weyburn, Sask. ....	298	12	286	174	112
Yorkton, Sask. ....	298	12	286	165	121
Regina, Sask. ....	307	12	295	183	112
Moose Jaw, Sask. ....	316	12	304	188	116

	<i>All Rail Rate</i>	<i>Differential</i>	<i>Lake and Rail</i>	<i>Rail Factor</i>	<i>Water Factor</i>
Saskatoon, Sask. ....	325	12	313	201	112
Swift Current, Sask. ....	334	12	322	210	112
Prince Albert, Sask. ....	334	12	322	210	112
North Battleford, Sask. ....	343	12	331	223	108
Medicine Hat, Alta. ....	360	12	348	232	116
Lethbridge, Alta. ....	377	12	365	255	110
Edmonton, Alta. ....	384	12	372	264	108
Calgary, Alta. ....	393	12	381	264	117
Penticton, B.C. ....	454	12	442	345	97
Vancouver, B.C. ....	483	12	471	381	90
Victoria, B.C. ....	489	12	477	390	87
Prince Rupert, B.C. ....	524	12	512	431	81

The basis for this analysis as given by the witness was:

“The Class 45 Lake & Rail rate has been split as follows:

- (a) The rail factor is the authorized rail rate from Fort William to destination.
- (b) The water factor is the remainder.”

For the purpose of this contention, therefore, the witness alleged that the “water factor” of the joint through differential rate is the remainder east of Fort William after deducting the local rate from Fort William to the destinations shown in western Canada. This alleged “water factor” varies from 81 cents on traffic for Prince Rupert and 90 cents for Vancouver to \$1.16 per 100 lbs. at Winnipeg and \$1.21 at Yorkton. The witness assumed that these varying factors were the divisions of the through differential rates accorded to the water lines, and contended, therefore, that there was unjust discrimination under section 21 of the Transport Act against Winnipeg, and undue preference to other points (except at Yorkton and Calgary). It is his contention that the City of Winnipeg should have an “arbitrary” of 90 cents for the water haul from Toronto-Montreal to Fort William, the same as Vancouver, and presumably he would be content if the same arbitrary were accorded on traffic to all other points.

In the alternative, it is his contention that if the portions labelled “water factor” are not the divisions of the rates received by the water lines, then the alleged unjust discrimination lies under section 317 (ss. 2) of the Railway Act in the portions received by the railways. The witness did not elaborate his point as to the latter contention, but it is a reasonable assumption that his intent was to convey the thought that the farther west of Winnipeg that the goods are carried, the less the railways receive compared with their local rates from Fort William.

All of these assumptions, however, cannot be adopted by the Board as facts; neither the railways nor the water lines by their Counsel stated what their divisions of the differential rates are, nor did the applicant or its witnesses or Counsel have any knowledge of the divisions. The applicant, however, contended that the Board has power under section 324 of the Railway Act to compel the disclosure of the railways’ proportions of the differential rates. The section reads as follows:

“In any case in which the toll charged by the company for carriage, partly by rail and partly by water, is expressed in a single sum, the Board, for the purpose of determining whether a toll charged is discriminatory or contrary in any way to the provisions of this Act, may require the company to declare forthwith to the Board, or may determine, what portion of such single sum is charged in respect of the carriage by rail.”

For the purposes of this case, the Board does not consider it necessary to require that the single sum rates be divided into portions to determine whether such rates are unjustly discriminatory.

While it is true that the Transport Act contains no provision for through joint water-rail rates, for example, between the Canada Steamship Lines and the railways, once they are made and filed with the Board they become subject to its powers with respect to unreasonableness, unjust discrimination and undue preference. But they are single through rates and they must be dealt with accordingly. There are many decisions of the Board and the Supreme Court of Canada to that effect. The most recent pronouncement of the Supreme Court of Canada on that principle, and undoubtedly the most illustrative, is that of Mr. Justice Rand, 75 C.R.T.C., 114, in refusing leave to appeal against the decision of this Board in *International Refineries Inc. vs Interprovincial Pipe Line Co.* (75 C.R.T.C., 68).

In that case the Board had before it the contention that a rate of 44 cents per barrel on crude oil from Edmonton to Wrenshall, Minnesota was unreasonable and unjustly discriminatory compared with St. Paul, Minnesota. The tariff contained a provision stating that a specified part of the rate was payable in Canadian currency, and a specified part in United States currency (each part differing to the two destinations). In dismissing the application the Board decided that:

“The splitting of the joint rates into Canadian and U.S. currencies does not, in fact, constitute a division of the rates as such or change the character of any joint rate to one of a combination of rates over the international boundary.” (75 C.R.T.C., 76)

The Board, therefore, looked at the entire rate in determining the questions of unreasonableness and unjust discrimination that were raised.

Mr. Justice Rand, in dismissing the application for leave to appeal, said:

“ . . . A through rate of 44c to each destination was found by the Board to have been published by the tariff and that under all the circumstances and conditions, including a competitive situation affecting the two areas of St. Paul and Wrenshall, the rate was reasonable and not unjustly discriminatory.”

The situation in the present case has even less cause for an allegation of unjust discrimination; the witness for the applicant did not have available the publication of separate factors on which he could assert a division of the revenue to the water lines out of the through rates; he has split up the through rates on mere assumptions.

The Province of Alberta is vigorously opposed to the contention of the applicant. Provincial Counsel said that he had objected for many years against the “arbitrary” method of making rates between eastern and western Canada, and having succeeded in obtaining a recommendation from the *Turgeon Royal Commission on Transportation* to the Dominion Government for the abolition of the former practice, and in addition for the abolition of the “constructive mileage” method of making rates between the Head of the Lakes and western Canada, he added that: “I do not want either of them back, either in the all-rail rates, the lake-and-rail rates or the rail-lake-and-rail rates.” (Transcript p. 2252)

In the opinion of the Board, the present method of making the differential through rates does not result in unjust discrimination or undue preference, and the applicant has misconstrued section 21, ss. 1, of the Transport Act and section 317, ss. 2, of the Railway Act. These sections do not require, as contended by the applicant, that over the same water haul the water carrier

shall always receive the same revenue when traffic is destined to different destinations. To accept such a principle would mean that there could be no continuous "tapering" of rates anywhere in Canada, although "tapering" is a well-known and well understood factor in every rate scale.

The only practical alternative so far as lake-rail rates are concerned would be to make the rates on the local combinations over Fort William. If the railways are entitled to their local rates from Fort William to western Canada (as submitted by the applicant), then the water lines would also be entitled to their local rates to Fort William. To illustrate that situation, the combination of local class 100 lake-rail rates would be equal to \$5.54 per 100 lbs. from Sarnia, and \$6.16 per 100 lbs. from Toronto and Montreal, to Winnipeg, compared with the differential rates of \$5.14 per 100 lbs. from all three points to Winnipeg at present, which includes the voluntary deduction of the "bridge" allowance by the water lines. That method would result in a fixed amount east of Fort William, as requested by the applicant, but the result would be disastrous to the applicant because the lake-rail rates would then be higher than they are now, in fact higher than the all-rail class 100 rate of \$5.48 per 100 lbs. The "bridge" subsidy could not be deducted from the combination over Fort William of local water rates and local rail rates by direction of the Board, as its only authority in regard to the subsidy is to order its deduction from the all-rail rates.

#### *Purpose of the differential rates*

The respondents in this case submitted no evidence to justify the differential rates, nor the level thereof, contenting themselves with cross-examination of the applicant's witnesses and of the intervenors, and with legal argument. The opinions expressed by the respondents in argument, however, clearly reveal the nature of the differential rates as the respondents conceive it to be.

Counsel for the Canada Steamship Lines said:

" . . . The point is, first, that we are dealing with through rates and, secondly, and above all, we are dealing with rates—and I use the expression notwithstanding Mr. Stechishin's unwillingness to adopt it—I say rates that compete with one another, and what I mean by that if there is any doubt about it, is that they are rates which offer a choice to the shipper or consignee and I say that we have an all-rail rate which is produced now by equalization . . . ." (Transcript p. 2240)

and:

" . . . the water rates are related to the rail rates by reason of the competition between the two services for the favours of the shipper and the competition between those two services is reflected in a difference in the rate but it is not just a difference that can be arbitrarily fixed, it is not something that can be the subject of regulation because it is in fact a reflection of a fact of economic life. It reflects the competition between the two services and the test of it—and this is irrefutable—the test of it is what makes the traffic move." (Transcript Vol. 1013, p. 2242)

Counsel for the Canadian Pacific Railway, which also operates a rail-lake-rail service, said:

"So I submit that as lake-and-rail differentials and lake-and-rail rates are regulated only by the value of the service, any attempt to influence them by an investigation of the costs of the water carriers would be simply a waste of the Board's time and the time of all the rest of us." (Transcript Vol. 1013, p. 2265)

"COMMISSIONER KNOWLES: Is it your contention that the lake-and-rail and rail, lake-and-rail rates are purely and simply competitive rates and nothing else?"

"MR. SPENCE: I don't say they are marked competitive in the tariff but they are competitive in this way, that the lake-and-rail service competes with the rail service and is influenced by the relationship of the value of lake-and-rail service as compared with the rail service. So I think it is fair to say they are competitive rates in that way, that the lake-and-rail service is competing with the all-rail service and the rates are set at a level that will give the lake-and-rail route a reasonable proportion of the traffic in competition with rail service." (Transcript Vol. 1013, p. 2266)

These quotations show the purpose of the differential rates: the respondents consider that they have made them for the purpose of relating the rates to each other competitively via the three different routes, i.e., all-rail, rail-lake-and-rail, and lake-rail.

Counsel for the respondents concluded by questioning the jurisdiction of the Board to investigate the costs of the water carriers.

Had the Board accepted that argument, the case would end at that point, and shippers would be left to pay whatever rates the railways and water lines agreed upon. To accept such a view would be to put water rates, or joint water-rail rates, beyond any regulation whatsoever so long as the carriers could show that their rates were lower by a differential that allegedly represented the value of the service compared with the all-rail rate. Furthermore, as every rate published or participated in by the Canada Steamship Lines for distances beyond 50 miles is established on a differential below the corresponding railway rate, the net result would be to nullify the Board's jurisdiction over all rates of the water lines for distances beyond 50 miles.

With regard to the respective contentions of the respondents in connection with competition, Counsel for the Canada Steamship Lines, it will be noted, defended the rates complained of as being "rates competing with the all-rail rates"; he did not go so far as to say that they are "competitive rates". This, however, seems to be a distinction without a difference. On the same subject, Counsel for the Canadian Pacific contends that the rates in question are competitive rates, though not published in competitive tariffs.

A carrier-competitive rate usually comes into being because a carrier, having published a normal rate, finds that some other carrier has published, or quoted, a lower rate, which the first carrier then endeavours to meet by publishing a competitive rate; such competitive rates are made at the discretion of the carrier; they may be put in or withdrawn at the will of the carrier; they carry no permanent status, and the only jurisdiction the Board has exercised over them is to see that they are (a) not unduly low and (b) not unjustly discriminatory.

On the contrary, the so-called differential rates via the lake-rail and rail-lake-rail routes are not intended by the carriers to "meet" competition; they are intended to *avoid* destructive competition between three different routes. They are not intended to be cancelled or withdrawn; they are intended to be maintained on a fixed relationship to each other in the manner that the carriers involved in this case have succeeded in maintaining them with slight variations for over 50 years.

The Board considers that the so-called differential rates are not competitive rates in the customary meaning of these words as related to tariffs of tolls.

For these reasons the Board will not declare, or deem, that the places between which the differential rates apply are competitive points within the meaning of section 317(6) of the Railway Act and section 20(2) of the Transport Act.

However, the difference in the cost of substituting water service for a part of the otherwise all-rail transportation between eastern and western Canada is a factor in the determination of rates via the differential routes.

That is not to say, of course, that the differential method of making such rates is an evil in itself; differentials serve a useful purpose in rate-making, preventing disastrous rate wars which benefit no one in the end.

One of the duties of the Board is stated in section 3 of the Transport Act, as follows:

"It is the duty of the Board to perform the functions vested in the Board by this Act and by the Railway Act with the object of co-ordinating and harmonizing the operations of all carriers engaged in transport by railways and ships and the Board shall give to this Act and to the Railway Act such fair interpretation as will best attain the object aforesaid."

Differential rates are a well-recognized method of attaining such object and are, in fact, the best practical means of maintaining harmony between the all-rail and water-rail or all-water routes. The rates produced by such method, however, must be just and reasonable in all respects.

*The allegations of unreasonableness, and rates based on cost of service*

The application of The Winnipeg Chamber of Commerce contained a reference to alleged unreasonableness, as follows:

". . . . We urge the Board to investigate fully costs of transportation by water, and to determine maximum rates that are just and reasonable, based on the costs and requirements of water carriers, independent of any consideration of rail rates." (Transcript Vol. 1013, p. 2151)

Counsel for the applicant in argument not only stressed the alleged unreasonableness in rates based on costs via the differential routes, but also referred to unreasonableness as a matter related to unjust discrimination, as follows:

". . . . Our application was to remove the unjust discrimination alleged in the water and rail rates, and then on page 10 we say that we urge the Board to 'proceed with an investigation of the rates charged by the water carriers to determine a just and reasonable scale of water rates in that lake-and-rail movement.'" (Transcript Vol. 1013, p. 2212)

One of the intervenors which has interests throughout Canada in this case, namely, the Canadian Industrial Traffic League, also raised the issue of unreasonableness in relation to costs. A Vice-President of the League submitted evidence in which he said:

". . . . We have also stated our view that all-water rates and water-rail rates should not be predicated on all-rail rates but that in our opinion the water lines should publish rate bases on their own operating conditions rather than being controlled by rail rates." (Transcript Vol. 1013, p. 2215)

The position of the Canadian Manufacturers Association in relation to alleged unreasonableness of the differential rates has been quoted previously herein, but, as stated, it has been modified by a suggestion that the differential rates should be constructed upon the differentials prescribed by the Board in its Judgment dated December 12, 1952 on equalized class rates, and presumably the allegation of unreasonableness by that Association would be cured by the

adoption of the differentials referred to. The part of that Judgment prescribing the class-rate differentials, however, was rescinded by the Board's Judgment of February 28, 1955, Vol. XLIV, J.O.R. & R., No. 24A, at pp. 48-49.

The respondents, represented by Counsel for the Canadian National Railways, the Canadian Pacific Railway Company, and the Canada Steamship Lines, in opposing the application relied entirely on the argument that the differential rates were based on the value of the service, to the extent that such service is performed by the water lines with their inability to render as speedy service as the railways via the all-rail routes, and considering the hazards to the goods of the additional transfers via the differential routes.

They rejected any contention that the differential rates should be based on the cost of service and endeavoured to obtain, with some success, admissions from witnesses for the applicant and intervenors that the shipper is mainly concerned with the lower value of the differential service as represented by the differentials in rates. At least one important intervenor, however, the Canadian Industrial Traffic League, as stated, has raised the question of the cost of providing the service of the water lines and requests that rates be established on the operating conditions of the water lines. The Canadian Manufacturers Association also inferentially raised the same question as previously noted, but in its final submission did not concern itself with establishing a separate rate basis for the water lines. It is a fair assumption from that submission that the Association would be satisfied with larger differentials, particularly on the lower classes. It might be inferred also that the Canadian Industrial Traffic League, despite its references to a separate rate basis for the water lines, based on costs, would be satisfied with joint differential rates made by deductions of differentials from the rail rates, provided that such differential rates fairly represented the differences in the cost of substituting a water haul, in part, for the all-rail haul.

Counsel for the Canada Steamship Lines made only one comment concerning the reasonableness of the differential rates, as follows:

"Well, the first thing that happens if you monkey with this competitive relationship (that is what a differential is) if you monkey with that and reduce the water portion even if Canada Steamship Lines or any other water line was making an exorbitant profit—and I won't go further than to assure the Board I am sure that is not so—but even if it were so still under the system that we have if an attempt were made to reduce that profit and to reduce those water rates then the net result of that would be inevitably to disrupt the equalization of the rail rates and to defeat the aim of Parliament." (Transcript Vol. 1013, pp. 2245-6)

The Board at the close of the hearing in Winnipeg expressed its concern with the fact that the water lines had not seen fit to submit any evidence to meet the contention of the applicant that on the cost of service principle the differential rates may be unjust or discriminatory, and therefore that from the practical standpoint of rate-making the Board itself must determine whether the rates are too high, or too low, or appropriate for the service rendered.

In the opinion of the Board, it is not correct to say that cost of service has no relation to the rates via the differential routes. Individual rates, it is true, are not usually based on individual costs of providing the service; such rates are made higher or lower than the average cost of operation by the differences established by the Canadian Freight Classification, and by numerous commodity rates. The whole body of such rates, however, is necessarily based on cost, in the respect that such rates must produce sufficient revenue from the carriage of traffic to maintain the respective water or rail services.

On the other hand, the revenue produced by the whole body of rates must not be unreasonable, having regard to all the factors involved.

The cost of carriage of water-borne traffic could therefore be a factor in fixing a water rate, or a joint water-rail rate, regardless of the fixing of an all-rail rate. On the other hand, the Board must also have regard to the provisions of section 3 of the Transport Act which, as hereinbefore stated, requires the Board to co-ordinate and harmonize the operations of the railway and water carriers.

The authority of the Board to order reductions in freight rates, when such rates are excessively remunerative, or when costs are lower, was exercised in the General Decrease Cases of 1921 and 1922, 27 C.R.T.C., 131 and 153.

With these considerations in mind, differential rates produced by the deduction of the differentials below the prevailing all-rail rates must be subject to a fundamental inquiry as to whether they are, or are not, unreasonable.

To that end, we required the Canada Steamship Lines, as the principal and "yardstick" water line operating upon the St. Lawrence River and the Great Lakes, to submit to the Board certain information regarding its operations, and we have further investigated its accounts with the results set forth in the next succeeding paragraphs.

#### *General operations of the Canada Steamship Lines*

The Canada Steamship Lines own and operate 58 freight vessels on the Great Lakes and St. Lawrence River, totalling 362,524 deadweight tons of carrying capacity, of which 21 vessels of 63,225 deadweight tons are package freighters subject to the provisions of the Transport Act. The package freight tonnage is only 17.4% of the total carrying capacity of the Company.

It also operates three passenger vessels. In addition, the Company owns and operates grain elevators at Midland and Kingston, Ontario, and resort hotels at Murray Bay and Tadoussac in Quebec.

There are also several wholly-owned subsidiary companies engaged in various activities more or less related to the Company's main shipping interests.

The Company issues an annual report containing consolidated accounts of the whole of the Company's operations, which it will be noted are extensive and diverse. However, it may be stated that an examination of the Company's accounting system shows that it has developed effective methods of the segregation of accounts for each of its activities and is able to show within reasonable accuracy the results of each operation. The Company's officers cooperated fully with the Board and its financial and accounting officers in the examination of its accounts and answered all the questions necessary as to revenues, expenses, traffic and other information required by the Board. The only reservations made by the Company were (a) that the information supplied to the Board should not be used in such a manner as to disclose the Company's position to its competitors, and (b) that the Company reserved its legal right to assert that the Board has no jurisdiction in the matter of the level of its rates based on its costs of operation.

The Board and its officers have also examined the returns filed by the Company with the Dominion Bureau of Statistics.

The Company makes its comparisons of revenues, expenses and statistics with the year 1939, which was the first whole year after the enactment of the Transport Act in July 1938, which put the independent water lines under the jurisdiction of the Board. It also is a reasonably representative year after the reorganization of the Company early in 1937. That reorganization eliminated \$14 million of funded debt and capital stock, eliminated an accumulated deficit of \$9 million and permitted writing down the fixed assets of the Company by about \$5 million. The net effect of the reorganization was to reduce the fixed charges for interest and depreciation by \$1.4 million per annum. Comparisons with 1939 operations, therefore, are not based on any excessive financial structure, but rather upon an arbitrarily reduced capital investment.

### General Results

While the whole of the general transportation operations of the Company are not in issue, they are illustrative of the efficiency of the Company in which the handling of package freight is included. The Company, while of course engaged principally in water transport, carries on a kind of carriage not altogether dissimilar to that of the rail service of the "yardstick" Canadian Pacific Railway, i.e., freight both bulk and package, passenger traffic, operates grain elevators, and so forth, and carries by water large quantities of grain at slightly lower rates than the rail grain rates of the Canadian Pacific in western Canada. Its general results may, therefore, be fairly compared with that of the Canadian Pacific and they show a remarkably similar parallel for the past two years, as illustrated by the operating ratios of both companies. In both cases the operating ratio is based upon the ratio of total transportation operating expenses to total transportation operating revenues, exclusive of taxes, as follows:

Year	Company	Operating Ratio
1956	Canada Steamship Lines .....	85.15%
	Canadian Pacific .....	85.16%
1957	Canada Steamship Lines .....	83.15%
	Canadian Pacific .....	85.69%

#### Package Freight Operations of Canada Steamship Lines

As previously mentioned, the carriage of package freight is the only item of the Company's freight operations that is subject to the Transport Act, and it is now only one of the many different activities making up the whole of the Company's operation.

In 1939, package freight contributed more operating profit than the entire other operations of the Company, but by 1947 there was a substantial loss on the package freight operations, which consisted of carrying about the same volume of tonnage as in 1939.

From 1939 to 1957 the cost of wages alone for the operation of two typical package freighters increased by 378%. Lesser increases occurred in other expenses, such as handling, fuel, vessel repairs and maintenance, overhead, dock and wharf operations, but the average increase in package freight operations from 1939 to 1957 amounted to 130%. This compares with the total increase in rates via the differential routes during the same period (less the "bridge" deduction) as follows: rail-lake-and-rail 116%; lake-and-rail 119%. The average increase in gross revenue obtained by Canada Steamship Lines on its package freight operations showed an increase of 110% during the same period.

In 1956, the Company's revenue on package freight was 18.5% of its total revenues, but contributed only 3.1% of the Company's operating profit. In 1957 it constituted 16.0% of the revenue and contributed only 11.9% towards the operating profit. In the foregoing calculations there are relatively small amounts of revenue and expenses included for bulk grain which is sometimes carried on the return trip of the package freighter from the Head of the Lakes to eastern ports. These small amounts, however, do not materially affect the results so far as package freight is concerned.

The operating ratio on package freight in 1956 was 93.6% and in 1957 it was 88.7%.

While 1957 shows some improvement, the operating ratios on package freight compare unfavourably with the Company's general transportation operating ratios of 85.15% in 1956 and 83.15% in 1957, indicating that the handling of package freight is a more expensive operation than the other transportation

activities of the Company. This is notwithstanding the fact that the Company has invested a large sum of money to mechanize its handling facilities for package freight. In addition, the Company has put into operation one modern and completely mechanized package freighter and has built another now in operation this year. Had it not been for these investments and resulting economies, and the increases in rates since 1947, the Company would have been unable to continue in the package freight traffic. The shipping public, therefore, by these means still has the advantage of a lower-rated lake-rail or rail-lake-rail service, in addition to the all-rail service.

By comparison, it may be noted that in the United States' territorial waters of the Great Lakes there is not now one package freighter in operation to provide lake-rail or rail-lake-rail service; this, we are informed, was due to several causes: the costly operation of carrying package freight, partly through old-fashioned handling methods, partly through greatly increased wages, and partly because the differentials in their freight rates were much larger than via the Canadian routes, i.e., by deduction of greater differentials from the all-rail rates, the rates in the United States were lower. The package freighters operating between points in the United States, therefore, went out of business with these higher costs and lower rates. Included in the closing down of the lake-rail and rail-lake-rail routes between points in the United States, and between points in Canada and points in the United States, were the operations of the Canada Atlantic Transit Company (owned by the Canadian National Railways) and the Canadian Pacific Steamship Service between Port McNicoll, Ont. and Milwaukee, Wis.-Chicago, Ill.

We must not overlook in regard to this investigation the fact that owing to the institution of the so-called "bridge" subsidy by the Dominion Government under section 468 of the Railway Act which resulted in reductions in rates between eastern and western Canada by the all-rail routes, and for which reductions the railways are reimbursed by the Government, that the Canada Steamship Lines had perforce to reduce their rates by the same number of cents per 100 lbs. if they wished to stay in package freight carriage, and were not allowed reimbursement. Information available to the Board shows that Canada Steamship Lines sustained, during the first season alone in which the "bridge" subsidy legislation was in effect, an estimated net loss of about \$500,000 as a result of absorbing out of their package freight revenues the same reduction as was made by the all-rail lines.

#### *Package Freight Operations of Canadian Pacific and Northwest Steamships*

The revenue and expenses of the Canadian Pacific on the differential rates have been examined. The rail revenue out of the differential rates is, of course, included in their general freight rate earnings, which have been fully considered in the various percentage increase cases. Canadian Pacific operates only two package freighters on the Great Lakes which ply between Port McNicoll, Ontario, and Fort William, Ontario. The tonnage carried and the revenue thereon is small when compared with either the Canada Steamship Lines or the all-rail traffic of the Canadian Pacific between Eastern and Western Canada. Our examination shows that if Canadian Pacific Great Lakes package freight operations are combined with those of Canada Steamship Lines, the operating ratio is less than 1 per cent different from that of Canada Steamship Lines alone.

We have also examined the reports of Northwest Steamships which is licensed by the Board to operate two ships for the carriage of general package goods. The package goods traffic accounts for about 40% of the company freight revenue, the balance being derived from bulk carriage. The total freight revenue is less than the freight revenue of Canadian Pacific on the Great Lakes and the operating ratio is the same as Canada Steamship Lines.

In view of our examination and the relatively minor extent of Canadian Pacific and Northwest Steamships package freight operations on the Great Lakes in relation to those of Canada Steamship Lines, we consider that our findings based on Canada Steamship Lines package freight operations may properly be used as a basis for our decision in this case.

*Relationship between the various classes*

On August 1, 1958, the railways revised the all-rail rates to restore the percentage relationship between Class 100 and the lower classes, to conform with the percentages prescribed by the Board in the uniform scale of equalized class rates, the percentages having been distorted by the disposition of fractions in the rates, in the 11% increase case. Consequently the differential rates were changed to the same extent in cents per 100 lbs. The rates as of August 1, 1958 are therefore as follows:

*Between Montreal-Toronto group and Winnipeg:*

*Classes, with rates in cents per 100 lbs.:*

100	85	70	55	45	40	33	30	27	
576	490	403	317	259	230	190	173	156	All rail through rates
28	25	22	19	17	16	14	14	13	Bridge subsidy deduction
548	465	381	298	242	214	176	159	143	Shipper's rates all-rail
25	20	14	10	7	6	5	5	5	Deduct differentials
523	445	367	288	235	208	171	154	138	Resulting rail-lake-and-rail rates
9	8	7	6	5	4	3	3	3	Less extra differential for lake-rail rate
514	437	360	282	230	204	168	151	135	Resulting lake-rail rates

The Board has given consideration in the instant case to the fact that the differentials agreed upon by the railways and the water lines, as they exist at present, do not conform with the percentages of Class 100 prescribed by the Board in the all-rail case. This results in some distortion between Class 100 and the lower classes of the differential rates, compared with the normal relationship between the various classes provided in the Canadian Freight Classification, and in the scale prescribed by the Board for all-rail equalized class rates in its Judgment, and Notes and Reasons for Judgment, Vol. XLIII J.O.R. & R. No. 23A and Vol. XLIV J.O.R. & R. No. 24A, respectively.

The comparison of the differentials themselves is as follows, using the Toronto-Montreal normal rates to Winnipeg:

*Classes, in cents per 100 lbs.*

	100	85	70	55	45	40	33	30	27
<i>Differentials</i>									
Rail-lake-rail .....	25	20	14	10	7	6	5	5	5
Percentage of 100 .....	100%	80%	56%	40%	28%	24%	20%	20%	20%
Lake-rail .....	34	28	21	16	12	10	8	8	8
Percentage of 100 .....	100%	82%	62%	47%	35%	30%	24%	24%	24%

The apparent distortion in the percentage relationship, however, is not so great when measured by the differential rates produced by deduction of the above differentials from the all-rail rates. This is illustrated in the Montreal-Toronto normal rates to Winnipeg, as follows:

*Classes, in cents per 100 lbs.*

	100	85	70	55	45	40	33	30	27
<i>Rail-lake-rail</i>									
Through rates .....	551	470	389	307	252	224	185	168	151
Percentage of 100 .....	100%	85%	71%	56%	46%	41%	34%	31%	27%
<i>Lake-rail</i>									
Through rates .....	542	462	382	301	247	220	182	165	148
Percentage of 100 .....	100%	85%	71%	56%	46%	41%	34%	30%	27%

The differential percentage relationship, as will be noted from the above table, is slightly higher on some classes than the Board prescribed to apply in connection with the normal all-rail rates, i.e., before the subsidy reduction.

The relationship between the classes established by Canadian Freight Classification No. 20, is the result of a complete re-assessment of the various articles by the Canadian Freight Association and a committee of shippers, which spent two years in devising a freight classification suitable for the equalized rail class rates. There has been no substantial complaint since March 1, 1955 as to either the freight classification or the equalized all-rail class rates. Such being the case, it must be assumed that they are generally satisfactory, and it is unreasonable for the differential class rate percentage relationship to depart from the general pattern of the all-rail class rates. This situation should be remedied by making the differential rates on the present differentials for Class 100, and correspondingly making the other classes of differential rates on the percentages prescribed by the Board for the all-rail class rates.

### *Jurisdiction of the Board*

Before setting forth the Board's findings in this matter, consideration is necessary of the various contentions of the parties in regard to the jurisdiction of the Board to deal with the question of differential rates. On the one hand, the railways and the Canada Steamship Lines contend that the Board has little or no jurisdiction to deal with differential rates; on the other hand, the applicant contends that the Board has jurisdiction, but has not properly exercised it in respect of the increases which have been made from time to time in the differential rates.

Dealing first with the contention of the respondents: as we understand the argument, the Canada Steamship Lines questions that the Board has any jurisdiction over its differential rates and the Canadian Pacific submitted that differential rates were in the nature of competitive rates and by inference, therefore, that the Board has very little jurisdiction, if any, to prescribe or deal with such rates. The question as to whether or not the rates are competitive has been dealt with and disposed of herein, and as it has been determined that the differential rates are not competitive rates in the true meaning of the Railway Act, some further comment is necessary as to our jurisdiction over the differential rates as published. On this point, Witness Stechishin speaking for the applicant said:

"Since 1938 when the Board of Transport Commissioners was given jurisdiction on water rates, no formal hearing has been held to determine whether any increase in these rates was justified or necessary. During the same period rail rates have been increased as follows:

April	8th, 1948	.....	21 per cent	CFA 71
June	16th, 1950	.....	20 per cent	CFA 72-B
Feb.	11th, 1952	.....	17 per cent	CFA 74-A
Jan.	1st, 1953	.....	9 per cent	CFA 74-B
March	16th, 1953	.....	7 per cent	CFA 74-C
Jan.	1st, 1957	.....	11 per cent	CFA 83-A"

"During the same period, with no submission of evidence, and no hearing, the water portion of the rate to Winnipeg has increased, and here we are comparing the water portion of the rate as calculated by us on September 1st, 1957 with that that existed on September 1st, 1947."

(Transcript Vol. 1013, pp. 2055-56)

Witness McCormick said:

“On more than one occasion, this Chamber has argued before the Board that, while the Railways have had to produce extensive evidence to justify any rate increases, the water carriers were granted similar increases without having to produce any evidence that increases were necessary.”

(Transcript p. 2149)

What has been overlooked in this type of evidence is that the Board has complete jurisdiction, by virtue of the Railway Act, including section 363, over the Canadian Pacific Railway Company and its Great Lakes steamship service, and that Company, in each of the applications for the increases referred to, included a request to maintain differential rates on the recognized differentials below the increased all-rail rates, which permission was granted by the Board in its orders relating to the increases.

The jurisdiction of the Board in regard to differential rates is well settled in previous decisions of the Board in relation to section 363 or the predecessor of that section in prior Railway Acts. For example, in *Dominion Millers Association v. Grand Trunk and Canadian Pacific Railway Cos.*, 22 C.R.C. 393, at page 397 the Board said:

“The Board has jurisdiction over the Canadian Pacific Steamship Line on the lakes and the lake and rail rates have been brought before us by the railway companies for review.”

The Board, therefore, has exercised its jurisdiction over the rates of the Canadian Pacific whether by water, or by joint rail and water, as provided for in section 363 of the Railway Act, in adjudicating upon the various percentage increases referred to by these two witnesses.

As to the contentions of the Canada Steamship Lines, it is true that the Transport Act of 1938 contains no provision *requiring* publication of joint through differential rates between the railways and the independent steamship operators, such as the Canada Steamship Lines and North West Steamships Ltd. There is, in fact, no provision in the Transport Act for joint rail-water rates such as there is by rail in the Railway Act, sections 341-346; and section 363 obviously does not apply to the Canada Steamship Lines.

On the other hand, there is *no prohibition* in the Transport Act of 1938 against the independent steamship companies and the railways joining in joint through differential rates. Both the independent steamship companies and the railways, to the extent covered by the Transport Act and the Railway Act, are separately subject to the jurisdiction of the Board, and once joint rates are published by such carriers they become subject to all the powers of the Board as to reasonableness and/or unjust discrimination.

It may be further noted that the Maritime Freight Rates Act recognizes the existence of such differential rail-water rates (and therefore the Board's jurisdiction over them) by an amendment made in 1951 to section 4, ss. 1, of that Act, in paragraph (d), which now reads, in part, as follows:

“4. (1) The following are preferred movements as referred to in section 3 and other sections:

- .....
- (d) traffic moving outward westbound rail-and-like, and also rail-lake-and-rail from points on the Eastern lines westbound to points in Canada via ports beyond the limit of the Eastern lines at Diamond Junction or Levis; for example, Moncton to Winnipeg via the port of Point Edward thence via water to Port Arthur or Fort William—the twenty per cent shall be based upon the Eastern lines proportion of the through rate for the rail mileage from Moncton west as far as Diamond Junction or Levis.”

In that example, the expression "via the port of Point Edward thence via water to Port Arthur or Fort William" means "via the Canada Steamship Lines" because Point Edward is exclusively the port of that Company.

### *Findings*

Considering all the evidence and argument that was submitted in this matter, and considering the Board's investigation of the revenues, expenses and costs of operation of the water carriers, the Board finds that:

1. The increases permitted in the rates via the differential routes between eastern and western Canada were properly made under the powers of the Board, and, except as stated in Finding No. 2, have not resulted in unreasonableness in the general level of the said differential rates, nor in the general level of the rates of the water lines between any ports and places on the St. Lawrence River and the Great Lakes;

2. The differential class rates on the classes other than Class 100 are unreasonable to the extent that they exceed the percentage of Class 100 prescribed by the Board in the all-rail class rates, and the participating carriers are required to revise such differential class rates, on or before the opening of navigation in the year 1959, to conform with the percentage relationship existing between Class 100 and the other classes in the all-rail rates;

3. The joint through differential rates between eastern and western Canada involved herein have not been shown to be unjustly discriminatory against the City of Winnipeg and the Province of Manitoba, nor unduly preferential in favour of points west of the Province of Manitoba;

4. The generality of the findings herein shall not be so construed as to prevent any complaint in regard to any differential rate or rates which may be alleged to be unjust or unreasonable under circumstances or conditions peculiar to such particular rate or rates;

5. The rates shown herein may be made subject to the interim increases permitted by the Board in its Judgment and Order No. 96300 of the 17th November, 1958;

6. Subject to the implementation of the foregoing findings, the application should be dismissed.

A. SYLVESTRE

L. J. KNOWLES

Ottawa, Ontario, November 28, 1958.

## THE BOARD OF TRANSPORT COMMISSIONERS FOR CANADA

ORDER No. 96423

*In the matter of the application of the Winnipeg Chamber of Commerce for an Order directing the railway and water carriers under the jurisdiction of the Board to remove alleged unjust discrimination and undue preference in tariffs of the said carriers on traffic moving between eastern and western Canada:*

File No. 48315

FRIDAY, the 28th day of November, A.D. 1958

ROD KERR, Q.C., *Assistant Chief Commissioner.*A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*L. J. KNOWLES, *Commissioner.*

*Upon hearing the application at Winnipeg on February 24 and 25, 1958, in the presence of Counsel for the Winnipeg Chamber of Commerce, the Montreal Board of Trade, the Government of the Province of Manitoba, the Province of Saskatchewan, the Canada Steamship Lines, the Canadian Pacific Railway Company, the Canadian National Railways, the Province of Alberta and the Edmonton Chamber of Commerce, and representatives of the Chamber of Commerce of Fort William and Port Arthur, and the Canadian Industrial Traffic League—*

*It is ordered that the directions to the railway companies and the carriers by ship contained in the Judgment herein dated the 28th day of November, 1958, be implemented by the said railway companies and carriers by ship on statutory notice on or before the opening of navigation on the Great Lakes and St. Lawrence River in the year 1959;*

*It is further ordered that, subject to the first paragraph hereof, the application be, and it is hereby, dismissed.*

ROD KERR,

*Assistant Chief Commissioner,**The Board of Transport Commissioners for Canada.*

## ORDER No. 96802

*In the matter of the application of the Canadian Freight Association, under section 325 of the Railway Act, for approval of proposed Supplement No. 18 to Canadian Freight Classification No. 20, on file with the Board under file No. 47833.17:*

THURSDAY, the 8th day of January, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

Whereas notice has been given by the Canadian Freight Association in The Canada Gazette, as required by section 325 of the Railway Act, and copies of the said Supplement have been furnished to the parties named in the General Order of the Board No. 695, with the request that their objections, if any, be filed with the Board within thirty days; no one offering any objection;

And upon reading the submissions filed—  
*It is hereby ordered as follows:*

The said Supplement No. 18 to Canadian Freight Classification No. 20, on file with the Board under file No. 47833.17, is approved.

ROD KERR,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

## ORDER No. 96831

*In the matter of the application of the Railway Association of Canada and certain of the member companies, dated September 16, 1958, for authority to make increases in their tolls or rates for the carriage of freight traffic on their lines in Canada, and in particular in the matter of the final relief therein requested:*

File No. 48771.2

TUESDAY, the 13th day of January, A.D. 1959

R. KERR, Q.C., *Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

L. J. KNOWLES, *Commissioner.*

*Upon hearing a Motion by Counsel for the Railway Association of Canada for the Board to fix a date for hearing the application for final relief requested in the application dated September 16, 1958, of the said Association for an increase in freight rates, and to fix other dates related thereto, and upon hearing Counsel for the Applicant in support of the Motion and Counsel for the Province of Alberta, the Maritimes Transportation Commission on behalf of New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland, the Province of Manitoba, the Province of Saskatchewan and the Province of British Columbia, in opposition thereto;*

*And the said application dated September 16, 1958, having been filed and served on interested parties on or about that date and the part of it that requested interim relief having been heard and determined and the Applicant having now requested the Board to set down for hearing the application for final relief, and indicated its readiness to establish its case;*

*And it appearing to the Board at this time that the Applicant is entitled to have its said application for final relief heard and determined and that it would be just and reasonable for the Board to commence the hearing of the application on or about Tuesday, the 19th day of May, 1959, and proceed to hear and determine it in accordance with the governing law and applying such principles of rate-making as should then be applied by the Board in the circumstances to establish just and reasonable rates.*

*The Board hereby orders:*

1. That the said application for final relief will be heard by the Board in the Board's Court Room, Union Station Building, Ottawa, Ontario, commencing at 10 o'clock in the forenoon on Tuesday, the 19th day of May, 1959.

2. That, on or before the 10th day of April, 1959, the Applicant shall file ten copies of a Supplement to the said application to specify the amount of the increase in the existing general level of freight rates and the increase in the existing rates on coal and coke being requested by the Applicant by way of final relief under the said application and mail or deliver a copy of the Supplement to all persons upon whom the Applicant has been directed by the Board to serve applications involving requests for general increases in freight rates.

3. That, on or before the 20th day of April, 1959, all parties desiring to participate in such hearing shall file with the Board ten copies of their Answer to the said Application and Supplement and mail or deliver six copies of such Answer to the Applicant, or to H. C. Friel, Q.C., or Ian D. Sinclair, of Counsel for the Applicant, and

4. That, on or before the 20th day of April, 1959, the Applicant shall file with the Board ten copies of Precis of Evidence to be adduced in support of the said application for final relief, and forthwith on or after that date shall mail or deliver five copies of such Precis to any party from whom an Answer to the Application and Supplement has been received by the Applicant of its Counsel.

ROD KERR,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 96525 Dec. 9—Authorizing the C.N.R. to remove the caretaker at Greencourt, Alta.
- 96526 Dec. 10—Authorizing the B.C. Electric Company Limited to construct two gas mains over the C.P.R. at Mileage 124.71 Cascade Subd., B.C.
- 96527 Dec. 10—Authorizing the removal of the speed limitation at crossing of the highway and the C.P.R. at Mileage 72.59 Trois Rivières Subd., P.Q.
- 96528 Dec. 10—Authorizing the removal of the speed limitation at crossing of the highway and the C.P.R. at first public crossing east of Riverside Drive, Ottawa, Ont., at Mileage 133.75 Alexandria Subd.
- 96529 Dec. 10—Approving tariffs filed by The Bell Telephone Company of Canada.
- 96530 Dec. 10—Authorizing the C.N.R. to install automatic protection at the crossing of its railway and Highway No. 59, at Mileage 22.43 Burford Subd., Ont.
- 96531 Dec. 10—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de St-Henri de mascouche Limitee.
- 96532 Dec. 10—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Lyndhurst Telephone Company Limited.
- 96533 Dec. 10—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de St-Rosaire.
- 96534 Dec. 10—Authorizing the B.C. Electric Company Limited to construct two gas mains over the C.N.R. at Mileage 4.93 Burrard Harbour Line, North Vancouver, and over the C.N.R. industrial track serving Hooker Chemicals Ltd. in Vancouver, B.C.
- 96535 Dec. 10—Approving clearances on the private siding serving Clever-Brooks of Canada Limited, Stratford, Ont., Mileage 1.48 Thorndale Subd., C.N.R.
- 96536 Dec. 11—Approving tolls published in tariffs filed by the Canadian Freight Association under sections 3 and 8 of the Maritime Freight Rates Act.
- 96537 Dec. 11—Approving tolls published in tariffs filed by the Canadian Freight Association under sections 3 and 8 of the Maritime Freight Rates Act.
- 96538 Dec. 11—Authorizing the C.P.R. and the N.Y.C. Railroad Company to operate their trains through the interlocking at the crossing of the railway of the C.P.R. and the St. Lawrence and Adirondack Rly. (N.Y.C.) at Adirondack Junction, P.Q., Mileage 40.66 Adirondack Subd.
- 96539 Dec. 11—Approving tolls published in tariffs filed by the Canada and Gulf Terminal Rly. Co. under section 8 of the Maritime Freight Rates Act.
- 96540 Dec. 11—Approving location of facilities of McColl-Frontenac Oil Company Limited, for the handling and storage of flammable liquids at Little Current, Ont., Mileage 38.0 Little Current Subd.
- 96541 Dec. 11—Authorizing the Town of Oakville to construct a sanitary sewer over and under the company pipe line of Trans-Northern Pipe Line Company in Lot 14, Con. 3, south of Dundas St., Twp. of Trafalgar, Ont.
- 96542 Dec. 11—Authorizing the removal of the speed limitation at crossing of the C.N.R. and Pie XI Boulevard (Valcartier Road) being first crossing south of Val St-Michel, P.Q., Mileage 12.33 Batiscan Subd.
- 96543 Dec. 11—Amending Order No. 92693 granting authority to the C.N.R. to operate its trains at a speed of 30 miles per hour from a point on the Hudson Bay Railway near Sipiwesk to Thompson, Man.
- 96544 Dec. 11—Authorizing the C.N.R. to close as an agency its station at Millbrook, Ont.
- 96545 Dec. 11—Authorizing the Northern Alberta Rlys. Company to operate over the interchange trackage of the Pacific Great Eastern Rly. Co. at Dawson Creek, B.C.
- 96546 Dec. 11—Authorizing the Quebec Dept. of Roads to install automatic protection at the crossing of the highway and the C.P.R. at Batiscan, P.Q., Mileage 101.75 Quebec Subd.

- 96547 Dec. 11—Amending Order No. 94428 re apportionment of cost of constructing Highway No. 4 across and under the C.P.R. by means of a subway at Biggar, Sask., Mileage 60.06 Wilkie Subd.
- 96548 Dec. 11—Authorizing the C.N.R. to remove the caretaker at Cardinal, Man.
- 96549 Dec. 11—Amending Order No. 92564 which authorized the Munic. of Metropolitan Toronto to construct Bayview Avenue extension over the right of way of the C.P.R. by means of a subway at Mileage 0.62 North Toronto Subd.
- 96550 Dec. 11—Amending Order 91945 which authorized the Munic. of Metropolitan Toronto to construct Bayview Avenue extension over the C.P.R. by means of an overhead bridge in the Twp. of East York, Mileage 104.4 Oshawa Subd.
- 96551 Dec. 11—Authorizing the County of Oxford, Ont., to widen County Road No. 32, known as Governor's Road, where it crosses the C.P.R. at Mileage 90.47 Galt Subd.
- 96552 Dec. 11—Requiring the C.N.R. to install automatic protection at the crossing of its railway and Highway No. 12, near Stettler, Alta., Mileage 51.22 Stettler Subd.
- 96553 Dec. 11—Authorizing the removal of the speed limitation at crossing of the highway and the C.N.R. at Mileage 52.65 Matapedia Subd., P.Q.
- 96554 Dec. 15—Authorizing the removal of the speed limitation at crossing of the highway and the C.P.R. at Bow Island, Alta., Mileage 40.8 Taber Subd.
- 96555 Dec. 12—Authorizing the C.P.R. to construct a siding across North Kent Ave. and across the lane which runs parallel to and between St. George and Fraser Sts., Vancouver, B.C., to serve Northern Electric Company.
- 96556 Dec. 12—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 14 near Belleville, Ont., Mileage 92.54 Belleville Subd., in lieu of the present protection.
- 96557 Dec. 12—Authorizing the C.P.R. to install protection at the crossing of its railway and Hutton Side Road, in the Twp. of London, Ont., Mileage 2.32 Windsor Subd.
- 96558 Dec. 12—Authorizing the Township of Harwich, Ont., to improve the approach grades on both sides of the highway at crossing of the C.N.R. and the highway at Mileage 56.77 Chatham Subd.
- 96559 Dec. 12—Authorizing the Department of Agriculture to construct a public access road over the pipe lines of the Interprovincial Pipe Line Company in the west boundary of Sec. 18, Twp. 27, Rge. 6, West 3rd Meridian, Sask.
- 96560 Dec. 12—Authorizing Northwestern Utilities to construct a natural gas main across the pipe line of the Interprovincial Pipe Line Company in Sec. 28, Twp. 52, Rge. 26, W. 4th M., Alta.
- 96561 Dec. 12—Approving location of facilities of Industrial Propane Limited for the handling and storage of liquefied petroleum gas at Wellington, B.C., Mileage 77.3 Victoria Subd.
- 96562 Dec. 12—Authorizing the C.N.R. to operate under the overhead bridge (known as the Edgar Fournier Bridge) opposite 34th Ave., Edmundston, N.B.
- 96563 Dec. 12—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and Lake Valley Telephone Association.
- 96564 Dec. 12—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company and the Commissioners of the Telephone System of the Munic. of the Township of Haldimand.
- 96565 Dec. 12—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Cie de Telephone de L'Avenir.
- 96566 Dec. 12—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Corporation of the Township of Medonte.
- 96567 Dec. 12—Authorizing the C.P.R. to make signal and track changes between Mileage 77 and Mileage 90 Mountain Subd., B.C.
- 96568 Dec. 12—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at Kronau, Sask.

- 96569 Dec. 15—Authorizing the Public Utilities Commission for the City of London, Ont., to construct a water main over and under the C.P.R. at 3rd Concession Road, Township of London, Ont., Mileage 3.01 Windsor Subd.
- 96570 Dec. 15—In the matter of the application of the City of Montreal that the grade separation at Delorimier Ave., which was ordered to be constructed by Order No. 46743 be now proceeded with in accordance with plan No. YIF31-51.1.
- 96571 Dec. 15—Authorizing the removal of the speed limitation at crossing of the railway of the C.P.R. and Sydenham crossing, in Kingston, Ont., Mileage 98.33 Kingston Subd.
- 96572 Dec. 15—Authorizing the City of Oshawa to construct a pedestrian crossing over the Oshawa Rly. Company at Somerville Ave., City of Oshawa, Ont., Mileage 4.50 Oshawa Subd.
- 96573 Dec. 15—Authorizing the Sask. Department of Highways and Transportation to widen Highway No. 9 over the C.P.R. at Mileage 121.5 Estevan Subd.
- 96574 Dec. 15—Authorizing the City of Kitchener to widen the intersection of Peter and Mill Streets over the Grand River Railway Company, in Kitchener, Ont.
- 96575 Dec. 15—In the matter of application of Prairie Pipe Mfg. Company Limited for an Order fixing a charge in respect of rates on Skelp from Hamilton and Sault Ste. Marie, Ont., to Regina, Sask., and on Pipe from Regina, Sask. to Vancouver, B.C. and other places in the said Province
- 96576 Dec. 16—Authorizing the C.P.R. to install automatic protection at the crossing of their railway and Highway No. 4, Mileage 32.85 Walkerton Subd., Ont.
- 96577 Dec. 16—Authorizing the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 19 at Shakespeare, Ont., Mileage 81.58 Brampton Subd.
- 96578 Dec. 16—Authorizing the C.P.R. to install automatic protection in lieu of the existing protection at the crossing of its railway and the highway near Lonsdale, Ont., Mileage 77.3 Belleville Subd.
- 96579 Dec. 16—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 16 at Mileage 29.84 Prescott Subd., Ont.
- 96580 Dec. 16—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 4 at Mileage 9.14 Walkerton Subd., Ont.
- 96581 Dec. 16—Approving tolls published in tariffs filed by the Canada and Gulf Terminal Railway Company under section 8 of the Maritimes Freight Rates Act.
- 96582 Dec. 16—Rescinding Order No. 82415 in the matter of facilities of Home Gas Limited for the handling and storage of flammable liquids at Moose Jaw, Sask.
- 96583 Dec. 16—Amending Order No. 95831 in the matter of improved protection at the crossing of St. John Street and the C.N.R. in the Town of New Glasgow, N.S.
- 96584 Dec. 16—Authorizing the C.N.R. to operate under the overhead bridge carrying County Road No. 22 over the C.N.R. at Mileage 11.5 Hagersville Subd., Twp. of Glandford, Ont.
- 96585 Dec. 16—Rescinding Order No. 67670 in the matter of facilities of North Star Oil Limited for the handling and storage of flammable liquids at Young, Sask.
- 96586 Dec. 16—Authorizing the C.N.R. to make changes in the signals in the interlocking at crossing of their railway and the C.P.R. at Matsqui, B.C., Mileage 81.22 Yale Subd. (C.N.R.).
- 96587 Dec. 16—Authorizing the C.N.R. to make changes to the signals in the interlocker at the crossing of its railway and the B.C. Electric Railway Company at Chilliwack, B.C.
- 96588 Dec. 16—Rescinding Order No. 89052 in the matter of facilities of Mildmay Co-Operative Association for the handling and storage of flammable liquids at Mildmay, Ont.

- 96589 Dec. 17—Authorizing the C.P.R. to install improved protection in lieu of the present protection at crossing of its railway and Dixie Road, Twp. of Toronto, Ont., Mileage 12.58 Galt Subd.
- 96590 Dec. 17—Amending Order No. 93907 re apportionment of cost of installing automatic protection at crossing of the C.N.R. and Highway No. 12 near St. Anne, Manitoba, Mileage 125.85 Sprague Subd.
- 96591 Dec. 17—Relieving the C.P.R. from erecting right of way fencing on certain Mileages on its St. Mary's Subd., Ont.
- 96592 Dec. 18—Authorizing Plains-Western Gas & Electric Company Limited to construct a natural gas main over the company pipe line of West-coast Transmission Company Limited, in the NE $\frac{1}{4}$  Sec. 22-83-18-W.6M., B.C.
- 96593 Dec. 18—Approving location of proposed facilities of Stewart-Davis Oils Limited for the handling and storage of flammable liquids at Lethbridge, Alta., Taber Subd.
- 96594 Dec. 18—Authorizing the C.P.R. to remove the caretaker at Pendelton, Ont., and operate the station as a shelter.
- 96595 Dec. 18—Authorizing the C.N.R. to remove the caretaker at Dillabough, Sask.
- 96596 Dec. 18—Authorizing the C.N.R. to remove the station agent and appoint a caretaker at Compton, P.Q.
- 96597 Dec. 18—Authorizing the C.P.R. to remove the caretaker-agent and appoint a caretaker at Fassett, P.Q.
- 96598 Dec. 18—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 39, Mileage 92.81 Windsor Subd., Ont.
- 96599 Dec. 18—Authorizing the C.N.R. to install automatic protection at the crossing of its railway and Highway No. 19, Mileage 2.46 Newton Subd., Ont.
- 96600 Dec. 19—In the matter of the General Freight Rates Investigation re commodity freight rates on fresh fruits and vegetables.
- 96601 Dec. 18—Authorizing the C.N.R. to make changes in the signals at the Sumas River lift bridge, Mileage 78.8 Yale Subd., B.C.
- 96602 Dec. 18—Approving facilities of Gibson Petroleum Company Ltd., for the handling and storage of crude petroleum near Viewfield, Sask.
- 96603 Dec. 18—Extending the time within which Trans-Canada Pipe Lines Limited is required to complete its pipe line from Winnipeg to Emerson, Man.
- 96604 Dec. 19—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and West Street, Orillia, Ont., Mileage 85.9 Newmarket Subd.
- 96605 Dec. 19—Approving location of the C.N.R. freight and passenger shelter at Lousana, Alta.
- 96606 Dec. 19—Authorizing the removal of the speed limitation at crossing of the C.P.R. and McCowans Road, near Agincourt, Ont., Mileage 95.56 Oshawa Subd.
- 96607 Dec. 19—Authorizing the C.N.R. to remove the caretaker and the station building at Holstein, Ont.
- 96608 Dec. 19—Authorizing the Algoma Central and Hudson Bay Railway Company to remove the station agent and appoint a caretaker at Coppell, Ont.
- 96609 Dec. 19—Approving the location of new Class I flammable liquid bulk storage facilities of North Star Oil Limited at Winkler, Man., La Riviere Subd.
- 96610 Dec. 19—Authorizing the C.N.R., the C.P.R. and Midland Rly. Company to operate their trains through the interlocker at crossing of their railways and St. James Junction, Winnipeg, Man.
- 96611 Dec. 19—Authorizing the C.N.R. to install automatic protection at the crossing of its railway and Helena St., Town of Fort Erie, Ont., Mileage 3.28 Dunnville Subd.
- 96612 Dec. 19—Authorizing the Northwestern Utilities Limited to install a gas main over the pipe line of Trans Mountain Oil Pipe Line Company in the SE $\frac{1}{4}$  Sec. 31-53-13-W5M., Alta.
- 96613 Dec. 19—Authorizing the Twp. of Puslinch, Ont., to improve the approach grades at the crossing of the highway and the C.P.R. at Mileage 43.71 Galt Subd.
- 96614 Dec. 19—Authorizing the Rural Munic. of Big Quill No. 308, Sask., to widen its municipal road over the C.P.R. at Mileage 113.45 Wynyard Subd., Sask.

- 96615 Dec. 19—Authorizing The Bell Telephone Company of Canada to construct, operate, etc. its lines of telephone under and along the C.P.R. in the Parish of St. Michel de Vaudreuil, P.Q.
- 96616 Dec. 19—Authorizing the Provincial Gas Company Limited to construct a gas main over the pipe line of Trans-Canada Pipe Lines Limited in Lots 12 and 35 in the Twp. of Niagara, Ont.
- 96617 Dec. 19—Authorizing the Rural Municipality of Terrell No. 101 to relocate and widen the public crossing over the C.N.R. at Mileage 35.7 Gravelbourg Subd., Sask.
- 96618 Dec. 19—Authorizing the C.N.R. to remove the station agent and appoint a caretaker at St. Isidore, P.Q.
- 96619 Dec. 22—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Highway No. 13, being first public crossing west of station at St. Leonard Junction, P.Q., Mileage 80.17 Drummondville Subd.
- 96620 Dec. 22—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and St. Joseph Blvd., first public crossing west of station at St. Pierre de Sorel, P.Q., Mileage 43.69 Sorel Subd.
- 96621 Dec. 22—Rescinding Order 57732 which approved location of facilities as described therein at Niagara Falls, Ont.
- 96622 Dec. 22—Amending Order No. 61741 requiring Pere Marquette Railway Company to install automatic protection at first public crossing west of Blenheim Station, Ont., known as Gravel Street.
- 96623 Dec. 22—Rescinding Order No. 66152, in the matter of facilities as described therein at Galahad, Alta.
- 96624 Dec. 22—Authorizing the removal of the speed limitation at the crossing of the N.Y.C. Railroad Company and Fourth Concession Road east of station at Essex, Ont., Mileage 207.53 Main Line Subd.
- 96625 Dec. 22—Approving new and relocated facilities of Imperial Oil Limited for the storage of flammable liquid at Dunblane, Sask., Mileage 59.3 Conquest Subd.
- 96626 Dec. 22—Approving application of the C.N.R. to relocate its track serving M. Beatty and Sons Limited, along and across Lincoln St., in Welland, Ont.
- 96627 Dec. 22—Rescinding Order No. 75017 which approved facilities described therein at Dominion City, Manitoba.
- 96628 Dec. 22—Rescinding Order No. 73435 which approved facilities described therein at Bruce, Ontario.
- 96629 Dec. 22—Authorizing the removal of the speed limitation at crossing of the highway and the C.N.R. at Mileage 87.7 Viking Subd., Alta.
- 96630 Dec. 22—Authorizing the removal of the speed limitation at crossing of the highway and the C.N.R. at Mileage 48.4 Vegreville Subd., Alta.
- 96631 Dec. 22—Authorizing the removal of the speed limitation at crossing of the highway and the C.P.R. at Mileage 13.78 Park Avenue Subd., P.Q.
- 96632 Dec. 22—Authorizing the removal of the speed limitation at crossing of the highway and the C.N.R. at Mileage 151.26 Gananoque, Ont.
- 96633 Dec. 22—Amending Order No. 89577 which authorized the construction of retaining walls, etc. at crossing of Ontario St. North and the C.P.R. at Mileage 31.85 Galt Subd., Milton, Ont.
- 96634 Dec. 22—Amending Order No. 93965 re apportionment of cost of constructing Highway No. 11 over the C.N.R. by means of an overhead bridge at Mileage 57.34 Alderdale Subd., Dist. of Nipissing, Ont.
- 96635 Dec. 22—Authorizing the C.P.R. to remove the caretaker at Pettapiece, Man.
- 96636 Dec. 22—Authorizing the Munic. of Shuniah to construct a public road across the pipe line of Northern Ontario Pipe Line Crown Corp. in the Twp. of McGregor, Ont.
- 96637 Dec. 22—Amending Order No. 96459 which authorized the widening of Highway No. 15 over the C.P.R. between Sections 22 and 27, Twp. 29, Rge. 22, W.2M., Sask.
- 96638 Dec. 22—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Blind River, Ont., Mileage 54.72 Thessalon Subd.

- 96639 Dec. 22—Extending the time within which automatic protection is to be installed by the C.P.R. at crossing of County Road No. 4 and its railway at Mileage 61.69 Belleville Subd., Ont.
- 96640 Dec. 23—Approving location of proposed flammable liquid bulk storage facilities of The British American Oil Company Limited, at Melfort, Sask., Mileage 98.7 Tisdale Subd.
- 96641 Dec. 23—Authorizing the removal of the speed limitation at the crossing of Henry Road crossing and the Esquimalt and Nanaimo Railway near Chemainus, B.C., Mileage 50.6 Victoria Subd.
- 96642 Dec. 23—Rescinding Order No. 74465 in the matter of facilities as described therein at High Prairie, Alta.
- 96643 Dec. 23—Authorizing the C.N.R. to construct a private siding across the highway at Richards, N.B., Mileage 105.39 Bathurst Subd., to serve The British American Oil Co.
- 96644 Dec. 23—Requiring the C.N.R. to install improved protection at the crossing of the highway and its railway at first crossing west of station at St. Paula, Ont., Mileage 5.3 Thorndale Subd.
- 96645 Dec. 23—Authorizing the removal of the speed limitation at crossing of the highway and the C.P.R. at Mileage 56.84 Chalk River Subd., Ont.
- 96646 Dec. 23—Requiring the Northern Alberta Railways Company to install automatic protection at crossing of its railway and Highway No. 2 near Demmitt, Alta., Mileage 108.96 Grande Prairie Subd.
- 96647 Dec. 23—Rescinding Order No. 79092 in the matter of facilities as described therein, at Chippawa, Ont.
- 96648 Dec. 24—Authorizing the N.B. Department of Public Works to divert the Trans-Canada Highway between certain mileages on the Shogomoc Subd., Prov. of N.B.
- 96649 Dec. 24—Approving location of a bank of liquefied petroleum gas cylinders, pipe lines and switch heaters at Mileage 3.12 Winchester Subd., Ont., by the C.P.R.
- 96650 Dec. 24—Approving location of proposed facilities of Imperial Oil Limited for storage of flammable liquid bulk at Boissevain, Man.
- 96651 Dec. 24—Authorizing the C.N.R. to remove the caretaker at Venn, Sask.
- 96652 Dec. 24—Authorizing the removal of the speed limitation at crossing of the C.N.R. and Highway No. 83, Mileage 47.67 Cromer Subd., Man.
- 96653 Dec. 24—Authorizing the removal of the speed limitation at the crossing of the Great Northern Railway Company and 112th Street, two miles north of Colebrook, B.C.
- 96654 Dec. 24—Authorizing the removal of the speed limitation at crossing of Monnoir Road and the C.N.R. at Marieville, P.Q., Mileage 24.68 Granby Subd.
- 96655 Dec. 24—Exempting the C.P.R. from erecting right of way fencing at certain mileages on its Glenboro Subd., Man.
- 96656 Dec. 24—Authorizing the C.N.R. to operate under the overhead bridge at Mileage 127.95 Gananoque Subd., Ont.
- 96657 Dec. 24—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 96658 Dec. 24—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 96659 Dec. 24—Authorizing the Federal Dept. of Public Works to construct the Trans-Canada Highway in Glacier National Park over the C.P.R. by means of an overhead bridge at Mileage 86.63 Mountain Subd., B.C.
- 96660 Dec. 24—Approving application of the British Columbia Telephone Company in the matter of revisions of certain message toll and exchange service tariffs.
- 96661 Dec. 24—Authorizing Amerada Petroleum Corporation to construct two additional pipe lines across the pipe lines of Westspur Pipe Line Company in Sec. 32, Twp. 3, Rge. 4, West 2nd M., Sask.
- 96662 Dec. 24—Authorizing the removal of the speed limitation at the crossing of Culloden Road and the New York Central Railroad Company at Brownsville, Ont., Mileage NF 96.5.
- 96663 Dec. 24—Authorizing the removal of the speed limitation at the crossing of Highway 36 and the C.N.R. at Mileage 44.68 Viking Subd., Alta.

- 96664 Dec. 24—Requiring the C.P.R. to install automatic protection at the crossing of Highway No. 12 and the C.P.R. at Lacombe, Alta., Mileage 18.47 Leduc Subd.
- 96665 Dec. 24—Amending Order No. 96293 which authorized the C.N.R. to operate their trains over the crossing of their railway and the C.P.R. at Mileage 14.33 Gladstone Subd., Man.
- 96666 Dec. 24—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 28.73 Montfort Subd., P.Q.
- 96667 Dec. 24—Authorizing the Morrissey, Fernie and Michel Railway Company to abandon the operation of its railway line between the Town of Fernie and Coal Creek, B.C., a distance of approximately 4.92 miles.
- 96668 Dec. 24—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 39.74 Tisdale Subd., Sask.
- 96669 Dec. 24—Approving toll published in Tariff C.T.C. No. 91 filed by the Cumberland Railway and Coal Company under section 8 of the Maritime Freight Rates Act.
- 96670 Dec. 24—Approving tolls published in Tariff C.T.C. No. 89 filed by the Cumberland Railway and Coal Company under section 3 of The Maritime Freight Rates Act.
- 96671 Dec. 24—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at Milan, P.Q.
- 96672 Dec. 24—Authorizing the C.N.R. to operate their trains over the crossing of their Touchwood Subd. and the Lanigan Subd. of the C.P.R. near Nokomis, Sask., Mileage 106.46 Touchwood Subd.
- 96673 Dec. 24—Authorizing the C.N.R. to operate their trains over the crossing of their railway at Mileage 14.6 Asquith Subd., and the C.P.R. at Mileage 93.6 Colonsay Subd., near Young, Sask.
- 96674 Dec. 29—Authorizing the removal of the speed limitation at crossing of the highway and the C.P.R. at Mileage 24.07 Trois-Rivieres Subd., P.Q.
- 96675 Dec. 29—Rescinding Order No. 70778 in the matter of facilities for handling and storage of flammable liquids at Leamington, Ont.
- 96676 Dec. 29—Rescinding Order No. 59905 in the matter of facilities for the handling and storage of flammable liquids at Windsor, Ontario.
- 96677 Dec. 29—Approving application of The British American Oil Company Limited, for the location of proposed flammable liquid bulk storage facilities at Somerset, Man.
- 96678 Dec. 29—Approving Supplement No. 1 to Service Station Contract between The Bell Telephone Company of Canada and F. F. Soucy, Inc.
- 96679 Dec. 29—Authorizing the C.P.R. to remove the caretaker-agent and appoint a caretaker at Pointe au Chene, P.Q.
- 96680 Dec. 29—Approving Alternate Appendix "B" to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de Ste-Clothilde, Beauce.
- 96681 Dec. 29—Approving construction of the temporary Bailey bridge over the C.N.R. in the Village of Long Branch, Ont., Mileage 9.41 Oakville Subd.
- 96682 Dec. 29—Authorizing the C.N.R. to reconstruct the bridge at Dufferin Street in the Munic. of Metropolitan Toronto, Ont., Mileage 0.9 Belt Line Subd. of Toronto Terminals Division.
- 96683 Dec. 29—Authorizing the Niagara, St. Catharines and Toronto Railway Company to operate over the bridge over Clarke St. in the Town of Merritton, Ont., Mileage 2.2 Welland Subd.
- 96684 Dec. 29—Rescinding Orders Nos. 56928, 66398 and 69284 which approved facilities for handling and storage of flammable liquids at Leamington, Ont.
- 96685 Dec. 29—Approving proposed location of facilities of The British American Oil Company Limited, for flammable liquid bulk storage at Gander, Nfld.
- 96686 Dec. 30—Requiring the C.P.R. to install automatic protection at the crossing of their railway and Suburban Road No. 93 near Wallenstein Station, Ont., Mileage 51.78 Goderich Subd.

- 96687 Dec. 30—Requiring the C.P.R. to install automatic protection at the crossing of their railway and Stevenson Street, Guelph, Ont., Mileage 30.58 Goderich Subd.
- 96688 Dec. 30—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Merciers St., St. Johns, P.Q., Mileage 20.17 Adirondacks Subd.
- 96689 Dec. 30—Authorizing the C.N.R. to operate over the west approach of its bridge over the North Thompson River at Mileage 0.5 Ashcroft Subd., B.C.
- 96690 Dec. 30—Authorizing the Sask. Dept. of Highways and Transportation to widen Highway No. 18 over the C.N.R. at Mileage 86.37 Lampman Subd.
- 96691 Dec. 30—Authorizing the British Columbia Power Commission to construct an electric aerial transmission line over the pipe line of Westcoast Transmission Company Limited, in District Lot 5, Lot 1, Plan 2883 in the Lillooet Land District of B.C.
- 96692 Dec. 30—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Bothwell, Ont., Mileage 43.13 Windsor Subd.
- 96693 Dec. 30—Authorizing the removal of the speed limitation at crossing of the highway and the C.P.R. near Zorra, Ont., Mileage 3.78 St. Marys Subd.
- 96694 Dec. 30—Authorizing the C.P.R. to remove the station agent at Tyndall, Man.
- 96695 Dec. 30—In the matter of changes in rate grouping of certain telephone exchanges of The Bell Telephone Company of Canada.
- 96696 Dec. 30—Requiring the C.P.R. to install automatic protection at the crossing of their railway and Highway No. 544 at Larchwood, Ont., Mileage 95.73 Cartier Subd.
- 96697 Dec. 30—Requiring the New York Central Railroad Company to install automatic protection at the crossing of its railway and Beauce St., Beauharnois, P.Q., Mileage 43.7 Mohawk & St. Lawrence Division.
- 96698 Dec. 30—Authorizing The Bell Telephone Company of Canada to construct, operate, etc. its lines of telephone over and along the lands of The Montreal and Southern Counties Railway Company at Chambly Basin, P.Q.
- 96699 Dec. 30—Authorizing the C.N.R. to install automatic protection at the crossing of its railway and Heron Road, Ottawa, Ont., Mileage 3.34 Beachburg Subd.
- 96700 Dec. 30—Authorizing the C.P.R. to install improved protection at the crossing of its railway and Lougheed Highway at Dewdney, B.C., Mileage 81.48 Cascade Subd.
- 96701 Dec. 30—Authorizing the City of Sherbrooke to construct Short Street over the C.P.R. at Mileage 67.95 Megantic Subd., P.Q.
- 96702 Dec. 30—Approving clearances on the siding serving the Aluminum Company of Canada Limited in the Twp. of Wakefield, Co. of Gatineau, P.Q., Mileage 17.03 Maniwaki Subd.
- 96703 Dec. 30—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.
- 96704 Dec. 30—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.
- 96705 Dec. 30—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.
- 96706 Dec. 30—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.
- 96707 Dec. 30—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.

- 96708 Dec. 30—Approving tolls published in tariffs filed by the Sydney and Louis-  
burg Railway Company under section 8 of the Maritime Freight  
Rates Act.
- 96709 Dec. 30—Approving tolls published in tariffs filed by the Sydney and Louis-  
burg Railway Company under section 8 of the Maritime Freight  
Rates Act.
- 96710 Dec. 31—Authorizing the removal of the speed limitation at the crossing of the  
highway and the C.P.R. at St. Martin, P.Q., Mileage 12.08 Park  
Avenue Subd.
- 96711 Dec. 31—Authorizing the C.P.R. to construct an industrial spur track com-  
mencing at a point on the siding serving Edible Oils Limited, in the  
City of Fort William, Ont.
- 96712 Dec. 31—Approving Alternate Appendix to Traffic Agreement between The  
Bell Telephone Company of Canada and La Compagnie de Telephone  
de St-Hubert de Spaulding.
- 96713 Dec. 31—Amending Order No. 96488, which apportioned the balance of cost  
of diverting a portion of the Merritt Subd. of the C.P.R., B.C.
- 96714 Dec. 31—Authorizing the C.N.R. to operate their trains over the diversion  
from a point on the Rouses Point Subd., near Brosseau, to a point  
on the Granby Subd., north of Ina Road, Co. Chambly, P.Q.
- 96715 Dec. 31—Approving location of proposed flammable liquid bulk Storage  
facilities of BP of Canada Limited, at Thetford Mines, P.Q.
- 96716 Dec. 31—Extending the time within which the C.N.R. are required to install  
automatic protection at crossing of their railway and Highway No. 22  
(Craig Street), Town of Richmond, P.Q., Mileage 70.93 Sherbrooke  
Subd.
- 96717 Dec. 31—Dismissing the application of the C.N.R. for authority to remove the  
caretaker at Birnie, Man.
- 96718 Dec. 31—Amending Order No. 93908, in the matter of approval of plan of  
Trans Mountain Oil Pipe Line Company's pipe line loop in the Yale  
Division of the Yale District of B.C.
- 96719 Dec. 31—In the matter of protection at crossing of the highway and the  
C.N.R., at first crossing south of Washago, Ont., Mileage 88.34 Bala  
Subd.
- 96720 Dec. 31—Amending Order No. 96516 in the matter of the regulations for the  
Transportation of Dangerous Commodities by Rail, etc.
- 96721 Dec. 31—Authorizing the C.N.R. to construct an additional track across  
Pleasant St. in the Town of North Sydney, N.S., Mileage 0.31 Wharf  
Spur.
- 96722 Dec. 31—Authorizing the C.N.R. to install automatic protection at the crossing  
of Highway No. 38 and its railway at Mileage 84.95 Smiths Falls  
Subd., and the right of way of the C.P.R. at Mileage 84.98 Kingston  
Subd., Ont.
- 96723 Dec. 31—Authorizing the C.P.R. to install automatic protection at the crossing  
of its railway and Black Road, Twp. of Foley, Ont., Mileage 13.67  
Parry Sound Subd.
- 96724 Dec. 31—Authorizing the New York Central Railroad Company to install  
improved protection in lieu of the present protection at crossing of  
its railroad and Joseph St., Beauharnois, P.Q., Mileage 43.1 Mohawk  
and St. Lawrence Subds.
- 96725 Dec. 31—Authorizing the C.N.R. to remove the station agent at Moulton, Ont.
- 96726 Dec. 31—Authorizing the removal of the speed limitation at crossing of the  
highway and the C.N.R. at first public crossing west of Myra, Man.,  
Mileage 5.32 Miniota Subd.
- 96727 Dec. 31—Authorizing the Saskatchewan Dept. of Highways and Transporta-  
tion to construct Highway No. 15 across the pipe lines of Inter-  
provincial Pipe Line Company in Secs. 9 and 16, Sask.
- 96728 Dec. 31—Extending the time within which the C.P.R. is required to install  
automatic protection at crossing of its railway and County Road  
No. 14 at Mileage 60.91 Belleville Subd., Ont.

- 96729 Dec. 31—Authorizing The Hydro-Electric Power Commission of Ontario to construct an electrical transmission line on lands of the C.N.R. in Lots 10 and 11, Conc. 3, Beasley's Lower Block, Twp. of Waterloo, Ont., between Mileage 22.34 and Mileage 22.73 Fergus Subd.
- 96730 Dec. 31—Authorizing the City of Moncton, N.B., to construct a street diversion on each side of the C.N.R. between Queen St. and St. George St., City of Moncton, N.B.
- 96731 Dec. 31—Authorizing the Rural Munic. of Excel No. 71, Sask., to widen the highway where it crosses the C.P.R. in its Municipality at Mileage 36.55 Amulet Subd.
- 96732 Dec. 31—Relieving the C.P.R. from erecting cattle guards at Mileage 102.2 Empress Subd., Sask.
- 96733 Dec. 31—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 96734 Dec. 31—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.
- 96735 Dec. 31—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.
- 96736 Dec. 31—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.
- 96737 Dec. 31—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.
- 96738 Dec. 31—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.
- 96739 Dec. 31—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.
- 96740 Dec. 31—Approving tariffs filed by The Bell Telephone Company of Canada.
- 96741 Dec. 31—Authorizing the removal of the caretaker at Kemnay, Man.
- 96742 Dec. 31—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Dunnville Consolidated Telephone Company Limited.
- 96743 Dec. 31—Authorizing the City of Oshawa to reconstruct the overhead bridge carrying Ritson Road over the C.N.R. in the City of Oshawa, Ont., Mileage 300.1 Oshawa Subd.
- 96744 Dec. 31—Authorizing the removal of the speed limitation at crossing of the C.N.R. and Gardenville St., Longueuil, P.Q., Mileage 2.25 Sorel Subd.
- 96745 Dec. 31—Authorizing the C.N.R. to remove the station agent and appoint a caretaker at Belcourt, P.Q.
- 96746 Dec. 31—Authorizing the removal of the speed limitation at crossing of the highway and the C.P.R. at Mileage 77.81 Lachute Subd., P.Q.
- 96747 Dec. 31—Authorizing the removal of the speed limitation at crossing of the highway and the C.P.R. at Pritchard, B.C., Mileage 104.6 Shuswap Subd.
- 96748 Dec. 31—Rescinding Order 58068 which approved facilities for the handling and storage of flammable liquids at Windsor, Ontario.
- 96749 Dec. 31—Rescinding Order No. 69500 which approved facilities for handling and storage of flammable liquids at Tillsonburg, Ont.
- 96750 Jan. 5—Authorizing the removal of the speed limitation at crossing of the C.N.R. and Dominion St., Truro, N.S., Mileage 63.59 Bedford Subd.
- 96751 Dec. 31—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.
- 96752 Dec. 31—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.

- 96753 Dec. 31—Approving tariffs filed by the British Columbia Telephone Company.
- 96754 Dec. 31—Approving tolls published in tariffs filed by the Cumberland Railway and Coal Company under section 8 of the Maritime Freight Rates Act.
- 96755 Dec. 31—Approving tolls published in tariffs filed by the Cumberland Railway and Coal Company under section 8 of the Maritime Freight Rates Act.
- 96756 Dec. 31—Authorizing the C.P.R. to install automatic protection at the crossing of E. C. Row Avenue and their railway at Third Concession Road, Twp. of Sandwich East, Ont.
- 96757 Dec. 31—Approving additional flammable liquid bulk storage facilities of North Star Oil Limited at Saltcoats, Sask.
- 96758 Dec. 31—Approving location of additional flammable liquid bulk storage facilities of North Star Oil Limited at Gleichen, Alta.
- 96759 Dec. 31—Authorizing the Ontario Department of Highways to install automatic protection at crossing of the C.N.R. and Highway No. 99, 1.80 miles west of Lynden, Ont., Mileage 15.80 Dundas Subd.
- 96760 Dec. 31—Approving proposed location in facilities of Imperial Oil Limited for storage of flammable liquid in bulk at The Pas, Man.
- 96761 Dec. 31—Dismissing the application of the C.N.R. for authority to remove the station agent and appoint a caretaker at Woodville, Ont.
- 96762 Dec. 31—Rescinding Orders 18494, 65911 and 66597 in the matter of the crossing of the C.N.R. and the Montreal Tramways at Turcot, P.Q., Cornwall Subd., Montreal Terminals.
- 96763 Jan. 5—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Burketon, Ont., Mileage 54.42 Peterboro Subd.
- 96764 Jan. 5—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at the first public crossing south of Scollard, Alta., Mileage 81.07 Stettler Subd.
- 96765 Jan. 5—Approving proposed flammable liquid bulk storage facilities of Imperial Oil Limited at Ashern, Man.
- 96766 Jan. 5—Approving proposed liquid bulk storage facilities of Imperial Oil Limited at Hanna, Alta.
- 96767 Jan. 5—Approving proposed flammable liquid bulk storage facilities of Imperial Oil Limited at Regina, Sask., Mileage 114.3 Lewvan Subd.
- 96768 Jan. 6—Authorizing the removal of the speed limitation at crossing of the C.N.R. and East Street, Town of Summerside, P.E.I., Mileage 47.08 Kensington Subd.
- 96769 Jan. 6—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Quebec-Telephone (Division de l'Ouest).
- 96770 Jan. 6—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Quebec-Telephone (Division de l'Est).
- 96771 Jan. 6—Authorizing the C.N.R. and the C.P.R. to operate under the pedestrian overhead bridge at Riverdale Park, Toronto, Ont., Mileage 2.60 Bala Subd. (C.N.R.) and Mileage 106.40 Oshawa Subd. (C.P.R.).
- 96772 Jan. 6—Amending Order No. 89569 in the matter of the C.P.R. closing within the limits of its right of way the public crossing at Mileage 18.36 Carmi Subd., B.C.
- 96773 Jan. 6—Approving alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Cie Locale de Telephone de St-Gregoire.
- 96774 Jan. 7—Authorizing the C.N.R. to operate under the temporary Bailey bridge in the Village of Long Branch, Ont., Mileage 9.41 Oakville Subd.
- 96775 Jan. 7—Authorizing the Municipality of Shuniah, in the Twp. of McGregor, District of Thunder Bay, Ont., to construct the highway over the C.P.R. at Mileage 122.68 Nipigon Subd.
- 96776 Jan. 7—Approving proposed flammable liquid bulk storage facilities of The British American Oil Company Limited at Cranberry Portage, Man.

# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

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*In the matter of the investigation by the Board of Transport Commissioners for Canada of certain competitive rates published by Canadian National Railways and Canadian Pacific Railway Company on commodities moving between points in Manitoba, Saskatchewan, Alberta and British Columbia, the disallowance of which was applied for by Canadian Trucking Associations Inc. in their application to the Board dated August 21, 1957:*

File No. 47439.9

Heard in Ottawa, November 12, 1958.

*Before:*

R. KERR, Q.C., *Assistant Chief Commissioner.*  
F. M. MACPHERSON, *Commissioner.*  
L. J. KNOWLES, *Commissioner.*

*Appearances:*

H. E. B. COYNE, Q.C., for the Canadian Trucking Associations.  
J. W. G. MACDOUGALL, Q.C., for the Canadian National Railways.  
K. D. M. SPENCE, Q.C., for the Canadian Pacific Railway Company.  
W. A. WALLACE, representing the Canadian Transport Tariff Bureau.

### J U D G M E N T

BY THE BOARD:

This investigation was instituted by the Board of its own motion, and concerns the propriety of certain rates published as competitive rates by the railway companies on merchandise between a limited number of points in western Canada, which are said to have been established to meet motor truck competition. They are generally known as "incentive" rates because they are published in relation to a series of minimum carload weights commencing with 24,000 lbs., and the rates are arranged in descending order as the minimum rises to greater weights.

The matter of these rates was first brought to the attention of this Board by the Canadian Trucking Associations Inc. in an application, dated August 21, 1957, requesting disallowance of these rates. The Board set the matter down

for argument as to the status of the applicant, and the railways submitted a motion requesting dismissal of the application on the ground that the applicant had no status to invoke the jurisdiction of the Board under circumstances where only the justness and reasonableness of rates is an issue. The Board found that the applicant had no such status within the meaning of section 33(1) of the Railway Act and therefore dismissed the application (76 C.R.T.C., 327).

In view of the circumstances surrounding these rates, however, the Board instituted an investigation of its own motion for the purposes of obtaining the facts relating thereto, and determining whether the rates violate in any manner the provisions of section 334 of the Railway Act relating to competitive rates. Such investigation has been made, the Board has obtained information from both the Canadian National and Canadian Pacific as to the movement of the traffic for a representative period, before and after the institution of such rates on April 4, 1957, and has ascertained the revenues and costs of operation of carrying such traffic.

The traffic principally consists of high grade merchandise for which uniform equalized class rates were prescribed by the Board effective March 1, 1955. For some years prior to April 4, 1957, it was recognized by the railways, however, that much of this traffic was particularly vulnerable to highway competition and the railways had instituted competitive rates applicable thereon. These rates, however, did not return the expected traffic to the railways and on April 4, 1957 they therefore instituted the so-called "incentive" rates, based on lower unit costs with heavier carloading.

In an effort to ascertain the facts with respect to the rates charged by the trucking organizations and their movements of traffic, the Board permitted the Canadian Trucking Associations to appear by Counsel and submit information to the Board through witnesses. Three witnesses appeared, one a cost finding consultant who practices before the Interstate Commerce Commission and was a former Chief of that Commission's Cost Finding Section. The witness on cost finding made a statement as to the information produced and the use made of it by the Interstate Commerce Commission. It was his contention that the information used by that Commission in determining whether rates were justified or not on a cost basis was predicated upon out-of-pocket costs on low grade traffic, but that on high grade traffic such as is involved in this case, the Commission looks to fully distributed costs. Beyond these general statements, however, the witness did not attempt to illustrate the application of these cost finding principles in relation to the particular movements involved in this case, and therefore this evidence will not be further commented on herein.

The two other witnesses were, respectively, the Vice-President in charge of traffic for Canadian Freightways Limited, with offices in Calgary, and the Traffic Manager of Soo Security Motorways Limited, with offices in Winnipeg. Both claimed to be familiar with railway rates and with the rates charged by themselves and other large truckers, but they admitted they were not familiar with lower rates charged by small independent trucking operators.

Exhibit No. 1 was submitted by these concerns and consists of a tabulation of 72 commodity groups on which "incentive" rates are published. The Exhibit not only shows the incentive rates effective April 4, 1957, but also the normal class rates prescribed by the Board, and the competitive commodity rates in effect April 3, 1957. This information was submitted by the witnesses on each group of commodities which moved from Winnipeg to Saskatoon, Calgary, Edmonton, Prince Albert, Regina and Vancouver; from Vancouver to Calgary and Edmonton; from Calgary to Vancouver, Edmonton, Regina, Saskatoon and Prince Albert; and from Edmonton to Calgary, Vancouver and Saskatoon. In addition, the "all commodity" rates from Winnipeg to Regina, Saskatoon, Calgary, Edmonton and Vancouver were shown.

The witnesses claimed they have knowledge of the movement by railway of the 72 items, and alleged that only in seven instances have the railways recovered the entire movement from the trucks; that in only a few other instances have there been some increases in railway movement, but that in the bulk of the examples there has been little or no effect on the railway movement and that the trucks are still handling the traffic at their own rates, despite the so-called "incentive" reductions made by the railways. According also to the evidence of the two witnesses, in some instances traffic is under contract with the Canadian Pacific Transport, presumably at lower highway rates, and therefore not available either to the railways or to the other highway transport operators.

It was also suggested by these two witnesses that there is very little additional movement by rail from Winnipeg at the "incentive" rates of traffic originating in the Winnipeg area itself, but that there may have been a substantial movement of traffic from eastern Canada which was waybilled to Winnipeg in the first instance, and rebilled from that point at the "incentive" rates and therefore has defeated the through rates from eastern Canada to points west of Winnipeg.

With respect to rates, the tenor of the evidence of these two witnesses was that, generally speaking, with the exception of certain lower minima charged by the truckers, their rates were the same as the original competitive commodity rates of the railways in effect prior to April 4, 1957, and the witnesses claimed, as stated, that other trucking concerns of the same standing as the firms represented by the witnesses were also charging such rates. The witnesses, however, made no claim to represent the other trucking concerns, and they had no knowledge whatever of what the independent small truckers were charging, and this evidence must, therefore, be considered largely in the nature of hearsay.

The information obtained by the Board from the railways is contradictory in some respects of the information submitted by the two witnesses referred to. Having regard to section 334(2) of the Railway Act, as a preliminary move, a general survey was made by the railways of the traffic moving on the Prairies and to and from British Columbia by rail and by highway. This consisted of 84 individual heavy movements, and it was ascertained that approximately one-half of such traffic was moving by highway transport. A detailed investigation was also made by the Canadian National Railways of the rates charged on such traffic, relating to 20 articles, and it was ascertained that the rates for highway transportation were from 20% to 60% lower than the corresponding railway competitive rates which had been instituted by the railways in the belief that such rates would "meet" the competition encountered from the trucks. The lower-rated competition therefore existed.

It was on that basis that the railways revised their charges, the rates for minimum carloads of 24,000 lbs. being established in relation to the highway rates actually charged, as ascertained by the railway investigation. The lower rates for higher minima were made by dividing with the shipper the savings in transportation costs for greater loading; the lower rates, however, were designed so that each progressive decrease in rates was less than the corresponding decrease in costs per 100 lbs. The contribution to profit ratio is therefore greater per 100 lbs. of traffic at the combination of the lowest rate and the greatest carload minimum.

As to another requirement of section 334, that the competitive rates are to be compensatory, our investigation of the costs of transportation in relation to the rates published by the railways shows that the individual rates of both railways are fully compensatory.

In the matter of the total revenues on this traffic, however, the two railways show different results. One railway shows that it has received a large increase in the traffic under review, a large total increase in revenues, and considerably

greater net earnings. The other railway shows a smaller increase in traffic and in the revenues thereon, but the profit ratio on the increased traffic is less than the reduction in rates. The individual rates and the revenue as a whole, however, are fully compensatory compared with costs.

As to another requirement of section 334, so far as the present competitive rates are concerned, particularly on the 24,000 lb. minimum, the Board has concluded on the evidence that the rates are no lower than necessary to meet the competition, and that so far as the incentive rates at higher minima are concerned, the railways have justified them on the basis of lower unit costs when cars are loaded to greater weights.

The rate structure of the railways for the first 25 years of this Board's existence, i.e., from 1904 to 1929, was constructed on the basis that the railways had a monopoly upon the movement of goods in this country, with the exception of certain rates to meet seasonal water competition. That monopolistic rate structure served its purpose originally by enabling the shipper of low-grade and low-valued articles to have low rates, while the railways were able to off-set this low revenue by remunerative higher rates on high-grade articles.

Commencing with the economic depression of 1929, however, the rate structure was slowly, and then rapidly, eroded of traffic in its higher brackets because of the development of highway transportation, coupled with several percentage increases, totalling over 100%, in the normal rates of the railways. The average freight revenue during this period has ranged approximately from one cent to 1½ cents per ton mile. On the higher valued traffic, however, the rates have been as high as 10 cents per ton mile. This rate situation was therefore a ready-made opportunity for the highway operators; they absorbed the high-valued railway traffic at lower truck rates and with more expeditious and convenient highway service, while making no attempt to serve the public by carrying the low-grade traffic by truck, but leaving it to the railways. The railways have struggled along under this handicap for the past 25 years, because they were naturally reluctant to make radical changes in their rate structure. This has gone on so long that the highway operators have assumed that they can refer to it as "the established rate structure" and that complaints against changing it will have due effect. There is, however, nothing inherently sacred or static in the freight rate structure, and nothing to prevent the railways from changing it to meet modern conditions, subject to the provisions of the Railway Act. The railways can carry traffic at an average rate of 1½ cents per ton-mile and there is no object in clinging to an ineffective rate structure which results in charges on some traffic of 3 cents to 10 cents per ton-mile, when their competitors can handle it for less.

The so-called "incentive" rates are therefore a part of the evolution of the rate structure, and the tendency is for changes in the rate structure to become continuous. This instalment of the changes being made in the rate structure, however, is still not giving the railways their permissive earnings as authorized by this Board in several rate increase cases during the past 10 years, and it is possible that the railways will have to consider further changes to meet conditions as they find them.

The Board finds that under present conditions the rates involved herein conform with the requirements of section 334 of the Act. The proceedings therefore will be, and they are hereby, discontinued. No Order is necessary.

ROD KERR  
F. M. MACPHERSON  
L. J. KNOWLES

*In the matter of the applications of the North-West Line Elevators Association; United Grain Growers Limited; Alberta Wheat Pool; Manitoba Pool Elevators; Saskatchewan Wheat Pool and Vancouver Merchants' Exchange for an Order under Section 328 and other relevant sections of the Railway Act, disallowing the amendments to Rule 2, of Canadian National Railways' tariffs C.T.C. Nos. W. 757 and 1023; and item 1 of Canadian Pacific Railway Company's tariff C.T.C. No. W. 4090 and for certain substitutions therefor respecting grain screenings and dockage.*

File No. 30686.2

*Before:*

ROD. KERR, Q.C., *Assistant Chief Commissioner.*  
FRANK M. MACPHERSON, *Commissioner.*

*Appearances:*

G. R. HUNTER, Q.C., for United Grain Growers Limited.  
HAZEN HANSARD, Q.C., for North-West Line Elevators Association.  
R. A. MILLIKEN, for Saskatchewan Wheat Pool.  
J. J. FRAWLEY, Q.C., for the Province of Alberta.  
N. W. BOWEN, for National Harbours Board.  
C. W. BRAZIER, Q.C., for Vancouver Merchants' Exchange.  
R. A. MACKIMMIE, Q.C., for Alberta Wheat Pool, and Manitoba Pool Elevators.  
J. W. G. MACDOUGALL, Q.C., for Canadian National Railways.  
K. D. M. SPENCE, Q.C., for Canadian Pacific Railway Company.

*Heard at:*

Winnipeg, Manitoba, December 1, 1958, and at  
Vancouver, B.C., December 4 and 5, 1958.

## J U D G M E N T

KERR, Assistant Chief Commissioner:

### THE APPLICATION

The issues presented to us by the application are that an Order disallowing amendments to the tariff provisions stated in the title hereof is sought and that the said tariff provisions be amended as proposed by the applicants. The said tariffs published export rates on grain and grain products in carloads from prairie points to Pacific coast ports and to Churchill, Manitoba.

Not only do the applicants seek disallowance of the filed amendments to the tariffs but also that the present tariff provisions be amended to conform to the practice followed by the railways for many years past. For the purpose of illustrating the wording of the tariffs involved, only the present and proposed revisions as stated in Canadian Pacific Railway tariff C.T.C. No. W. 4090 are cited hereunder as representative of the three tariffs in question:

*Present tariff:*

"Item 1. (a) Rates named herein are export rates and do not apply as maximum to intermediate points. Rates authorized apply only to countries as shown on title page when exported by direct vessel, upon satisfactory evidence of exportation to such countries.

"Waybills must be drawn on Vancouver Wharf, B.C., or New Westminster, B.C., and show clearly that grain or grain products are for export. The name of the elevator in care of which the grain is shipped must also be distinctly shown on waybills."

*Proposed amendment by railways:*

Adds paragraph (c) to foregoing:

“(c) When a portion of a carload shipment in bulk is not exported as prescribed in this tariff, the carload is subject to the following rules:

- (1) The portion not exported as prescribed in this tariff will be charged for at the domestic rate in C.P. Ry. Tariff No. W. 849-B, C.T.C. No. W. 4143.
- (2) The portion exported as prescribed in this tariff will be charged for at the export rate in this tariff.
- (3) The entire carload will be subject to minimum weight in this tariff and any deficiency between total actual weight and carload minimum weight will be charged for at the lowest export rate applicable to any commodity in the carload.”

*Amendment proposed by applicants:*

“(c) When a portion of a carload shipment in bulk is not exported as prescribed in this tariff, the carload is subject to the following rules:

- (1) The portion not exported as prescribed in this tariff (other than dockage and screenings removed at terminal elevators) will be charged for at the domestic rate in tariff . . .
- (2) The portion exported as prescribed in this tariff and dockage and screenings removed at terminal elevators will be charged for at the export rate of this tariff.
- (3) The entire carload will be subject to minimum weight in this tariff and any deficiency between total actual weight and carload minimum weight will be charged for at the lowest export rate applicable to any commodity in the carload.”

*Effective date of amendment proposed by railways:*

The amendment proposed by the addition of paragraph (c) to the provisions now in effect was first published and filed in April 1958 to become effective August 1, 1958. Its effectiveness has been voluntarily postponed by the railways from time to time and is at present designated to become effective on January 31, 1959.

The present provisions of the tariffs to which the amendment relates have been substantially unchanged since the year 1908 when the first export tariff of the Canadian Pacific Railway on grain to the Pacific Coast ports came into force.

## CIRCUMSTANCES AND CONDITIONS INVOLVED IN SHIPMENT OF GRAIN FOR EXPORT

Grain delivered by producers to country elevators normally has a percentage of dust, seeds, wild oats, cracked grain straw and impurities of one kind or another in it. In the grain trade this is known as “dockage”, which when removed is known as “screenings”. The extent to which dockage is present in the grain when delivered to country elevators is determined or agreed to at the time of such delivery.

The grain, including the dockage, is required to be cleaned and the dockage removed therefrom in accordance with the Canada Grain Act, R.S.C. 1952, c. 25, in order to obtain grain of exportable quality.

Grain cleaning facilities are not ordinarily provided at country elevators but are installed at terminal elevators at Pacific Coast ports, Churchill and the Lakehead, and also at some interior elevators such as at Calgary and Saskatoon.

The cost of providing cleaning machinery at these points is said to represent a substantially large dollar investment and it is stated that it would be impracticable to provide similar facilities at each of the many country elevators from which grain, including the dockage, is shipped.

The percentage of dockage in uncleaned grain, as shipped from country elevators, varies as between different kinds of grain and also as between grain of the same kind from different farms. It was said in evidence that the three-year average dockage for the crop years 1955-58, for all grain and various locations was 2.83% at the Lakehead and 2.79% at the Pacific Coast.

The producer, generally, obtains payment for grain delivered based upon the recovery of cleaned grain. The general practice is that the screenings recovered by the cleaning process are the property of the elevator performing the cleaning which must dispose of the screenings by sale in order to recover the costs incurred in the cleaning.

The identity of the grain as initially delivered to country elevators is immediately lost after grading and determination of the dockage percentage.

As at country elevators, grain reaching terminal elevators is segregated only by grade. Cleaning takes place after inward cars are unloaded and may not occur immediately thereafter. The preponderance of cleaning takes place at terminal elevators and only small quantities are cleaned at interior elevators.

The Board of Grain Commissioners has established six grades of screenings of which it was stated that those most generally in use for merchandising purposes are:

- Refuse Screenings
- No. 1 Feed Screenings
- Mixed Feed Oats

to obtain which involves a further process of separation.

The separation of screenings by grade enables the sale of the higher grades at prices that are higher than would prevail if no such separation was made. The largest volume, however, is in the "Refuse" grade. Screenings are used mainly for feed purposes, some small proportion is exported to foreign countries on which the export grain rates apply, but the larger proportion finds its way into domestic and United States markets. Some considerable weed seeds are present in the screenings and weed control laws prevent sale thereof in certain areas, a condition which it is hoped to overcome by a process now being developed of removing the germination factor from them. Screenings compete, to some extent, with grain which is used for feeding purposes.

In general, it was stated that screenings must be disposed of by the elevators at almost any price in order not to clog the elevator facilities. It was stated that the average prices in 1957 were \$2.70 per ton for refuse screenings; \$28.70 for No. 1 Feed; and \$30.00 for oat screenings with an average recovery of \$15.96 per ton. Some refuse screenings are burned at Churchill for the purpose of producing power and at Prince Rupert screenings have been dumped into the ocean. A higher percentage of screenings are derived from cleaning flaxseed and movements have taken place of these screenings to Minneapolis, whereas the main market for screenings at Vancouver is the adjacent states and the domestic area of British Columbia.

The quantity of screenings which finds its way to overseas markets is said to be very small; the majority of the screenings are necessarily marketed in Canada or the United States.

#### EVIDENCE OF THE APPLICANTS

The review made above is taken from the evidence presented by the applicants, although it does not include all that was adduced. The applicants contend that no practicable or reasonable method exists of applying domestic

rates to unexported screenings derived from cleaning the dockage from export grain; that the identity of the shipment as initially made by the producers through country elevators is lost; that it would be totally uneconomic to market screenings if domestic rates are charged for the transportation of the dockage portion of the uncleaned grain; and that while there may be some reason to consider the present tariff provision as requiring the collection of domestic rates where such screenings are not exported, in fact the railways have never sought to do so previously.

One of the principal contentions of the applicants also is that when the Board issued its General Order No. 448, which read:

"2. That the rates on grain and flour from prairie points to Vancouver and Prince Rupert for export shall be on the same basis as the rates to Fort William."

the intention was clearly expressed that the same method apply in respect of shipments to the Pacific Coast as it did and does to Fort William. To Fort William there is no difference between the rates charged for grain reaching that point and consumed there and the rates on similar grain moving to points beyond; and when grain is cleaned at Fort William there is no difference in the inward charges for the resulting screenings and the cleaned grain. They assert that for the railways to seek domestic rates on the dockage or screenings at the Pacific Coast would result in unjust discrimination against the latter.

The amendment as proposed by the applicants is designed to maintain the status quo and authenticate the charging, as heretofore, of the export rates on dockage removed from export grain at seaboard terminal elevators.

#### EVIDENCE OF THE RAILWAYS

The contention of the railways is mainly that they are seeking to correct a situation which has been known to them to be not in accord with their filed tariff provisions; that such a correction has been continually sought by negotiation with the trade for some considerable length of time; and that all such negotiations have been unsuccessful.

They contend also that there is a need to secure additional revenue and that the existing situation places them in the position of charging domestic rates on uncleaned feed grain which applies such rates also to the dockage therein, whereas the screenings derived from export grain have had the advantage of the export rates although not exported overseas.

Because some rates have been instituted on screenings which are lower than the domestic rates applicable on grain, yet higher than the export grain rates, there appears to be a tendency in the railways' case to consider that some relief may be necessary from the charging of the full domestic rate that the proposed tariff amendment implies. The extent to which this might prevail was not disclosed.

The railways also contend that no evidence had been adduced to show that the rates proposed are unjust or unreasonable, and assert that the Board would be without power to require what the applicants contend should be directed; and that for the Board to grant the application would result in the imposition of unjust discrimination against domestic traffic.

#### OBSERVATIONS AND CONCLUSIONS

The question at issue is whether the dockage in grain carried from western Canada to British Columbia ports and Churchill, and removed there by cleaning at terminal elevators, shall take export or domestic rates.

Before any further discussion of the point at issue, I am of the opinion that it would be helpful and informative to briefly review the history of the export rates to these ports, as follows:

*History of export rates on grain to Pacific Coast and Churchill:*

The rates first established by Canadian Pacific to Vancouver for export were in the year 1908 and applied on Wheat, Oats and Barley. In 1909 Flour, Rolled Oats and Rolled Barley were added, and later in the same year and thereafter the tariff applied on Grain and Grain Products with appropriate descriptions of the commodities coming within that general description. At no time then, or since, has there been any tariff description of "dockage".

The tariffs have always described the countries of destination as points to which the export movement would necessarily be by ship. At no time have the export rates been applicable on movements to the United States.

The initial tariff applied only from points in Alberta and the basis for the rates was those applicable for equal distance to Fort William but with constructive mileage to Vancouver added. The rates to Fort William were, of course, the Crow's Nest Pass rates. Subsequently the tariffs to Vancouver were extended to apply from points in Saskatchewan.

At the time of the Board's Judgment in the Western Rates Case of 1914 this was the basis in effect and that Judgment did not direct any change in such rates.

In 1920 the Canadian National Railways established export rates on grain to Vancouver and the Canadian Pacific then made some modification in its rates. Along with general increases and decreases in rates which occurred in the War I period the grain export rates were subjected to similar adjustment until 1922 when the Crow's Nest rates, which had been temporarily suspended, were re-established to the Lakehead by Chapter 41 of the Statutes of 1922. Realizing that this would result in complaints against the spread or difference between eastbound movements to the Lakehead and westbound to Vancouver for export, the Board held a conference with representatives of the railways with the result that the railways voluntarily made a general reduction of 20 per cent in export rates to Pacific Coast ports which took effect in the year 1922.

Order in Council P.C. No. 2007, dated October 2, 1923, referred the matter of export rates on grain to Vancouver to the Board for such effective action as it might deem necessary. The Board, by its General Order No. 384 of October 10, 1923, prescribed a reduction in rates of ten per cent (Vol. XIII, J.O.R. & R. p. 180). It appears that the purport of the Judgment was to equalize as far as possible the rates to eastern and western termini.

On September 2, 1925, the Board issued its Order No. 36769 directing "That the Canadian Pacific and the Canadian National Railway Companies file tariffs, effective not later than the fifteenth day of September 1925, reducing the rates on grain and flour to Pacific ports within Canada, for export, to the same rates, proportioned to distance, as such grain and flour would carry if moving eastward for export". In the related Judgment of September 2, 1925, by Chief Commissioner McKeown, concurred in by Commissioner Oliver (XV, J.O.R. & R. p. 272; 30 C.R.C. 393) reference is made to the fact that previous to the 1925 amendment to the Railway Act the condition of affairs as between the western and eastern ports in their competition for grain and flour export was that the latter had the benefit of Crow's Nest Pass Rates applied to such traffic moving eastward from points of loading west of Fort William in existence in 1897, although in practice a wider construction was put upon the terms of the Crow's Nest Pass Agreement; and that the Amendment extend

such rates to grain and flour moving from all points on all lines of railway west of Fort William, to Fort William or Port Arthur. The following extracts from the Judgment are pertinent:

"In the presence of this legislation, giving rise, it is claimed, to conditions as against the western ports more onerous than have heretofore existed, it is, I think, the duty of the Board to give effect to provisions of the Railway Act calling for the removal of unjust discrimination, as well as to the instructions of the Order in Council, and to provide to all points, whether east or west, an equality as far as the same may be within its power to do so. I do not think it can be denied that the maintenance of the present inequality places the western ports at a serious disadvantage and gives colour and substance to the complaint of injustice. While it may be said that Parliament could very easily have covered the western situation by legislation, it does not seem to me that such statement is conclusive, but rather it is for us to carefully scan the recent legislation, and the directions of Order in Council P.C. 886, not only to see whether the Board's powers are sufficient to meet the situation (as I think they are) but also to see whether the spirit of such legislation does not direct us to do so. If not, the instructions issued to this Board under this Order in Council appear meaningless as regards this phase of the problem. It is not necessary to embody the whole Order in Council in these reasons for judgment. The objective which it has in view is: 'The establishment of a fair and reasonable rate structure which will, under substantially similar circumstances and conditions, be equal in its application to all persons and localities, etc.' This carries with it an obligation to effectively implement such instructions, which to my mind are unambiguous. No action on the part of the Board can produce such result unless it directs that such rates really be equalized, whether the trade moves in an easterly or in a westerly direction."

"Irrespective, almost, of the cost of transportation it is decreed that this national asset must find its way to market, so far as railway carriage is concerned at a rate substantially lower than other commodities bear. I do not think it can be contended that such action is founded on a desire or intention to aggrandize one part of the country at the expense of another, but rather for the reason that the enormous national value of the grain production of Canada justifies such procedure.

Although in the legislation referred to mention is made of the volume of trade moving in an eastern direction only, nevertheless in view of the reasons upon which such legislation is based, and of the direction to equalize rates and do away with unjust discrimination, contained in the Order in Council and in the Railway Act, it seems to me that when dealing with the same commodities, we would be wholly turning our backs upon the true intent and meaning of such legislation and instructions, if equal treatment were refused to the westward flow."

Order No. 36769 was reviewed by the Board in the General Freight Rates Investigation directed by Order in Council P.C. No. 886, of June 5, 1925, as appears by its Judgment dated August 26, 1927 (33 C.R.C. 127). There are many references to the movement of grain eastward and westward which need not be quoted. The result was that the Board issued General Order No. 448, dated August 26, 1927, which referred, *inter alia*, to the directions of Order in Council P.C. No. 886, requiring the Board to have regard to "(c) the increased

traffic westward and eastward through Pacific Coast ports owing to the expansion of trade with the Orient and to the transportation of products through the Panama Canal", and ordered as follows:

"That the rates on grain and flour from Prairie points to Vancouver and Prince Rupert for export shall be on the same basis as the rates to Fort William, but in computing such rates, the distance from Calgary to Vancouver via the Canadian Pacific Railway shall be assumed to be the same as from Edmonton to Vancouver via the Canadian National Railway, namely 766 miles."

In pursuance of this Order the rates to Pacific Coast ports for export were put into effect as directed. In 1931 the Canadian National Railways voluntarily established export rates on the basis of the rates to Fort William.

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The applicants assert that the words "on the same basis as the rates to Fort William" stated in General Order No. 448 mean that not only the rates are to be the same for equal distance but also that they are to be applied in the same manner as those to Fort William and that as no distinction is made between grain consumed locally at the Lakehead and that moved to beyond, and no attempt made to charge higher rates on the dockage cleaned from the grain at the Lakehead, export grain through Pacific ports and Churchill should receive similar treatment.

In the historical review, supra, there is a clear indication that what the Board had under consideration, and what it endeavoured to remedy when it issued Order No. 36769 and General Order No. 448, was the inequality that existed between eastern and western ports. It is quite apparent that in prescribing the Fort William basis for export through Pacific ports the Board was dealing with the situation as it then existed. That situation was that the Crow's Nest Pass basis applied to the Lakehead on the grain as shipped, including dockage, and contemporaneously export grain, including dockage, was being transported through Pacific ports at export rates. I am of the opinion that the words "on the same basis as the rates to Fort William" were intended to mean and do mean that the export rates on grain, including the dockage therein, from Prairie points to Vancouver and Prince Rupert shall be on the same basis as the rates on grain, including dockage, to Fort William.

It is immaterial, in my mind, that the tariff issued following General Order No. 448 did not so specifically provide—the fact is that prior thereto and subsequently, in fact for about 50 years, the railways have applied this basis, and the tariff amendments filed by the railways and objected to by the applicants will, if they become effective, change the practice which has prevailed under the existing tariffs, and will be contrary to General Order No. 448.

The Board has power to rescind or vary its General Order No. 448 to enable the railways to charge domestic rates on the dockage which is not exported in the manner set out in the export tariffs of the railways now in effect. However, if the measure of equality with eastern ports that General Order No. 448 afforded to Vancouver and Prince Rupert and as extended voluntarily to Churchill, was warranted when that General Order was issued—and I accept that as a fact—it is no less warranted today in view of the development of these ports, the immense investment in terminal elevators and cleaning equipment, the lengthy period during which the export rates have been in effect and applied to both exportable grain and the screenings derived from the cleaning out of the dockage, and the large volume flow of grain to these ports for export that has developed under such export rates.

Since the first export tariff to the Pacific Coast was filed in 1908 the export rates have been on a lower level than the contemporary domestic rates. The only change which has occurred is that the spread between the export and domestic rates has materially widened by the increases applied to the domestic rates.

It was stated in evidence that grain is delivered to the terminal elevators at the Pacific Coast on export rates and any portion of such grain which is removed from export position into the domestic market is charged the difference between the export and domestic rates. It may be that domestic rates should be applied to some amount of dockage fairly related to such portion of exportable grain diverted from export, if it is feasible to do so—the point was not raised at the hearing.

The railways' contention that to allow export rates to apply to unexported dockage would create unjust discrimination against grain shipped at domestic rates is not convincing since the railways themselves have since 1908 at Vancouver practised such discrimination without any objection having reached the ears of the Board. I agree that there is discrimination present in such practice but I do not think that the difference in treatment is unjust, unreasonable or unduly preferential in view of the difference in circumstances and conditions between the large volume movements of grain to the ports for export, on the one hand, and purely domestic movements of relatively minor volumes on the other hand.

Under the existing structure of rates and their application, there is a well defined line of shipping points where there is equality of rate to the Lakehead and to the Pacific Coast. If the proposed increase in rates on dockage became effective, the applicants contend, and I think with justification, that there would be a possible diversion to the Lakehead of grain that would otherwise move to the Pacific Coast. Such shifting of the direction of movement would be detrimental to these ports and yet might not appreciably enhance the revenue of the railways, because if the movement occurs to the Lakehead it would be at Crow's Nest Pass rates which are applicable on both the grain and the dockage therein.

I am impressed by the evidence and argument, not controverted, that dockage is inherently part of the grain movement to the terminal elevators; that it is impracticable to have sufficient cleaning machinery or equipment, and skilled personnel, to clean grain at all of the country elevators to separate the dockage and exportable grain; and that to provide such facilities and personnel would be improvident and economically unsound.

The situation, therefore, is unique in that the dockage is necessarily part of the grain whether shipped for export or domestic consumption. The only practicable solution is to allow the dockage to pay the same rate that is applied to the grain itself when it is shipped to the cleaning point. This appears to have always been the practice and in my opinion a case has not been made out to warrant changing the status quo.

The proposed amendments to the railway tariffs are accordingly disallowed, and where export rates are applied to grain moving to British Columbia ports and Churchill, Manitoba, such rates shall be also applicable to the dockage in such grain; and the railways are directed to clarify their tariff rules accordingly.

Order to go.

I stated at the hearing that Commissioner L. J. Knowles had been unable to attend the sittings at Winnipeg and Vancouver as had been intended but

that I would discuss the case with him upon my return and have the benefit of his views. He has read the transcript of evidence and the submissions on file and otherwise examined into the matter and has instructed me to state that he concurs with the conclusions herein.

ROD KERR,  
*Assistant Chief Commissioner.*

*I concur:*

F. M. MACPHERSON,  
*Commissioner.*

Ottawa, January 20, 1959.

## ORDER No. 96885

*In the matter of the applications of the North-West Line Elevators Association; United Grain Growers Limited; Alberta Wheat Pool; Manitoba Pool Elevators; Saskatchewan Wheat Pool and Vancouver Merchants' Exchange for an Order under Section 328 and other relevant sections of the Railway Act, disallowing the amendments to Rule 2, of Canadian National Railways' tariff C.T.C. Nos. W. 757 and 1023; and item 1 of Canadian Pacific Railway Company's tariff C.T.C. No. W. 4090 and for certain substitutions therefor respecting grain screenings and dockage.*

File No. 30686.2

TUESDAY, the 20th day of January, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*F. M. MACPHERSON, *Commissioner.*

*Upon hearing the applications at sittings of the Board at Winnipeg and Vancouver, in the presence of Counsel and parties whose appearances are set forth in the Judgment herein, dated January 20, 1959:*

*It is hereby ordered as follows:*

1. The amendments to Canadian National Railways' Tariffs C.T.C. Nos. W. 757 and 1023, and Canadian Pacific Railway Company's Tariff, filed with the Board to become effective January 31, 1959, as described in the Judgment herein, are disallowed.

2. Canadian National Railways and Canadian Pacific Railway Company shall clarify their tariff rules as directed by the said Judgment.

ROD KERR,

*Chief Commissioner,**The Board of Transport Commissioners for Canada.*

## GENERAL ORDER No. 837

*In the matter of Section 52 of the Pipe Lines Act and uniform classification and system of pipe line accounts and reports:*

File No. 45371.33

MONDAY, the 29th day of December, A.D. 1958

ROD KERR, Q.C., *Assistant Chief Commissioner.*A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*H. B. CHASE, C.B.E., *Commissioner.*

*It is hereby ordered as follows:*

The December 1958 issue of the "Uniform Classification of Accounts for Oil Pipe Line Companies", on file with the Board of Transport Commissioners for Canada under file No. 45371.33, is prescribed for all oil pipe line companies within the legislative authority of the Parliament of Canada, to be effective on January 1, 1959.

ROD KERR,

*Assistant Chief Commissioner**The Board of Transport Commissioners for Canada.*

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
NOVEMBER, 1958.

		<i>Killed</i>	<i>Injured</i>
Railway Accidents .....	180	10	206
Level Crossing Accidents ....	56	14	66
Total .....	236	24	272

		<i>Killed</i>	<i>Injured</i>
Passengers .....		—	38
Employees .....		5	165
Others .....		19	69
Total .....		24	272

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

PRINCE EDWARD ISLAND

— 1 Automobile struck by train. Licence: N.S. 54271.

NOVA SCOTIA

— 1 Automobile struck by train. Licence not given.

QUEBEC

— 1 Automobile struck by train. Licence: Que. 399-856.  
 — 1 Automobile struck by train. Licence: Que. 302-983.  
 1 2 Automobile struck by train. Licence: Que. 303-483.  
 — 1 Auto truck struck by train. Licence: Que. FB-8039.  
 — 1 Auto truck struck by train. Licence: Que. FB-7812.  
 1 — Auto truck struck by train. Licence: Que. FT-3674.  
 — 1 Auto truck struck by train. Licence: Que. L-5971.  
 2 — Automobile struck by train. Licence: Que. 179-237.  
 — 1 Auto truck struck by train. Licence: Que. FT-115.  
 — 1 Automobile struck by train. Licence: Que. 624-302.

ONTARIO

— 1 Automobile struck by train. Licence: Ont. F-63558.  
 2 1 Automobile struck by train. Licence: Ont. A-85848.  
 — 1 Automobile ran into side of train. Licence: Ont. 26855.  
 1 1 Automobile ran into side of train. Licence: Ont. 503-656.  
 — 4 Auto truck struck by train. Licence: Ont. 87423-C.  
 1 — Automobile struck by train. Licence: Ont. 45252-X.  
 — 2 Automobile ran into side of train. Licence not given.  
 — 1 Track motor car struck automobile. Licence: NY EC-2108.  
 1 — Auto truck struck by train. Licence: Ont. 66559-C.  
 — 2 Automobile ran into side of train. Licence: Ont. C-63332.  
 — 1 Auto truck ran into side of train. Licence: Ont. 544-34-A.  
 — 1 Automobile struck by train. Licence: Ont. 475-935.  
 — 3 Automobile struck by train. Licence: Ont. 184-959.  
 1 — Auto truck struck by train. Licence: Ont. 261-119-A.  
 — 1 Auto truck ran into side of train. Licence: Ont. 42509-C.  
 — 1 Automobile struck by train. Licence: Ont. 934-689.  
 — 1 Motorcycle struck by train. Licence: Ont. 2705.  
 — 1 Automobile ran into side of train. Licence: Ont. J-55899.

*Killed Injured*

- 2 — Automobile ran into side of train. Licence: Ont. 481-550.
- 1 Automobile ran into side of train. Licence: Ont. C-22370.
- 1 Automobile struck by train. Licence: Ont. 982-009.
- 2 Automobile struck by train. Licence: Ont. 784-348.
- 1 Auto truck ran into side of train. Licence: Ont. 25216-C.
- 1 Automobile ran into side of train. Licence: Ont. B-32392.
- 1 Automobile struck by train. Licence: Ont. 678-219.
- 3 Automobile ran into side of train. Licence: Ont. 653-140.
- 1 Automobile struck by train. Licence: NY 4-B-9869.
- 2 Automobile struck by train. Licence: Ont. 993-558.

## MANITOBA

- 1 Track motor car struck auto truck. Licence: Man. 69-405.
- 1 Automobile ran into side of train. Licence: Man. 3-E-93.
- 1 Automobile struck by train. Licence: Man. 9-B-330.
- 1 Road Scraper struck by train. Licence: Man. 660.

## SASKATCHEWAN

- 1 Auto truck ran into side of train. Licence: Sask. F-91748.
- 1 Auto truck ran into side of train. Licence: Sask. C-7893
- 2 Automobile ran into side of train. Licence: Sask. 161-177.
- 1 Auto truck struck by train. Licence: Sask. C-12392.

## ALBERTA

- 1 Automobile struck by train. Licence: Alta. ED-385.
- 2 2 Automobile struck by train. Licence: Alta. EK-072.
- 1 Auto truck struck by train. Licence: Alta. PS 25-245.
- 2 Auto truck struck by train. Licence: Alta. 152-053.

## BRITISH COLUMBIA

- 1 Automobile ran into side of train. Licence: BC 283-804.
- 1 Auto truck struck by train. Licence: BC CA-9752.
- 2 Automobile ran into side of train. Licence: BC-292-321.
- 1 Automobile ran into side of train. Licence: BC 9-420.

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Of the 56 accidents at highway crossings, 43 occurred at unprotected crossings, 13 at protected crossings, 28 occurred after sunrise and 28 after sunset.

OTTAWA, Ontario, January 15, 1959.

## ORDER No. 96889

*In the matter of the application of Northern Transportation Company Limited, hereinafter called the "Applicant", for a licence under section 10 of the Transport Act:*

File No. 42076.33

TUESDAY, the 20th day of January, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

L. J. KNOWLES, *Commissioner.*

*It is hereby ordered as follows:*

Licence No. C.T.C. (WT) 349 is issued to the Applicant licensing, for the period of one year commencing February 9, 1959, the following ships to transport goods by water between all ports and places in Canada in the areas designated herein with respect to each ship:

On rivers, streams, lakes and other waters within the watershed of the Mackenzie River, except Fort Nelson River, and Liard River (other than the Fort Simpson Airport).

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Slave River .....	152590	50.31
Radium Queen .....	159001	108.37
Radium King .....	159002	115.34
Radium Lad .....	170773	40.37
Great Bear .....	170938	153.00
Radium Cruiser .....	171801	27.00
Radium Express .....	171802	87.59
Radium Prince .....	175123	42.07
George Askew .....	175156	127.19
Stuart Lake .....	175562	14.73
Watson Lake .....	175563	26.07
Pelican Rapids .....	175564	163.70
Horn River .....	176217	107.65
Slave .....	176218	69.45
Radium Gilbert .....	177784	296.79
Radium Charles .....	179097	230.05
Radium Scout .....	179098	23.18
Radium Prospector .....	188350	198.80
Radium Miner .....	188351	199.75
Radium Trader .....	188352	199.77
Radium Yellowknife .....	190334	235.45
Peace .....	192899	69.45
Niangua .....	192908	21.23
Radium Franklin .....	194887	118.81
Radium Dew .....	198913	288.97
Radium 10 .....	171816	71.15
Radium 75 .....	179089	64.63
Radium 76 .....	194888	77.14
Radium 77 .....	194889	77.14
Radium 78 .....	194890	77.14
Radium 80 .....	173706	192.44
Radium 101 .....	179088	107.49
Radium 102 .....	190806	105.85
Radium 103 .....	194891	105.85
Radium 104 .....	189222	107.91

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Radium 209	193282	364.89
Radium 210	193283	364.89
Radium 211	175554	295.83
Radium 212	175555	295.83
Radium 254	175556	215.66
Radium 255	175557	215.66
Radium 256	175558	215.66
Radium 257	175559	215.66
Radium 258	175560	419.78
Radium 259	175561	419.78
Radium 260	188244	419.78
Radium 261	188245	419.78
Radium 303	179099	168.78
Radium 304	179100	168.78
Radium 350	195242	213.41
Radium 351	195243	213.41
Radium 352	195244	213.41
Radium 400	175153	227.32
Radium 402	175155	406.60
Radium 403	176215	227.32
Radium 404	176216	227.32
Radium 405	177785	220.83
Radium 406	177786	220.83
Radium 407	177787	220.83
Radium 408	177788	220.83
Radium 409	177789	220.83
Radium 410	177790	220.83
Radium 411	178031	220.83
Radium 412	178032	220.83
Radium 413	178033	220.83
Radium 415	178035	220.83
Radium 416	179422	220.83
Radium 417	179423	220.83
Radium 418	179424	220.83
Radium 419	179425	220.83
Radium 420	179426	220.83
Radium 421	179427	220.83
Radium 422	179428	220.83
Radium 423	179429	220.83
Radium 424	190807	220.83
Radium 425	190808	220.83
Radium 426	190809	220.83
Radium 427	190810	220.83
Radium 428	190811	220.83
Radium 429	190812	220.83
Radium 430	190813	220.83
Radium 432	190815	220.83
Radium 433	190816	220.83
Radium 434	190817	220.83
Radium 435	190818	220.83
Radium 500	197409	272.47
Radium 501	197411	272.47
Radium 502	197415	272.47
Radium 600	198137	319.71
Radium 601	198138	319.75
Radium 602	198617	319.25
Radium 603	198618	319.09
Radium 604	198623	320.24
Radium 605	198624	320.24

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Radium 606 .....	198626	320.24
Radium 607 .....	198640	320.24
Radium 608 .....	198641	320.24
Radium 609 .....	198655	320.24
Radium 610 .....	188571	320.24
Radium 611 .....	188572	320.24
Radium 612 .....	188573	320.24
Radium 613 .....	188575	320.24
Radium 614 .....	188576	320.24
Radium 615 .....	188586	320.24
Radium 616 .....	188587	320.24
Radium 617 .....	188588	320.24
Radium 618 .....	188592	320.24
Radium 619 .....	188598	320.24
Radium 620 .....	188601	320.24
Radium 621 .....	188602	320.24
Radium 622 .....	188607	320.24
Radium 623 .....	188608	320.24
Radium 624 .....	188612	320.24
Radium 625 .....	188615	320.24
Radium 626 .....	188621	320.24
Radium 627 .....	188622	320.24
Radium 628 .....	188626	320.24
Radium 629 .....	188629	320.24
Radium 630 .....	188639	320.24
Radium 631 .....	188643	320.24
Radium 632 .....	188646	320.24
Radium 633 .....	188651	320.24
Radium 634 .....	188657	320.24
Radium 635 .....	188658	320.24

ROD KERR,

*Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

## ORDER No. 96952

*In the matter of the Board's Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service:*

File No. 1717.87.37

TUESDAY, the 27th day of January, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

L. J. KNOWLES, *Commissioner.*

*Upon reading the submissions filed—*

Notwithstanding the provisions of section 74.532 (k) of the Board's Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service—

*It is hereby ordered as follows:*

1. Railway companies subject to the Board's jurisdiction are authorized to accept ammonium nitrate (fertilizer grade), ammonium nitrate, ammonium nitrate mixed fertilizer, and ammonium nitrate-phosphate which are free of all organic substances for shipment in bulk in covered hopper cars by rail freight in Canada.

2. Hopper cars used in this service shall be in good running condition and the interiors shall be thoroughly cleaned before loading. They shall be free from holes or cracks through which dust, dirt or sparks may enter. Covers or closures shall be of a type and size that will relieve a build-up of pressure in the event of a fire or explosion and will prevent rupture of the car shell.

3. Each bill of lading, shipping order or other shipping paper issued in lieu thereof shall make reference to this Order number in connection with the description of the commodity.

4. Except as expressly provided herein, the shipper shall not be relieved of any requirement of the Board's regulations.

5. Order No. 93080, dated December 2, 1957, is rescinded.

ROD KERR,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 96777 Jan. 7—Authorizing the C.N.R. to install automatic protection at the crossing of its railway and Highway No. 58 in the Town of Merriton, Ont., Mileage 5.3 Grantham Subd.
- 96778 Jan. 7—Authorizing the C.N.R. to remove the station agent and appoint a caretaker-express commission agent at Roland, Man.
- 96780 Jan. 7—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and Four Pines Crossing in the City of Sherbrooke, P.Q., Mileage 70.39 Sherbrooke Subd.
- 96781 Jan. 7—Approving tariffs filed by The Bell Telephone Company of Canada.
- 96782 Jan. 7—Authorizing the C.N.R. to install automatic protection at the crossing of its railway and each crossing of Ormond Street (Highway No. 58) and the wye and main tracks in the Town of Thorold, Ont., Mileage 5.1 Welland Subd.
- 96783 Jan. 7—Authorizing the C.N.R. to operate under the overhead bridge in the Parish of Salisbury, Westmorland Co., N.B., Mileage 19.57 Sussex Subd.
- 96784 Jan. 7—Rescinding Order No. 60805 which approved location of facilities for the handling and storage of flammable liquids at St. Thomas, Ont.
- 96785 Jan. 7—Authorizing the C.P.R. to remove the caretaker-agent and appoint a caretaker at Templeton, P.Q.
- 96786 Jan. 7—Approving proposed liquefied petroleum gas bulk storage facilities of M. and M. Propane Gas Company Limited, at Mileage 105.56 Opemiska Subd., P.Q.
- 96787 Jan. 7—Rescinding Order 82738 which approved location of facilities for the handling and storage of flammable liquids at Thornlea, Ont.
- 96788 Jan. 7—Approving tolls published in tariffs filed by the Grand Falls Central Railway Company under section 8 of the Maritime Freight Rates Act.
- 96789 Jan. 7—Approving tolls published in tariffs filed by the Canadian Freight Association under sections 3 and 8 of the Maritime Freight Rates Act.
- 96790 Jan. 7—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at Riviere du Loup, P.Q.
- 96791 Jan. 7—Authorizing the Rural Munic. of Clintworth No. 230, Sask., to construct the highway over the C.P.R. at Mileage 64.67 Empress Subd., Sask.
- 96792 Jan. 7—Approving proposed Class II flammable liquid bulk storage facilities of the C.N.R. at Victoria, B.C.
- 96793 Jan. 7—Amending Order No. 95917 which authorized the C.N.R. to operate their trains over the crossing of their railway and the New York Central Railroad Company at Canfield Junction, Ont.
- 96794 Jan. 8—Authorizing the New York Central Railroad Company to remove the station agent at Rodney, Ont.
- 96795 Jan. 8—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.
- 96796 Jan. 8—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.
- 96797 Jan. 8—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under sections 3 and 8 of the Maritime Freight Rates Act.
- 96798 Jan. 8—Approving tariffs filed by the Canadian National Telegraph Company and the Canadian Pacific Railway Company, covering telegraph rates applicable between Canada and the United States.
- 96799 Jan. 8—Approving proposed flammable liquid bulk storage facilities of North Star Oil Limited at Vulcan, Alta.
- 96800 Jan. 8—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Adolphustown Rural Telephone System.

- 96801 Jan. 8—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 96802 Jan. 8—Approving Supplement No. 18 to Canadian Freight Classification No. 20 filed by the Canadian Freight Association.
- 96803 Jan. 8—Extending the time within which the C.N.R. is required to install automatic protection at crossing of its railway and County Road No. 27, near Paris, Ont.
- 96804 Jan. 8—Amending Order No. 96015 in the matter of constructing the highway over the C.N.R. at Mileage 1.93 Rosetown Subd., Sask.
- 96805 Jan. 8—Approving application of the Munic. of Shunia, Ont., for leave to construct a public road across the Northern Ontario Pipe Line Crown Corporation in the Twp. of MacGregor, Ont.
- 96806 Jan. 8—Authorizing the C.N.R. to remove the station agent and appoint a caretaker at Coalspur, Alta.
- 96807 Jan. 8—Authorizing The Bell Telephone Company of Canada to construct a buried cable across the company pipe line of Trans-Canada Pipe Lines Limited in the Parishes of St. Michel de Vaudreuil and St. Lazare, both in the County of Vaudreuil, P.Q.
- 96808 Jan. 9—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under section 8 of the Maritime Freight Rates Act.
- 96809 Jan. 9—Authorizing the removal of the speed limitation at the crossing of North Queen Street and the C.P.R. in Toronto, Ont., Mileage 0.91 Canpa Subd.
- 96810 Jan. 9—Authorizing the removal of the speed limitation at the crossing of the Second Line and the C.N.R. at Hagersville, Ont., Mileage 24.2 Hagersville Subd.
- 96811 Jan. 9—Authorizing the C.N.R. to remove the agent and appoint a caretaker at Northwood, Ont.
- 96812 Jan. 9—Authorizing the C.N.R. to remove the station agent and appoint a caretaker at St. Adelpe, P.Q.
- 96813 Jan. 9—Approving proposed flammable liquid bulk storage facilities of Norquay Co-Operative Assoc. Ltd., Norquay, Sask.
- 96814 Jan. 9—Authorizing the C.N.R. to operate its trains over the diamond crossing at Mileage 4.84 Gladstone Subd. at St. James Junction, near Winnipeg, Man., wheree it crosses the LaRiviere Subd. (C.P.R.) at Mileage 5.2.
- 96815 Jan. 9—Authorizing the removal of the speed limitation at the crossing of Queen St. and the C.P.R. in Streetsville, Ont., Mileage 20.12 Galt Subd.
- 96816 Jan. 9—Relieving the C.P.R. from erecting cattle guards at certain highway crossings on its Shamrock Subd., Sask.
- 96817 Jan. 9—Authorizing the Twp. of Harwich, Ont., to improve the approach grade at crossing of Communication Road and the C.N.R. at Mileage 59.25 Chatham Subd.
- 96818 Jan. 9—Authorizing the removal of the speed limitation at the crossing of 51st Ave. and the C.P.R. in South Edmonton, Alta., Mileage 94.9 Leduc Subd.
- 96819 Jan. 9—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Wetaskiwin, Alta., Mileage 56.8 Leduc Subd.
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- 96821 Jan. 9—Approving proposed flammable liquid storage facilities of Strasbourg Co-Operative Assoc. Ltd., Strasbourg, Sask.
- 96822 Jan. 9—Rescinding Order No. 92707 in the matter of facilities of The Steel Company of Canada Limited, for storage of flammable liquids near the C.N.R. at Montreal, P.Q.
- 96823 Jan. 9—Extending the time within which the C.P.R. is required to install automatic protection at crossing of its railway and Highway No. 29 at Terrebonne, P.Q., Mileage 10.28 Trois-Rivieres Subd.

- 96824 Jan. 9—Authorizing the Niagara, St. Catharines and Toronto Rly. Company (C.N.R.) to discontinue passenger train service operating between Port Colborne and Thorold, Ont.
- 96825 Jan. 12—Approving terms and conditions of the issue and sale or other disposition of shares of capital stock of the British Columbia Telephone Company.
- 96826 Jan. 12—Authorizing the C.P.R. to make changes in the signal protection at Whytewold and Winnipeg Beach, Man.
- 96827 Jan. 12—Authorizing the City of Ottawa to construct a temporary crossing at the intersection of O'Connor St. and the C.N.R. in Ottawa.
- 96828 Jan. 12—Approving proposed flammable liquid bulk storage facilities of McColl-Frontenac Oil Company Limited, at Vermilion, Alta.
- 96829 Jan. 13—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and Kennedy Road in Agincourt, Ont., Mileage 97.3 Oshawa Subd.
- 96830 Jan. 13—Rescinding Order No. 71766 in the matter of facilities of Trinidad Leaseholds (Canada) Limited, for the handling and storage of flammable liquids near right of way of the Essex Terminal Railway Company at Windsor, Ont.
- 96831 Jan. 13—In the matter of the application of the Railway Association of Canada and certain of the member companies, dated Sept. 16, 1958, for authority to make increases in their tolls or rates for the carriage of freight traffic on their lines in Canada, and in particular in the matter of the final relief therein requested.
- 96832 Jan. 13—Authorizing the removal of the speed limitation at the crossing of Green Street and the Dominion Atlantic Railway Company west of the station at Newport, N.S., Mileage 26.78 Halifax Subd.
- 96833 Jan. 13—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Telephone St-Germain de Drummond Limitee.
- 96834 Jan. 13—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Les Pionniers de St-Marc.
- 96835 Jan. 13—Approving plans submitted by the C.P.R. showing details of the proposed new standard for treated and untreated timber decks on steel bridges.
- 96836 Jan. 13—Authorizing the removal of the speed limitation at crossing of the C.N.R. and Provincial Highway No. 21 at Mileage 53.46 Hartley Subd., Man.
- 96837 Jan. 14—Authorizing the C.N.R. to reconstruct the Simcoe St. Subway at Oshawa, Ont., Mileage 300.6 Oshawa Subd.
- 96838 Jan. 14—Extending the time within which the C.N.R. is required to install automatic protection at the crossing of its railway and Highway No. 45, at Colombourg, P.Q., Mileage 22.06 Macamic Subd.
- 96839 Jan. 14—Authorizing the Indian Affairs Branch of the Department of Citizenship and Immigration to construct the highway over the C.N.R. in the Wabamun Indian Reserves 133A and 133B, in Twp. 52, Rge. 3, W.5M., Alta., at Mileage 39.38 Wabamun Subd.
- 96840 Jan. 14—Authorizing the C.N.R. to construct in industrial track across and along Bayview Ave. extension and across and under Gerrard St. East, City of Toronto, Ont., Mileage 2.45 Bala Subd.
- 96841 Jan. 14—Authorizing the removal of the speed limitation at the crossing of Provincial Highway No. 18 and the C.P.R. at Mileage 5.53 Trois-Rivieres Subd., P.Q.
- 96842 Jan. 14—Approving proposed flammable liquid bulk storage facilities of Strathclair Co-Operative Limited, at Strathclair, Man.
- 96843 Jan. 14—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and the Cascade-Laurier Highway at Cascade, B.C., Mileage 81.8 Boundary Subd.
- 96844 Jan. 14—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and Highways Nos. 97 and 3, near Oliver, B.C., Mileage 19.30 Osoyoos Subd.

- 96845 Jan. 14—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 97 at Mileage 2.34 Osoyoos Subd., B.C.
- 96846 Jan. 14—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Stewiacke, N.S., Mileage 46.75 Bedford Subd.
- 96847 Jan. 14—Authorizing the C.N.R. to make changes in the protection at the crossing of their railway and King St. in the Village of Thorndale, Ont.
- 96848 Jan. 14—Authorizing the removal of the speed limitation at crossing of Provincial Highway No. 29 and the C.P.R. at Mileage 10.28 Trois-Rivieres Subd., P.Q.
- 96849 Jan. 14—Authorizing the Newfoundland Dept. of Highways to construct the highway over the C.N.R. near Tickle Harbour, Mileage 80.57 St. John's Subd.
- 96850 Jan. 14—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and Cecil Swale Telephone System.
- 96851 Jan. 14—Amending Order No. 95596 which authorized the C.P.R. to install automatic protection at crossing of its railway and the junction of Highways Nos. 9 and 10 at Barkers Point, N.B., Mileage 0.43 Minto Subd.
- 96852 Jan. 14—Authorizing the C.P.R. to construct a private siding to serve Globe-lite Batteries Limited, across Saskatchewan Ave. in St. James, Man.
- 96853 Jan. 15—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 29.26 Teeswater Subd., Ont.
- 96854 Jan. 15—Authorizing the C.N.R. to use and operate the bridge at Mileage 11.8 Tete Jaune Subd., B.C.
- 96855 Jan. 16—Authorizing the B.C. Department of Highways to construct the highway over the C.P.R. at Mileage 121.80 Shuswap Subd., B.C.
- 96856 Jan. 16—Extending the time within which the C.N.R. is required to install automatic protection at crossing of its railway and Highway No. 45 west of Villemontel, P.Q., Mileage 57.08 Amos Subd.
- 96857 Jan. 16—Extending the time within which the C.N.R. is required to install automatic protection and special circuits at the crossing of their railway and Highway No. 25 at St. Valier, P.Q., Mileage 91.41 Montmagny Subd.
- 96858 Jan. 16—In the matter of improved protection at the crossing of Provincial Highway No. 85 and the C.N.R. about two miles south of St. Jacobs, Ont., Mileage 5.83 Waterloo Subd.
- 96859 Jan. 16—Extending the time within which the C.N.R. is required to install flashing light signals, etc. at crossing of its railway and Highway No. 5 at Mileage 19.8 Danville Subd., P.Q.
- 96860 Jan. 16—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and The Department des Terres Forets, L'Annonciation, P.Q.
- 96861 Jan. 16—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 96862 Jan. 16—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at Balgonie, Sask.
- 96863 Jan. 16—Authorizing the C.N.R. to remove the station building and erect a freight and passenger shelter at Isle Pierre, B.C.
- 96864 Jan. 16—Authorizing the Trans-Northern Pipe Line Company to change the location of its company pipe line where it crosses Burlington St., Hamilton, Ont., as shown on plan filed with the Board.
- 96865 Jan. 16—Approving Telephone Toll Tariff C.T.C. No. 5 filed with the Board by the Nipissing Central Railway Company.
- 96866 Jan. 16—Authorizing the Rural Munic. of Eriksdale to construct the highway over the C.N.R. at Mileage 86.2 Oak Point Subd., Eriksdale, Man.
- 96867 Jan. 19—Authorizing the removal of the speed limitation at crossing of the highway and the Quebec Central Railway north of Coleraine, P.Q., Mileage 58.97 Quebec Subd.

- 96868 Jan. 19—Authorizing the removal of the speed limitation at the crossing of Highway No. 1 and Long Hill Siding near St. George, N.B., Mileage 45.4 Shore Line Subd., C.P.R.
- 96869 Jan. 19—Authorizing the Ontario Department of Highways to construct Highway No. 401 over the Grand River Railway by means of an overhead bridge at Mileage 1.91 Hespeler Subd.
- 96870 Jan. 19—Authorizing the Algoma Central and Hudson Bay Railway Company to operate its trains under the overhead bridge carrying Highway No. 17 across its right of way at Mileage 21.13 Michipicoten Subd.
- 96871 Jan. 19—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Cie de Telephone de L'Avenir.
- 96872 Jan. 19—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and the Leeds and Frontenac Rural Telephone Company Limited.
- 96873 Jan. 19—Authorizing the removal of the speed limitation at crossing of Jackson's Park Road and the C.N.R. in Peterboro, Ont., Mileage 64.86 Campbellford Subd.
- 96874 Jan. 19—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Wolford Rural Telephone Company Limited.
- 96875 Jan. 19—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de Piopolis.
- 96876 Jan. 19—Approving proposed flammable liquid bulk storage facilities of British American Oil Company Limited at North Battleford, Sask., Mileage 81.5 Langham Subd.
- 96877 Jan. 19—Approving application of the C.P.R. to relocate its main line in the Town of Grand Falls, N.B., across Broadway, Front and Conway Streets.
- 96879 Jan. 19—Authorizing the C.N.R. to use and operate the bridge over Archibald St., St. Boniface, Man., Winnipeg Terminals, Mileage 127.2 Minaki Subd.
- 96880 Jan. 19—Approving flammable liquid bulk storage facilities of Standard Oil Company of British Columbia Limited, at Trail, B.C., Mileage 16.42 Rossland Subd.
- 96881 Jan. 19—Authorizing the removal of the speed limitation at the crossing of Highway No. 11 and the C.N.R. west of Driftwood, Ont., Mileage 17.47 Kapuskasing Subd.
- 96882 Jan. 19—Authorizing the C.N.R. to construct suitable approaches to the road diversion which was authorized at Mileage 97.8 Touchwood Subd, Sask.
- 96883 Jan. 19—Authorizing the Township of Moulton, Ont., to improve the grades of approach and sight lines at crossing of Birds Road and the C.N.R. at Strommess, Ont., Mileage 32.61 Dunnville Subd.
- 96884 Jan. 19—Authorizing the C.N.R. to construct one additional track across the highway between Sections 23 and 24, at Rivers, Man.,
- 96885 Jan. 20—In the matter of application of North-West Line Elevators Assoc., and others, in regard to rates on grain screenings and dockage.
- 96886 Jan. 20—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Missisquoi Road (Prov. Highway No. 40A) at Iberville, P.Q., Mileage 18.79 Adirondack Subd.
- 96887 Jan. 20—Authorizing the removal of the speed limitation at crossing of the highway and the C.P.R. at Pointe au Chene, P.Q., Mileage 66.67 Lachute Subd.
- 96888 Jan. 20—Authorizing the C.N.R. to operate over the lift span of the Victoria Bridge crossing the St. Lawrence River between Montreal and St. Lambert, P.Q., as a fixed span.
- 96889 Jan. 20—Granting a licence to Northern Transportation Company Limited allowing certain ships to transport goods by water between all ports and places in Canada in the areas designated.
- 96890 Jan. 20—Authorizing the C.N.R. to construct a bridge over the creek at Mileage 27.1 Cowichan Subd., B.C.

- 96891 Jan. 20—Approving tolls published in tariffs filed by the Cumberland Railway and Coal Company under section 8 of the Maritime Freight Rates Act.
- 96892 Jan. 20—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 96893 Jan. 20—Authorizing the Town of St. Hubert, P.Q., to construct a pedestrian public crossing over the C.N.R. opposite Alexander St. in the Parish of St. Hubert, Co. of Chambly, P.Q., Mileage 8.3 Granby Subd.
- 96894 Jan. 20—Authorizing the B.C. Dept. of Highways to construct Ware Road over the Esquimalt and Nanaimo Railway Co. at Mileage 81.10 Victoria Subd.
- 96895 Jan. 20—Authorizing the C.P.R. to remove the caretaker at Pickerel, Ont., Mileage 79.4 Parry Sound Subd.
- 96896 Jan. 20—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at St. Maurice, P.Q.
- 96897 Jan. 20—Authorizing the C.P.R. to remove the station agent at Bruchesi, P.Q.
- 96898 Jan. 20—Authorizing the Ontario Department of Highways to construct Highway No. 401 over the Grand River Railway by means of an overhead bridge at Mileage 5.1 Waterloo Subd., Twp. of Waterloo.
- 96899 Jan. 21—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 27.71 Wynyard Subd., Sask.
- 96900 Jan. 21—Authorizing the removal of the speed limitation at the crossing of Roosevelt Avenue and the C.P.R., in Ottawa, Ont., Mileage 1.96 Carleton Place Subd.

# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

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*In the matter of the application of British Columbia Telephone Company, dated the 15th of September, 1958 for an Order under Section 380 and all other relevant Sections of the Railway Act, approving, to be effective at the earliest possible date, revisions of certain message toll and exchange service tariffs:*

File No. 32560.46

Heard at Vancouver, December 8, 9, and 10, 1958.

Before:

C. D. SHEPARD, Q.C., *Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

Appearances:

J. D. TAGGART, for British Columbia Telephone Company.

C. W. BRAZIER, Q.C., and A. J. F. JOHNSON, for Government of the Province of British Columbia, Union of British Columbia Municipalities:

*Cities:* Alberni, Chilliwack, Courtenay, Cranbrook, Duncan, Fernie, Grand Forks, Greenwood, Kamloops, Kaslo, Kimberley, Langley, Nanaimo, Nelson, New Westminster, North Vancouver, Port Alberni, Port Coquitlam, Port Moody, Rossland, Slokan, Trail, Vancouver, Victoria and White Rock.

*Districts:* Burnaby, Central Saanich, Chilliwack, Coquitlam, Delta, Esquimalt, Fraser Mills, Kent, Kitimat, Langley, Maple Ridge, Matsqui, Mission, North Cowichan, North Vancouver, Pitt Meadows, Richmond, Saanich, Salmon Arm, Sumas, Surrey, Tadanac and West Vancouver.

*Towns:* Mission City and Quesnel.

*Villages:* Abbotsford, Burns Lake, Castlegar, Chapman Camp, Comox, Creston, Cumberland, Fort St. James, Fruitvale, Gibsons Landing, Harrison Hot Springs, Hazelton, Hope, Invermere, Kinnaird, Ladysmith, Lake Cowichan, Lytton, Marysville, Merritt, Montrose, New Denver, North Kamloops, Parksville, Princeton, Qualicum Beach, Salmo, Sechelt, Silverton, Smithers, Squamish, Telkwa, Terrace, Ucluelet, Vanderhoof, Warfield and Williams Lake.

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December 24, 1958.

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## J U D G M E N T

BY THE BOARD:

## 1. OUTLINE OF THE APPLICATION

This is an application by British Columbia Telephone Company (herein sometimes referred to as "the Applicant" or "the Company") for an Order under Section 380 and all other relevant sections of the Railway Act, approving, to be effective at the earliest possible date, revisions of certain message toll and exchange service tariffs, all as set forth in Schedules II-A and II-B to the application dated September 15, 1958. The proposed tariffs, if they had been in effect for a full year, would have yielded increased revenues of approximately \$5,754,000.

The Applicant's reasons for seeking increased rates may be summarized as follows:

- (a) Order in Council P.C. 1958-602 had directed the Board that "... as a principle of rate making policy, credits to tax equalization reserves shall not be regarded as necessary expenses or requirements in determining rates and charges."
- (b) The Applicant had given careful consideration to the problems raised by this Order in Council and had concluded that it was in the interests of both the Applicant and its subscribers that, commencing with the year 1958, it should claim as capital cost allowance for income tax purposes the amount charged in the Company's books for depreciation.
- (c) The revenues derived from the present tolls and charges would not permit the Applicant to implement this decision regarding income tax and at the same time provide for an adequate annual addition to its surplus which would maintain the credit of the Applicant and assist in attracting the capital required to support a continuance of its programme of improvement and expansion.

## 2. OPPOSITION TO THE APPLICATION

Mr. C. W. Brazier appeared on behalf of a number of interested parties (hereinafter referred to as "the Respondents") and these included the Government of the Province of British Columbia, the Union of British Columbia Municipalities, the Corporations of twenty-five cities, twenty-three districts, two towns and thirty-seven villages, in all of which the Applicant is authorized to operate a telephone system.

On behalf of the Respondents it was contended that no increases in the present tolls and charges were necessary for the following reasons:

- (a) The present tolls and charges were just and reasonable.
- (b) There were no changed conditions or costs since the previous increase in rates had gone into effect which would justify any further increase at this time.
- (c) The Applicant's proposal in respect to the payment of income tax was not in the interest of the Applicant and its subscribers.
- (d) If the Applicant adopted the proposed procedure in respect to payment of income tax, this would be contrary to the directions and/or the intent of the directions given to the Board by Orders-in-Council P.C. 1958-601 and P.C. 1958-602, dated April 29, 1958.
- (e) It was within the power of the Applicant to permanently reduce the amount of income taxes which it was required to pay through claiming maximum capital cost allowance for income tax purposes and the Applicant's subscribers were entitled to the benefit of such tax saving.

- (f) In the alternative, if it were in the interest of the Applicant and of its subscribers to adopt the income tax procedure described in the application, no increase in tolls or charges should take place until the provision for "income taxes deferred" amounting to \$6,971,588 at December 31, 1957, had been used, on the grounds that this amount would not otherwise be required for the payment of income tax.
- (g) The proposed rate revisions were inequitably apportioned between message toll calls and charges for local exchange service.
- (h) In the event of the Applicant being permitted to make the proposed change in the method of paying income tax the surplus of \$1,500,000 allowed by the Board's Judgment of July 18, 1958, was excessive and the \$400,000 allowed by the same Judgment for share issue expenses should be disallowed for rate making purposes.

### 3. MAIN POINT IN ISSUE

The main point in issue was the change in the Company's policy in respect to the claiming of capital cost allowance for income tax purposes. In the Board's Judgment of October 10, 1958, concerning an application of the Bell Telephone Company of Canada, changes in income tax legislation in recent years were summarized as follows:

"For many years prior to 1949, Canadian corporations were permitted to claim depreciation for income tax purposes calculated on the 'straight line' principle. In 1949 a new Canadian Income Tax Act and Regulations came into effect, under which the amount of 'capital cost allowance' that might be claimed for income tax purposes was computed on what is known as the 'diminishing value' basis. In general the amount of capital cost allowance that could be claimed in any year was limited to the amount of depreciation actually charged in a company's books during that year. Subject to this limitation, however, the amounts that could be claimed in the early years following the acquisition of an asset were often approximately double those which would have been allowed on the straight line basis, with correspondingly lower amounts in the later years. Effective January 1, 1954, the Income Tax Regulations were again changed, and since that date it has been possible to claim capital cost allowance for income tax purposes without regard to the amounts charged as depreciation in a company's own records.

"In spite of the opportunities for immediate reductions in tax available under the new Act which came into effect in 1949, many large corporations appeared to feel that the advantages of any immediate tax saving were more than offset by the disadvantages of recording in their books depreciation which, in the light of their previous adherence to straight line methods appeared excessive. Under the change in legislation which became effective in 1954, however, it became possible for a company to maintain its former accounting procedures and policies while concurrently paying a lesser amount of income tax. The immediate reduction in tax is generally regarded as an interest-free loan the value of which, to a considerable extent, depends on the individual company's need at the time for additional funds. The Income Tax Regulations presently in effect offer a wide choice as to when capital cost allowance may be claimed and it falls to management to determine, within the limits prescribed by the Income Tax Regulations, what policy may be best for the company and how much should be claimed in any particular year."

For accounting purposes the Applicant has followed a consistent practice of charging depreciation in its records on a straight line basis. Prior to 1949, insofar as it was permitted to do so, the Company claimed for income tax purposes the same amounts as were charged in its records for depreciation and, notwithstanding the new Canadian Income Tax Act and Regulations, this policy was continued until the end of 1953. Commencing January 1, 1954, however, the Company took advantage of the change in the Income Tax Regulations and claimed the maximum capital cost allowance for income tax purposes. From 1954 to 1957, the tax reductions resulting from this action were credited to "income taxes deferred", and as at December 31, 1957, the total of such credits amounted to \$6,971,588.

In the light of the directions contained in Order-in-Council P.C. 1958-602, the Company found it necessary to reconsider the change in policy effected in 1954, and in the course of the hearings in May and June 1958 the Board was asked to give direction to the Company on the questions which emerged from the Order-in-Council. As the application of the Bell Telephone Company, then pending, involved similar questions of principle the Board deferred decision on the matter so that it might have the benefit of the evidence in the Bell case.

In the meantime, the Company decided to revert to its former practice of claiming for income tax purposes capital cost allowance equal to the amounts of depreciation charged on the Company's books. All possibilities had been carefully considered and, although the change would result in substantially greater amounts of income tax being currently payable, the conclusion had been reached that this was the only practicable alternative. The Company's decision was based on the advice of its accounting advisers, and also on the advice of its financial advisers.

The requirements for additional capital during 1959 were estimated at \$39,000,000 and, as the debt ratio had recently increased to 52 per cent, it was believed that a considerable portion of the capital raised in 1959 would have to be in the form of equity capital. A financial witness called by the Company testified that institutional investors, whose support in marketing new issues of the Company's securities must be heavily relied on, were of the firm opinion that the Company had no alternative but to claim capital cost allowance for income tax purposes equal to the charges for depreciation on the straight line basis and to pay taxes accordingly. Whether or not the Company followed this practice the institutional investors would make this calculation and rate the Company's securities accordingly. The additional earnings which the Company expected to result from the increases in rates requested were the minimum considered necessary for a high rating of the Company's securities to be maintained.

The Respondents did not agree with these contentions, holding on the contrary that the subscribers were entitled to the benefit of the immediate tax reductions possible through the claiming of maximum capital cost allowance. In their view, this would not adversely affect the ability of the Company to raise equity capital. Further, the amount in the income taxes deferred account should be considered as surplus and on this basis the \$1,500,000 allowed by the Board as a reasonable permissive annual surplus should be reduced accordingly.

The Company's ability to finance its construction programme is important not only to the Company but to the subscribers, and due weight must be given to the views of the institutional investors. No witnesses were called by the

Respondents in this connection. In the view of the Board, insofar as consideration of income tax policy is concerned, there is no material difference between the situation in this case and in the recent Bell Telephone Company of Canada case, which was dealt with in the Board's Judgment of October 10, 1958. The rate at which the Applicant's facilities are currently being expanded is proportionately even greater than in the case of Bell and to that extent the financing problem may be said to be even more urgent. The Board has carefully reviewed the considerations which led the Company's management to change the policy in respect to the claiming of capital cost allowances for income tax purposes, and in the particular circumstances of this case it does not believe that it should interfere with that decision.

Credits to income taxes deferred account represent income tax at the then existing rates on the amounts by which capital cost allowance claimed for income tax purposes exceeded depreciation charged in the Company's own records. How the accumulated balance should be handled will depend on a number of factors, but the Board does not believe that the amount should be considered as surplus or that it is possible at this time to adjudicate on what the final disposition of the balance should be.

#### 4. OTHER POINTS IN ISSUE

Apart from the question of income tax policy and matters directly related thereto, the principal points mentioned in the Respondents' reply to the application dealt with the permissive annual surplus and the share issue expense included in the Applicant's financial requirements as determined in the Board's Judgment of July 18, 1958. These matters were fully dealt with in that Judgment and no good purpose would be served by a further review at this time. The principles on which these amounts were determined do not appear to be affected in any way by the decision in respect to income tax policy.

#### 5. REVENUE DEFICIENCY

In the Board's Judgment of July 18, 1958, reference was made to the problems involved in correctly determining the revenue deficiency of a company while it is in the process of rapid growth, and the situation exists in this case to a marked degree. The Applicant's rate of growth during the last five years has been extremely rapid.

During the hearings the Company filed Exhibit 58-2-B4 containing the Company's current estimate of the 1958 income statement based on actual figures for the period January 1 to October 31, 1958, and on estimates for the months of November and December. This showed that the Company's earlier estimate of revenues for the balance of the year was being largely fulfilled, but that expenses had fallen far short of the amounts estimated at the same time. This reduction in expenses no doubt reflected the efforts made by the Company commencing in May to postpone certain expenditures when it realized that the customary dividend on the common shares might not be earned during the year. In the Board's view these circumstances make it inappropriate to use this Exhibit as a basis for determining revenue deficiency while, on the other hand, Exhibits 58-2-B3 and B6 have the major defect, as a basis for fixing rates, that they are prepared entirely on an estimated basis and are, therefore, subject to the weaknesses inherent in estimates generally.

As previously mentioned, the decision to claim smaller amounts as capital cost allowance results in considerably heavier income tax payments at this time, but this is the only change justifying any increase in rates that appears to have occurred in the Company's situation since the Board's Judgment of July 18, 1958. The Board concluded that, in the circumstances, it would be fairer both to the Company and to its subscribers to adopt the same basis for determining the revenue deficiency as in the preceding case, of which this case is in a sense an extension. On this basis the Board finds that additional revenues of \$5,225,000 are required at this time to enable the Company to attain the level of earnings authorized in the Board's Judgment of July 18, 1958. The net income and revenue deficiencies, as determined by the Board, are computed as follows:

*Statement of Net Income Deficiency*

Income deficiency as determined in Board's Judgment of July 18, 1958 (48 J.O.R. & R. 225, at p. 235) .....	\$1,267,000
Income taxes (line 13, Col. 1, Ex. 58-2-B2) .....	2,143,000
	_____
Net income deficiency (before increase in rates effective Aug. 1, 1958) .....	\$3,410,000
	_____

*Statement of Revenue Deficiency*

Additional revenue required to provide additional net income of \$3,410,000 after deduction of related charges (\$109,000) and income taxes (\$3,024,000) .....	\$6,543,000
Deduct: Additional revenue from increase in rates effective Aug. 1, 1958 .....	1,318,000
	_____
Balance of revenue deficiency .....	\$5,225,000
	_____

It is recognized that the figures thus used as a basis for determining the Company's revenue needs at this time do not take into account the fact that wage rates were increased effective April 1, 1958. This same point was in issue in the previous case decided by the Board on July 18, 1958. The Board confirms the following language used in its Judgment of that date:

"In determining the Company's need for additional funds the Board has used the Company's own estimate (Column 1 of Exhibit 58-E.5) of what its actual revenues and expenditures would be during the year 1958 if no increase in rates were granted. The Board realizes that these figures include wages at one level from January 1, 1958, to March 31, 1958, and at an increased level from April 1, 1958, to December 31, 1958. The fact is, however, that during the five years in which the rates authorized by the Board's 1953 Judgment were in effect the Company, through increased revenues, was from time to time able to grant increases in wages, and between January 1, 1953, and December 31, 1957, the Company's accumulated earned surplus increased from \$628,577 to \$3,728,982, notwithstanding transfers to the Employees' Benefit Fund Reserve of \$186,487, and to the Reserve for Fire Loss, Accidents and Contingencies of \$200,000." (48 J.O.R. & R. 225, at 231)

## 6. INCREASES AUTHORIZED

*(a) Distribution of revenue deficiency as adjusted*

The Company, by its application, claimed a revenue deficiency of \$5,754,000 which it sought to recover by increasing local service rates sufficiently to obtain increased revenue therefrom of \$5,031,000 or approximately 87 per cent of the total claimed deficiency. It also proposed rate increases for long distance services designed to produce additional revenue of \$723,000, or 13 per cent of the claimed deficiency. From a revenue standpoint the local service would bear about an 18 per cent increase and long distance 5 per cent.

Having determined that the claimed deficiency should be reduced it is necessary to revise the proposed rates to reflect a total deficiency recovery of \$5,225,000.

We are of the opinion that the circumstances justify allowing the Company to establish rates for long distance service on the basis set out in the application and to apply the reduction in deficiency to the modification of rates for local exchange service. Such an adjustment should yield to the Company a revenue increase in local service of approximately 16 per cent and 5 per cent in long distance service.

The adjusted rates, as above indicated, should yield to the Company an overall revenue increase of 12 per cent in lieu of the 13 per cent sought.

This case, following so closely upon that heard and decided earlier this year, requires no detailed statement of the reasons for adopting the pattern of rates involved. We will, however, discuss in the following portion of this Judgment the nature and extent of objections we have heard and the changes which occur as to certain phases of the Company's operations.

*(b) Toll Service Rates*

The rates we are authorizing here are those which the Company initially proposed in the application made prior to the amended application of May 16, 1958. As in the scale of rates previously approved by us the new rates impose an increase of 5c on each mileage block for station-to-station calling for distances over 26 miles and 5 and 10c in person-to-person calling.

Counsel for Respondents suggests that if any increase is allowed in the Company's rates that long distance service be called upon to bear the greater part of the burden.

In the earlier Judgment we commented upon the merits of applying increased rates to toll services and noted that since 1949 a proportionately greater increase in revenue had been derived from exchange than from toll service. We noted also that the then declining level of toll revenue was expected to be a temporary condition and during the course of this present hearing it was indicated that some improvement had been achieved.

Respondents' counsel asserted in argument that the Company bases its exchange rates on a monopoly pricing system whereas toll rates are somewhat competitive. We do not think this is an improper assertion but it fails to give consideration to the practicalities of the matter.

We noted also in our earlier Judgment that

"There is no direct correlation between the levels of local exchange and long distance rates. Long distance services are susceptible of competitive influences which do not occur in local service, the latter, of course, being the backbone of the total service provided by the Company from which it must obtain a substantial part of its revenue." (48 J.O.R. & R. 225, at p. 236)

The Company asserts, and we think with reasonable cause, that its toll services are subject to considerable fluctuation in patronage and that curtailment of usage can involve a considerable reduction in revenue. As the scale of toll charges is already at the peak of similar scales elsewhere any attempt to load additional rate increases beyond those proposed by the Company can result in loss of revenue greater than expected to be secured from the rate increase. We would be loath to substitute our judgment as to how far this scale can be increased for that of the Company's experienced management. We approve the Company's proposed scale.

(c) *Local exchange rates*

The instant case differs from that dealt with earlier in the year to the following extent:

1. A new rate group is provided as Group No. 1 for exchanges which do not provide continuous service.
2. Exchanges formerly in rate group 1 having continuous service are transferred to rate group 2.
3. Rate group 2 is changed to apply to exchanges having 1 to 1,000 telephones.
4. Charges for various special equipment and services which were not subjected to increase in the disposition of the earlier case are now involved in the disposition of this application.

The rearrangement of group 1 recognizes the lesser value of service provided where non-continuous service is given. There are 18 exchanges in this category and they are: Ahousesat, Alexis Creek, Balfour, Bamfield, Chase, Clinton, Forest Grove, Fort St. James, Greenwood, Lytton, Natal, 100 Mile House, Port Renfrew, Rock Creek, Salmo, Slocan, Wells, and Yale. The change from Group 1 to Group 2 affects 31 exchanges, the names of which appear in the Appendix to the Order pursuant to this Judgment.

No objections were made to this change and we consider it is an equitable basis for exchange service charges. The rearrangement of the grouping for these 31 exchanges will place them in a rate group of broad dimensions and will effectively defer for some considerable time any up-grouping under the present regulations applicable thereto.

Proposed charges for supplementary services and special equipment are the same as were proposed in the earlier case. They involve a vast number of pieces of equipment as well as numerous supplementary services. We have given consideration to the rate changes involved insofar as we are able to do so and in the absence of any complaint we are of the opinion that the Company has justified the changes proposed. The right always exists for individual complaint as to any alleged unreasonableness or unjust discrimination and we are prepared to deal with such if required. Many of the increases are minor in character and generally represent increased costs involved in the purchase and maintenance of such equipment and the provision of the services.

The primary exchange service rates which we approve are set out in the Appendix to the Order in this case. As noted in our earlier Judgment greater increases are made for business than for residence. In general the pattern of relationship between the different types of service is maintained.

The distribution of the rate increases on all local exchange services is the result of careful study by company management and the adjusted rates reflect the same. It is not our function to substitute our judgment for theirs unless

some particular service is shown to be subjected to unreasonable or unjustly discriminatory treatment. No evidence was adduced to this effect and in view of the consideration we have briefly discussed herein we have concluded that the rates and charges set out in the Order are to be authorized.

(d) *Reasonableness of authorized rates and charges*

We find that the rates and charges authorized herein are just and reasonable and not unjustly discriminatory.

An Order will go, setting out the rates and charges allowed and authorizing the same to become effective not earlier than January 1, 1959.

CLARENCE D. SHEPARD  
F. M. MACPHERSON

OTTAWA, December 24, 1958.

BOARD OF TRANSPORT COMMISSIONERS FOR CANADA

ORDER NO. 96660

WEDNESDAY, the 24th day of December, A. D. 1958

CLARENCE D. SHEPARD, Q.C., *Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

*In the matter of the application of the British Columbia Telephone Company, hereinafter called the "Applicant", dated the 15th September, 1958, for an Order under section 380 and all other relevant sections of the Railway Act, approving revisions of certain message toll and exchange service tariffs:*

File No. 32560.46

Upon hearing the application at sittings of the Board held at Vancouver on December 8, 9 and 10, 1958, in the presence of Counsel for the Applicant, and Counsel for the Government of the Province of British Columbia, the Union of British Columbia Municipalities, the City of Vancouver and other cities, districts and villages set forth in the Judgment herein dated the 24th December, 1958—

It is ordered that the Applicant may publish and file revised tariff schedules, to be effective not earlier than January 1, 1959, adjusting rates and charges in the Applicant's tariffs to the extent specified in the Appendix to this Order.

It is further ordered that the provisions of Rules 3 and 6 of General Order No. 658 are hereby waived.

CLARENCE D. SHEPARD,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

## APPENDIX

TO

ORDER No. 96660

Changes authorized in rates and charges of the British Columbia Telephone Company by reference to Schedules 11-A and 11-B of the application and to the tariff provisions affected.

## 1. LONG DISTANCE MESSAGE TOLL SERVICE:

(Schedule 11-A) (Tariff CTC No. 32, Item 15)

**SCHEDULE OF CHARGES—Points in British Columbia and between British Columbia and Alberta.**

Mileage From To	DAY (EXCEPT SUNDAY)			NIGHT AND SUNDAY		
	Station to Station	Person to Person	Each additional minute (Rates in cents)	Station to Station	Person to Person	Each additional minute
0- 6	10	25	05	10	25	05
7- 10	15	30	05	15	30	05
11- 14	20	35	05	20	35	05
15- 18	25	40	05	25	40	05
19- 22	30	45	10	30	45	10
23- 26	35	50	10	35	50	10
27- 30	45	65	15	35	50	10
31- 35	50	75	15	35	55	10
36- 40	55	80	15	40	60	10
41- 45	60	90	20	45	65	15
46- 50	65	95	20	50	70	15
51- 55	70	105	20	50	80	15
56- 61	75	110	25	55	85	15
62- 67	80	120	25	60	90	20
68- 73	85	125	25	65	95	20
74- 79	90	135	30	65	100	20
80- 85	95	140	30	70	105	20
86- 93	100	150	30	75	110	25
94- 101	105	155	35	80	115	25
102- 109	110	165	35	80	125	25
110- 117	115	170	35	85	130	25
118- 125	120	180	40	90	135	30
126- 135	125	185	40	95	140	30
136- 145	130	195	40	95	145	30
146- 155	135	200	45	100	150	30
156- 165	140	210	45	105	155	35
166- 175	145	215	45	110	160	35
176- 189	150	225	50	110	170	35
190- 203	155	230	50	115	175	35
204- 217	160	240	50	120	180	40
218- 231	165	245	55	125	185	40
232- 245	170	255	55	125	190	40
246- 263	175	260	55	130	195	40
264- 281	180	270	60	135	200	45
282- 299	185	275	60	140	205	45
300- 317	190	285	60	140	215	45
318- 335	195	290	65	145	220	45

## 1. LONG DISTANCE MESSAGE TOLL SERVICE—(Continued)

## SCHEDULE OF CHARGES—(Continued)

Mileage From To	DAY (EXCEPT SUNDAY)			NIGHT AND SUNDAY		
	<i>Initial 3 minutes</i>			<i>Initial 3 minutes</i>		
	Station to Station	Person to Person	Each additional minute (Rates in cents)	Station to Station	Person to Person	Each additional minute
336- 359	200	300	65	150	225	50
360- 383	205	305	65	155	230	50
384- 407	210	315	70	155	235	50
408- 431	215	320	70	160	240	50
432- 455	220	330	70	165	245	55
456- 485	225	335	75	170	250	55
486- 515	230	345	75	170	260	55
516- 545	235	350	75	175	265	55
546- 575	240	360	80	180	270	60
576- 605	245	365	80	185	275	60
606- 645	250	375	80	185	280	60
646- 685	255	380	85	190	285	60
686- 725	260	390	85	195	290	65
726- 765	265	395	85	200	295	65
766- 805	270	405	90	200	305	65
806- 855	275	410	90	205	310	65
856- 905	280	420	90	210	315	70
906- 955	285	425	95	215	320	70
956-1005	290	435	95	215	325	70
1006-1055	295	440	95	220	330	70
1056-1115	300	450	100	225	335	75
1116-1175	305	455	100	230	340	75
1176-1235	310	465	100	230	350	75
1236-1295	315	470	105	235	355	75
1296-1355	320	480	105	240	360	80

## 2. EXCHANGE SERVICES:

(Schedule 11-B) (Tariff CTC No. 33)

## ITEM 60—Exchange Rate Groups:

Amend Rate Groups 1 and 2 to read:

## RATE GROUP

1

2

## STATION LIMITS

Exchanges without continuous service.

1 to 1,000 stations.

## ITEM 65—Classification of Exchanges:

Change the following exchanges from Rate Group 1 to Rate Group 2:  
 Ashcroft, Boston Bar, Bowen Island, Bowser, Bridge River Mines, Burns  
 Lake, Christina Lake, Gabriola Island, Golden, Gulf Islands, Hazelton,  
 Hornby Island, Houston, Invermere, Kaslo, Keremeos, Lillooet, Nakusp,  
 New Denver, Oyster Bay, Pender Harbour, Radium, Shalath, South  
 Slovan, Telkwa, Thetis Island, Tofino, Ucluelet, Vanderhoof, Westwold,  
 Youbou.

## 2. EXCHANGE SERVICES—(Continued)

## ITEM 70—Exchange rates:

## BUSINESS SERVICES

Rate Group	Individual line	Measured service	Multi-party (Rates in cents)	P.B.X 1-way	Trunks 2-way	Semi-public daily guarantee
1	625	—	390	795	930	20
2	675	—	440	845	980	21
3	760	—	480	950	1100	23
4	850	—	520	1060	1235	25
5	955	—	565	1195	1385	27
6	1075	—	610	1345	1560	29
7	1200	—	660	1500	1740	31
8	1320	790	710	1650	1925	34
9	1710	990	900	2125	2475	41

## RESIDENCE SERVICES

Rate Group	Individual Line	Two-party Line	Multi-party Line	P.B.X. Trunks 2-way
(Rates in cents)				
1	335	250	210	465
2	385	300	260	515
3	410	320	275	545
4	435	340	290	580
5	460	360	305	615
6	485	380	325	650
7	510	400	345	685
8	540	425	365	725
9	625	490	425	835

## ITEM 85—Call Answering Service:

	Cents per month
B. (1) Switchboard Rates:	
Less than 31 lines connected	3750
31 to 50 lines connected	4500
51 to 80 lines connected	5000

NOTE: Rates apply to equipment in service. Future installations will be custom-made and subject to special charges.

## (4) Extension Line and Key Rates:

Exchange rate groups	1-5	6-9
Each business extension line	165	200
Each residence extension line	100	125
Each key	45	45

## 2 EXCHANGE SERVICES—(Continued)

Cents  
per month**ITEM 87—Key Telephone Systems:**

B. (1) Pick-up, Each station, for each line picked up ..	45
(2) Hold:	
(a) Each line equipped for holding .....	60
(b) Each station equipped for holding .....	45
(3) Cut off of station:	
(a) Each station equipped for manual cut off ..	40
(b) Each station equipped for exclusion:	
(i) Manual cut off and automatic restoral	40
(ii) Automatic cut off and automatic restoral .....	150
(4) Cut off bell, each station equipped for manual cut off and restoral .....	40
(5) Intercommunication: Where the terminals of the line are in the same building or on the continuous property of the subscriber, Each intercommunicating circuit .....	150
(6) Signalling:	
(a) Auxiliary signalling	
Combined code and selective signalling unit, for each key telephone system	70
(b) Intercommunication, Automatic signalling one-way or two-way, each circuit .....	60
(7) Signal control equipment:	
(a) Key illumination, each instrument .....	90
(b) Signal control equipment:	
For line signals (bells or lamps), each line:	
Non-continuous .....	125
Continuous .....	175
For busy signals, each line .....	125
For combined line and busy signals:	
Each line .....	175
Common equipment .....	90

**ITEM 90—Multi-Line Key Cabinet Service:**

B. (1) Key Cabinets:	
Three-line single sided cabinet .....	325
Three-line double sided cabinet .....	450
Six-line single sided cabinet .....	500
Six-line double sided cabinet .....	625
(2) Dialling and tripping unit .....	100
(3) Each common talking channel .....	150

**ITEM 95—Order Turret Service:**

B. (1) Each four-position order turret .....	4250
Additional strip of 20 jacks, including lamp signals .....	325

## 2. EXCHANGE SERVICES—(Continued)

Cents  
per month**ITEM 100—Private Branch Exchange Service—Business and Residence:**

## B. (1) Manual Service:

(a) Magneto Switchboard, Wall Type .....	750
(b) Common Battery Switchboards:	
(i) Cordless Type:	
Capacity, 4 trunks and 10 local lines:	
Type 33 .....	1350
Type 37 .....	1600
Capacity, 4 trunks and 16 local lines	1600
(ii) Cord Type—Non-multiple:	
Types 550 or 551, per position,	
Capacity, 10 trunks and 40 local lines	1950
Capacity, 15 trunks and 80 local lines	2750
Capacity, 15 trunks and over 80 local lines .....	3250
Station line equipment, each 10 lines or less in use .....	No charge
Type 555, per position:	
Capacity, 10 trunks and 40 local lines	2750
Capacity, 14 trunks and 60 local lines	3250
Capacity, 14 trunks and 120 local lines	3750
Station line equipment, each 10 lines or less in use .....	No charge
(iii) Cord Type—Multiple:	
Per position:	
Capacity, 30 trunks and 360 local lines	6950
Capacity, over 30 trunks or 360 local lines .....	Custom-made and subject to special charges.

## (2) Automatic Service:

(a) Cordless Type Switchboards:	
Capacity, 3 trunks and 9 local lines ....	2500
Capacity, 5 trunks and 20 local lines:	
Type 20-B .....	5000
Type 22 .....	6500
(b) Cord Type Switchboards:	
(i) Manual Equipment:	
Each non-multiple position .....	4250
Each multiple position .....	6950
(ii) Automatic equipment:	
Each selector .....	450
Each connector .....	625
Each selector-connector .....	775
Each special connector .....	775
Each station line terminal .....	110
Each private line or tie trunk terminal:	
For two-way selection .....	575
For one-way selection .....	400
For manual operation .....	200

## 2. EXCHANGE SERVICES—(Continued)

	Cents per month	
<b>ITEM 100—Private Branch Exchange Service—Business and Residence: (Concluded)</b>		
(4) Station Rates:		
Exchange Rate Groups .....	1-5	6-9
Each station line, unrestricted or restricted to local and incoming calls:		
Business .....	260	300
Residence .....	170	210
Each station line, local calls only:		
Business .....	150	150
Residence .....	120	120
<hr/>		
C. (7) In common battery exchanges, where it is necessary to utilize power from a local source to operate the switchboard .....		500
Where common battery switchboards are installed in magneto exchanges, the charge for a power unit is .....		500
(8) If a magneto switchboard subscriber wishes a power generator supply, the required power generator circuit shall be subject to individual line mileage charges in addition to a charge of ....		500
When ringing power is provided by means of a local converter unit the charge shall be .....		500
<hr/>		

**ITEM 105—Private Branch Exchange Service—HOTEL:**

## B. (1) Manual Service:

## (a) Magneto Service:

(a) Magneto Switchboard, Wall Type ..... 750

## (b) Common Battery Switchboards:

## (i) Cordless Type:

Capacity, 4 trunks and 10 local lines:

Type 33 ..... 1350

Type 37 ..... 1600

Capacity, 4 trunks and 16 local lines 1600

## (ii) Cord Type—Non-multiple:

Types 550 or 551, per position:

Capacity, 10 trunks and 40 local lines ..... 1950

Capacity, 15 trunks and 80 local lines ..... 2750

Capacity, 15 trunks and over 80 local lines ..... 3250

Type 555, per position:

Capacity, 10 trunks and 40 local lines ..... 2750

Capacity, 14 trunks and 60 local lines ..... 3250

Capacity, 14 trunks and 120 local lines ..... 3750

## 2. EXCHANGE SERVICES—(Continued)

	<i>Cents per month</i>	
<b>ITEM 105—Private Branch Exchange Service—HOTEL: (Concluded)</b>		
(iii) Cord Type—Multiple:		
Per position,		
Capacity, 30 trunks and 360 local lines .....		6950
Capacity, over 30 trunks or 360 local lines .....		Custom-made and subject to special charges.
(2) Station Rates: Exchange rate groups .....	1-5	6-9
Each station .....	100	125

**ITEM 107—Secretarial Answering Unit Service:**

B. Each Secretarial Answering Unit is standard colour:		
Six-line unit .....		450
Ten-line unit .....		650
Twenty-line unit .....		1000
Six-line unit with common audible signal .....		600
Ten-line unit with common audible signal .....		850
Twenty-line unit with common audible signal ....		1250

**ITEM 110—Wiring Plans:**

E. Detail of plans:		
Plan 111—Plan charge .....		45
Plan 112—Plan charge .....		65
Plan 113—Plan charge:		
For master station where associated with a P.B.X. station line .....		215
For master station where associated with a central office line .....		450
For each controlled station equipped with key ..		65
Plan 114:		
(1) Plan charge .....		685
Additional charge for holding, if required ..		125
(2) Plan charge .....		915
Additional charge for holding, if required ..		125
Additional charge when the plan is associated with a common battery central office line		235
Plan 115:		
(1) Plan charge .....		730
Additional charge for each master station ..		125
(2) Plan charge .....		960
Additional charge for each master station ..		125
Additional charge when the plan is associated with a common battery central office line		235
Plan 141. Plan charge:		
For first master station where associated with a P.B.X. station line .....		110
For first master station where associated with a common battery central office line .....		345
For first master station where associated with a magneto central office line .....		65
For each master station in excess of one .....		65

## 2. EXCHANGE SERVICES—(Continued)

	<i>Cents per month</i>
<b>ITEM 110—Wiring Plans—(Continued)</b>	
Plan 151. Plan charge:	
For first master station where associated with a P.B.X. station line .....	245
For first master station where associated with a common battery central office line .....	480
For each master station in excess of one .....	125
For each controlled station equipped with key ..	65
Plan 161. Plan charge .....	45
Plan 162. Plan charge .....	145
Plan 163. Plan charge .....	65
Plan 221. Plan charge .....	65
Plan 231. Plan charge:	
For first master station .....	290
For each master station in excess of one .....	100
Plan 232. Plan charge .....	290
Plan 241. Plan charge:	
For first master station where associated with a P.B.X. station line .....	125
For first master station where associated with a common battery central office line .....	360
For first master station where associated with a magneto central office line .....	80
For each master station in excess of one .....	80
For each controlled station equipped with key ..	65
Plan 251. Plan charge:	
For master station where associated with a P.B.X. station line .....	315
For master station where associated with a com- mon battery central office line .....	550
For each controlled station equipped with key ..	80
Plan 252. Plan charge:	
For first master station where associated with a P.B.X. station line .....	315
For first master station where associated with a common battery central office line .....	550
For each master station in excess of one .....	125
Plan 321. Plan charge .....	80
Plan 331. Plan charge:	
For first master station .....	470
For each master station in excess of one .....	160
For each controlled station .....	80
Plan 341. Plan charge:	
For first master station where associated with a P.B.X. station line .....	170
For first master station where associated with a common battery central office line .....	405
For first master station where associated with a magneto central office line .....	125
For each master station in excess of one .....	125
For each controlled station equipped with key ..	80

## 2. EXCHANGE SERVICES—(Continued)

Cents  
per month**ITEM 110—Wiring Plans—(Concluded)**

Plan 351. Plan charge:	
For first master station where associated with a P.B.X. station line .....	470
For first master station where associated with a common battery central office line .....	705
For each master station in excess of one .....	160
For each controlled station equipped with key ..	80
Plan 421. Plan charge for each master station ....	125
Plan 431. Plan charge:	
For first master station .....	540
For each master station in excess of one .....	160
For each controlled station .....	125
Plan 521. Plan charge for each master station ....	125

**ITEM 145—Extension Line Mileage:**

B. (2) First one-quarter mile or fraction thereof .....	330
Each addition one-quarter mile or fraction thereof	100
(3) Where the terminals of the line are in separate exchanges:	
(a) Contiguous exchanges:	
Each one-quarter mile or fraction thereof between the central offices constituting the terminals of that portion of the circuit connecting the exchanges ....	150
Minimum charge .....	600
(b) Non-contiguous exchanges:	
Each one-quarter mile or fraction thereof between the toll offices .....	150
Minimum charge .....	600
C. (6) In certain special cases, private branch exchange subscribers may be permitted to install, own and maintain at their sole expense, the wire facilities for private branch exchange off-premises stations:	
Charge for such stations:	
Exchange rate groups	1-5      6-9
Business .....	385      425
Hotel .....	225      250

**ITEM 170—Private Line Service—Full Period:**

B. (1) (a) Terminals of the line in same building or on continuous property. Per circuit .....	150
(b) Terminals of the line in different buildings not on same continuous property:	
First one-quarter mile or fraction thereof	330
Each additional one-quarter mile or frac- tion thereof .....	100
(2) Station rentals:	
Each terminal telephone .....	165
Each extension telephone .....	145
(3) Common Battery Signalling. Each private line ..	250
(5) Private Line Key Systems:	
Each 10-line 2-position system .....	2500
Each 20-line 2-position system .....	3750

## 2. EXCHANGE SERVICES—(Continued)

Cents  
per month**ITEM 180—Quotation Broadcast Service:**

B. (1) Sending station equipment:	
Miscellaneous equipment, including induction coil, battery, coil and condenser .....	395
Each amplifier .....	750
(2) Receiving station equipment:	
Double head receiver, standard length cord, plug and jack each .....	115
Each amplifier .....	395

**ITEM 190—Semi-Public Telephone Service:**

B. Booths, each .....	325
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**ITEM 195—Toll Station Service: Minimum guarantee:**

Business .....	700
Residence .....	350

**ITEM 196—Rural Connecting Systems:**

B. (1) Where the rural connecting system connects directly with the Company's toll facilities:	
(a) Three jack connections, each assembly ...	150
(b) Each telephone instrument .....	125
(2) Where the rural connecting system connects with the Company's exchange facilities, each main station:	
Exchange rate group 1 .....	100
2 .....	105
3 .....	110
4 .....	120
5 .....	125
6 .....	130
7 .....	135
8 .....	145
9 .....	175
Each telephone instrument furnished by Com- pany—surcharge .....	125
C. (9) For connection with toll facilities, monthly guarantee per connecting system .....	700

**ITEM 200—Foreign Central Office Service:**

B. Mileage charge between normal and foreign central office, for each one-quarter mile or fraction ....	125
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**ITEM 205—Foreign Exchange Service:**

B. (1) Between contiguous exchanges:	
Each one-quarter mile or fraction .....	150
Minimum charge .....	600
(2) Between non-contiguous exchanges:	
Each one-quarter mile or fraction .....	150
Minimum charge .....	600

## 2. EXCHANGE SERVICES—(Continued)

Cents  
per month**ITEM 220—Toll Terminal Service:**

B. Exchange Rate Groups 1-5 .....	475
Exchange Rate Groups 6-8 .....	700
Exchange Rate Group 9 .....	1000

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**ITEM 223—Automatic Call Answering and Recording Equipment:**

B. (1) Automatic answering equipment:	
Each unit .....	1200
Each additional announcing tape .....	35
(2) Automatic answering and recording equipment:	
Each unit .....	1800
Each additional announcing tape .....	35
Each foot control for transcribing messages ...	100
C. (3) A non-recurring installation charge of .....	1000

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**ITEM 225—Auxiliary Signals:**

B. (1) Line signals:	
(a) Operated by central office ringing power:	
Each extension bell, ordinary .....	40
Each extension bell, loud .....	75
Each neon lamp with mounting .....	30
(b) Operated by commercial power:	
Signal control equipment:	
For intermittent signal .....	75
For sustained signal .....	85
Audible signal, howler, each .....	80
(c) Operated by battery power:	
Signal control equipment, per line .....	100
Repeating coil .....	40
Battery .....	235
Lamp signal:	
One lamp indicator .....	35
Two lamp indicator .....	50
Three lamp indicator .....	65
Cut-off key .....	45
(2) Visual busy signals:	
Signal control equipment, per line .....	65
Battery .....	235
Lamp signal:	
One lamp indicator .....	35
Two lamp indicator .....	50
Three lamp indicator .....	65

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**ITEM 227—Dictation Recording Connector Equipment:**

B. Dictation recording connector equipment, each unit ..	1700
Each special monophone handset .....	70

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**ITEM 230—Directory Listings:**

D. Rates for extra listings:		
	Exchange rate groups	1-5      6-9
Business .....		50      75
Residence .....		30      40

## 2. EXCHANGE SERVICES—(Continued)

Cents  
per month**ITEM 235—Extension Station Service:**

## C. (1) and (2):—

	Exchange rate groups	
	1-5	6-9
(a) Business main station .....	165	200
(b) PBX or PABX station (except as in (c))	165	200
(c) PABX station restricted to local calls ....	145	145
(d) Residence main station .....	100	125
(e) Semi-Public station .....	165	200
(f) Private Line station .....	145	145

**ITEM 240—Miscellaneous Equipment:**

B. (1) Buzzer system, complete .....	40
(2) Hand receiver, each .....	50
(7) PBX operator's additional head set .....	110
(9) Repeating coil for connecting a privately owned grounded line with Company facilities .....	120
(11) Special telephone instruments (additional to basic monthly rate for a standard type telephone instrument):	
(a) Chest transmitter set with single head receiver and control key:	
Without holding feature .....	190
With holding feature .....	235
(b) Operator's head set with control key:	
Without holding feature .....	235
With holding feature .....	275
(c) Multiple-line monophone (Type 47):	
Equipped to pick up and hold two lines	200
Pick-up and hold on third line .....	100
Additional bells, each .....	40
Exclusion of extension station or cut off of extra bell .....	35
(e) Two-line monophone:	
Key equipped desk monophone (including one bell per line) .....	80
Additional bells, each .....	40
(f) Acoustic monophone .....	270
(g) Weatherproof housing .....	125
(h) Loud-speaker monophone or loud speaker adapter .....	575
(12) Transmitter cut-out switch, with monophone instrument or as a foot switch .....	70

**ITEM 245—Portable Telephone Service:**

	Exchange Rate Groups	
	1-5	6-9
B. (1) First portable telephone extension with plus and four indoor jacks		
Business .....	235	270
Residence .....	170	195
Each additional portable instrument with plug		
Business .....	175	210
Residence .....	110	135

## 2. EXCHANGE SERVICES—(Concluded)

Cents  
per month**ITEM 245—Portable Telephone Service: (Concluded)**

(2) Each portable instrument with plug		
Business .....	175	210
Residence .....	110	135
Hotel PBX .....	110	135
Each PBX jack-ended station line		
Business .....	75	75
Residence .....	75	75
Hotel PBX .....	75	75

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**ITEM 250—Tie Trunk Service:**

B. (1) Terminals of the line on same continuous prop- erty: Per circuit .....		150
(2) Terminals of the line in different buildings not on same continuous property:		
First one-quarter mile or fraction thereof ....		385
Each additional one-quarter mile or fraction thereof .....		125
(3) (a) Between contiguous exchanges:		
Each one-quarter mile or fraction .....		150
Minimum charge .....		600
(b) Between non-contiguous exchanges:		
Each one-quarter mile or fraction .....		150
Minimum charge .....		600

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**ITEM 255—Transfer of Calls:**

B. (3) Residence Service .....		150
C. (4) When a subscriber moves from one exchange to another, a transfer of call may be furnished, if it is possible to do so, for the balance of the current directory period at a special charge of		150

*In the matter of the application of the Niagara, St. Catharines and Toronto Railway Company (Canadian National Railways) for authority to discontinue passenger train service operating between Port Colborne and Thorold, Ontario.*

File: 35091

Before:

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
H. B. CHASE, C.B.E., *Commissioner.*

Heard at:

ST. CATHARINES, Ontario, on November 25, 1958.

Appearances:

J. W. G. MACDOUGALL, Q.C., H. J. G. PYE and J. M. DUNCAN, for the  
Canadian National Railways.  
S. S. MACINNES, Q.C., for the Township of Thorold.  
J. D. WATT, *City Clerk*, Welland.  
JOHN DOWNER, *Councillor*, Port Colborne.  
FRANK URSACHI, *Councillor*, Thorold Township.  
W. H. SMITH, *Deputy Reeve*, Port Colborne.  
PAUL E. PIETZ, *Reeve*, Humberstone Township.  
Mr. PERENACK, *Reeve*, Crowland Township.  
C. F. JONES, *Alderman*, St. Catharines.

#### J U D G M E N T

*SYLVESTRE, Deputy Chief Commissioner:*

The Niagara, St. Catharines and Toronto Railway, hereinafter referred to as the Railway Company, is a subsidiary of the Canadian National Railways. The present application involves the proposed discontinuance of passenger service between Port Colborne and Thorold, Ontario.

This service has been the subject of previous review by the Board within recent years. In the year 1951 advice was received from the Railway Company to the effect that the service was under active study as the result of serious losses which were being incurred mainly because of depleted patronage.

In the intervening years since 1951 the Board has had occasion to investigate several complaints from the railway patrons of this service. These complaints arose as the result of periodic reductions in the frequency of the service because of reduced carryings. By virtue of this interest the Board has been kept currently informed with respect to the changes which have taken place in this passenger service in recent years.

Following receipt of the present application the Board had the situation investigated by its District Inspector. As a result of this investigation the case was set down for hearing at St. Catharines on November 25, 1958.

Evidence adduced by Counsel for the Railway Company at the hearing purported to show that all attempts made to effect economies within the framework of this electric line operation failed to improve the financial position of the Company.

It is of interest to note in this connection that prior to 1954, 18 round trips were operated over this line on week days. This was reduced to 16 round trips on December 5, 1954, to 11 round trips on July 2, 1956, and to five round

trips as of June 30, 1958. It is also significant that during this period the number of passengers handled per year diminished from 350,903 in 1953 to 95,029 in 1957, the last complete year for which passenger carryings are available.

Details with respect to the efforts made by the Company to reduce the cost of operation were dealt with in evidence. Without burdening the record with these details it is of interest to note that the out-of-pocket losses of the Railway Company have been gradually increasing to the point where the deficit incurred in this operation during the year 1957 is stated to have amounted to over \$50,000.

It was indicated that the passenger units now operating in this service are between 25 and 30 years of age, maintenance costs are excessive and the unsatisfactory financial position with respect to this operation precluded the acquisition of modern equipment.

Reference was also made to the notice served by Ontario Hydro to the effect that they are converting the electric current to 60 cycle from the present 25 cycle in this area. The Railway Company estimates that this change would involve an expense to them of at least \$25,000 immediately with a possibility of an additional expenditure of approximately \$100,000 over the next few years if electric operation is to continue.

Because of these factors it was stated that railway management had reached the conclusion that the only alternative was to apply for complete abandonment of this rail passenger service.

It was proposed, however, in the event of the application succeeding, to provide an alternative bus service scheduled to operate over highways which more or less parallel the railway line over which the present service is operated. In addition to providing local service in the sections where these buses hold such permits, this operation would also be scheduled to provide suitable connections with Canadian National Railway main line trains at Merritton. Express traffic formerly handled by Niagara, St. Catharines and Toronto Railway passenger trains has been handled by highway transport since the month of April this year.

No change is contemplated under the present plan with respect to the freight service apart from the proposed conversion to diesel electric operation.

Although attendance at the hearing did not indicate wide public interest, several of the municipalities were represented. Counsel for the Township of Thorold and the municipal representatives freely criticized recent managerial policies of the Railway Company which resulted in drastically reducing the frequency of service. It was stated that this action had discouraged the local people from using the service.

In connection with the present proposal concern was expressed with respect to small groups of people who would not find the bus service as convenient as the railway service; this because of the fact that the railway line is in closer proximity to their point of departure or destination.

Persistent efforts were made at the hearing by those who opposed the application to adduce full information with respect to the Railway Company's proposal. This proved helpful to the Board in developing a complete picture of the situation with respect to the issues involved.

In this as in all other similar cases, the Board endeavours to look at all aspects of the situation. Among other things this includes a review of the cost of operating the existing service; the volume of patronage over the years and

the potential savings which might accrue to the Railway Company. These factors are of course weighed against the possible loss and inconvenience to the travelling public in the event of the application succeeding.

An important factor, however, is the nature, volume and convenience of the alternative means of transportation which will be available to the public in the event of the service under consideration being abandoned.

As indicated at the hearing the applicant in this case is prepared to undertake to provide a substitute bus service in the event of the application succeeding. While this service may not be as convenient to some of the railway patrons as the existing train service, it is evident that it will considerably reduce the degree of inconvenience which might otherwise be suffered by the travelling public in the area.

Therefore the issue in this case seems to resolve itself into the question of whether the degree of inconvenience to the public, consequent upon this changed method of operation, outweighs the potential savings which are available to the Company under the proposal.

Upon considering all the factors involved I am unable to find evidence of sufficient loss and inconvenience to the public under this proposal to justify declining the application and I am of the opinion that the application should be approved.

The application is therefore granted and an order will go accordingly stipulating that the change shall not take effect before 60 days after public notice of the change.

A. SYLVESTRE.

OTTAWA, January 7, 1959.

*I concur:*

H. B. CHASE.

## ORDER No. 96824

*In the matter of the application of the Niagara, St. Catharines and Toronto Railway Company (Canadian National Railways) for authority to discontinue passenger train service operating between Port Colborne and Thorold, Ontario:*

File No. 35901

FRIDAY, the 9th day of January, A.D. 1959

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*H. B. CHASE, C.B.E., *Commissioner.*

Upon hearing the application at a sittings of the Board at St. Catharines, Ontario, on November 25, 1958, in the presence of Counsel for the Canadian National Railways and the Township of Thorold and representatives of the Cities of Welland, Port Colborne and St. Catharines, and the Townships of Thorold, Humberstone and Crowland, and upon consideration of the submissions on file and for reasons outlined in Judgment herein dated January 7, 1959—

*It is hereby ordered as follows:*

1. The Niagara, St. Catharines and Toronto Railway Company, (Canadian National Railways), is authorized to wholly discontinue its passenger train service at present provided over that part of its line of railway between Port Colborne and Thorold, in the Province of Ontario.

2. The discontinuance authorized in paragraph numbered 1 hereof shall not take effect before sixty days after public notice of such discontinuance has been given by the Niagara, St. Catharines and Toronto Railway Company, (Canadian National Railways); such notice to consist of one publication in each daily newspaper, if any, published in the municipalities presently served by the said Railway Company. In addition to the newspaper notices the said Railway Company shall post in all ticket offices and stations on the said line the following notice:

“All passenger train service at present provided by the Niagara, St. Catharines and Toronto Railway Company (Canadian National Railways) between Port Colborne and Thorold, in the Province of Ontario, and all intermediate points on the said line will be discontinued effective March , 1959.”

A copy of such notice shall be forwarded to the Director of Operation of the Board.

ROD KERR,

*Chief Commissioner,**The Board of Transport Commissioners for Canada.*

*Application of American Cyanamid Company, New York, for a ruling with respect to the application of distance commodity rates on fertilizer from Port Robinson, Ontario, to the international boundary adjacent to Fort Erie and Niagara Falls, Ontario.*

File 27075.17

OSCAR SWIEDLER, for Applicant.

J. W. G. MACDOUGALL, Q.C., for Canadian National Railways.

JOHN L. DAVIDSON, Jr., for Wabash Railroad Company.

### RULING

#### BY THE BOARD:

The American Cyanamid Company, New York, seeks a ruling of the Board with respect to the application of distance or mileage commodity rates on fertilizer from Port Robinson, Ontario, to the international boundary adjacent to Fort Erie and Niagara Falls, Ontario, such distance rates being published in Canadian National Railways' Tariff No. C.J. 24, C.T.C. No. E.1765, on behalf of both the Canadian National Railways and the Wabash Railroad Company. The applicant and the respondent railway companies have requested the Board to determine the matter at issue upon the written submissions they have filed, without the necessity of a public hearing.

Port Robinson, Fort Erie and Niagara Falls are agency stations served by both the Canadian National Railways and the Wabash Railroad Company and the distances between them are:

Port Robinson to Fort Erie: 23.5 miles; and

Port Robinson to Niagara Falls: 11.5 miles.

The international boundary is located 0.4 miles east of Fort Erie and 0.3 miles east of Niagara Falls.

It is contended by the applicant that the distance rates published in Tariff C.T.C. No. E.1765 apply to the international boundary and, in support of this contention, it is submitted:

- (a) That Tariff C.T.C. No. E.1765 is governed by Canadian National Railways Official Distance Table No. D.25-1, C.T.C. No. E.4034, which publishes mileages to the international boundary adjacent to Fort Erie and Niagara Falls;
- (b) That specific application of the mileage rates in Tariff C.T.C. No. E.1765 to the international boundary is made by mere publication of distances to such boundary in the governing Official Distance Table and the publication of rates for such distances in Tariff C.T.C. No. E.1765; and
- (c) That the switching limits of Fort Erie or Niagara Falls, Ontario, are included within a four-mile radius from such stations; that such radius includes the international boundary between Ontario and New York State; and that any delivering point within the station switching area is governed by the rate to the station.

The Canadian National Railways submit that the territorial application of the distance rates in issue is described in the Tariff as "between stations"; that the term "stations" means a point where there are facilities for the delivery, receipt or interchange of traffic, such as sidings, freight sheds and employees, none of which would be available on the exact international boundary; that the international boundary is not named as a station in the Official Distance Table No. D.25-1; and that the mileage rates on fertilizer are not applicable to a non-existent station on the international boundary.

The Wabash Railroad Company takes the position that Tariff C.T.C. No. E.1765 cannot be used to determine a rate applying from Port Robinson, Ontario, to the international boundary because such tariff shows on its title page that it applies from stations on the Canadian National Railways or Wabash Railroad Company in Canada to stations on the Canadian National Railways and connecting lines in Eastern Canada. It points out that Rule 9 of the tariff makes reference to Canadian Freight Association Tariff No. 28, C.T.C. No. 620; that Rule 10 of Tariff C.T.C. No. 620 states that it is the official record of freight stations; and that the international boundary is not shown therein as a station on the lines of the Canadian National or the Wabash.

Although the stated purpose of this application is to secure the benefit of combinations of rates over the international boundary adjacent to Fort Erie and Niagara Falls, Ontario, which would be lower than existing published through rates on fertilizer from Port Robinson, Ontario, to points in the United States, the submissions with respect to this feature are not material to a determination of the application of the distance rates at issue and no discussion thereon appears necessary.

#### DESCRIPTION AND APPLICATION OF TARIFF PROVISIONS

Canadian National Railways' Tariff C.T.C. No. E.1765 publishes under Column 1 of Section 3 a scale of distance rates, to be used in the absence of lower specific rates, on shipments of fertilizer as described in the tariff. Such distance rates are subject to the provisions of the General Rules and Conditions governing the tariff; the Special Rules in Section 3 governing the application of distance rates; and the Territorial Application of distance rates set out in Section 3.

The Territorial Application of the distance rates clearly specifies that such rates apply from Port Robinson, Ontario, to stations on the Canadian National Railways in defined areas of Eastern Canada, or to stations on the Wabash Railroad in Canada; no mention is made in the tariff of points other than stations, although Rule 5 of the governing Official Distance Table, Canadian National Railways Tariff C.T.C. No. E.4034, does refer to "other points not named as stations herein", a matter which will be dealt with later in this ruling.

Rule 9 of the General Rules and Conditions governing Tariff C.T.C. No. E.1765 reads as follows: "Governed by Canadian Freight Association Tariff No. 28, R. K. Watson, Agent, C.T.C. No. 620, C.N. Rys. No. D.26, as to prepay requirements, changes in names of stations, additions and abandonment of stations, restrictions as to non-acceptance or non-delivery of freight and changes in station facilities." An examination of Canadian Freight Association Tariff C.T.C. No. 620 discloses that it "constitutes the only official record of freight stations . . . on all lines of Railways in Canada (Armstrong, West Fort William, Ont., and East thereof) . . ." (Rule 10) and that the international boundary adjacent to Fort Erie or Niagara Falls, Ontario, is not named therein as a station on the lines of either the Canadian National Railways or the Wabash Railroad Company.

In order to ascertain the distances to be used in computing the distance rates published in Canadian National Railways Tariff C.T.C. No. E.1765, Rule 2 of the Special Rules in Section 3 refers to Canadian National Railways Official Distance Table C.T.C. No. E.4034, but such Table does not list the international boundary points adjacent to Fort Erie or Niagara Falls, Ontario, as stations. There are, however, reference marks against Fort Erie and Niagara Falls stations, the explanations of which state the distances and directions from such stations to the Ontario-New York international boundary.

With respect to the matter of points not named as stations, Rule 5 of Official Distance Table C.T.C. No. E.4034 reads as follows:

"5.—*Traffic to or from Sidings.*—In computing the distance governing traffic handled under mileage rates to unloading or from loading sidings, or to or from other points not named as stations herein, the mileage published to or from the *nearest station* or point thereto shall be used. (See exception).

*Exception:* When such published distance is a competitive distance resulting from lower mileage of competing carrier, the distance to be used, in the case of non-competitive traffic, shall be the normal mileage via the line which carries the traffic.

(Issued in compliance with Rule 21(2) of the Board of Transport Commissioners for Canada Tariff Circular No. 1)

For list of sidings and other points involved, and method of determining nearest station, refer to lettered supplements to Official List of Freight Stations, Canadian Freight Association Tariff No. 28, R. K. Watson, Agent, C.T.C. No. 620, C.N. Rys. No. D.26."

The lettered supplements referred to in the last paragraph of Rule 5, quoted above, were filed with this Board for information only and were cancelled by 213th Revised Page 1 of Canadian Freight Association Tariff C.T.C. No. 620, issued December 29, 1958 in order to clear records. However, since the applicant has described certain specific shipments of fertilizer from Port Robinson to points in the United States which were made prior to the cancellation of supplements, it is necessary to deal with their provisions.

Before they were cancelled by 213th Revised Page 1, Supplements R, U, V and W were in effect from September 22, 1953, August 26, 1955, June 4, 1956 and November 19, 1956, respectively. Supplement R contained a list of Canadian National Railways junction points at which no facilities exist for loading and unloading freight; and Supplements U, V and W contained lists of Canadian National Railways points which are not recognized freight stations but at which freight may be loaded or unloaded, subject to certain stated conditions. None of these lettered supplements listed the international boundary adjacent to Fort Erie or Niagara Falls, Ontario, either as a junction point or as a point at which freight may be loaded or unloaded.

## DISCUSSION AND CONCLUSIONS

The foregoing description of the tariff provisions clearly demonstrates that the distance rates on fertilizer published in Canadian National Railways Tariff C.T.C. No. E.1765 are applicable only between stations; that the international boundary points adjacent to Fort Erie and Niagara Falls, Ontario, are not listed as stations in the only official record of freight stations, Canadian Freight Association Tariff C.T.C. No. 620; and that such international boundary points are not included within the term "points" as used in Rule 5 of Canadian National Railways Official Distance Table C.T.C. No. E.4034. The applicant's contention that specific application of the mileage rates in Tariff C.T.C. No. E.1765 to the international boundary is made by mere publication of distances to such boundary in the governing Official Distance Table and the publication of rates for such distances in Tariff C.T.C. No. E.1765 cannot be sustained since it ignores the provisions governing the specific territorial application of the distance rates set out in Section 3 of such Tariff.

With respect to the applicant's contentions that the switching limits of Fort Erie or Niagara Falls, Ontario, are included within a four-mile radius from such stations and that any delivering point within the station switching area

is governed by the rate to the station, it must be noted that the four-mile radius applies only to interswitching, a service which is not involved in the present application.

It is, however, the Board's view that a delivering point for carload freight cannot be construed as including any point on a railway's lines which has been selected by a shipper for his own purposes and must reasonably be interpreted to mean a point at which loading or unloading of freight may be performed, or at which cars are interchanged with connecting carriers. The international boundary points adjacent to the Fort Erie and Niagara Falls stations lie in the middle of bridges upon which none of these operations are or could, in fact, be carried out. Moreover, such international boundary points are not designated in Section 3 of Canadian Freight Association Tariff C.T.C. No. 620 as points at which traffic may be interchanged with other carriers.

The applicant, in effect, seeks to construe the provisions of Canadian National Railways Tariff C.T.C. No. E.1765 as establishing proportional commodity rates on fertilizer from Port Robinson, Ontario, to the international boundary points adjacent to Fort Erie and Niagara Falls. In the light of all of the pertinent provisions of the tariff, and of the governing or complementary tariffs referred to above, we can find no support for such a construction.

There is, of course, no barrier to the publication of proportional rates specifically applicable to or from international boundary points on traffic moving between Canada and the United States, but there is no statutory obligation to do so, except in the case of class rates. Under the provisions of Section 332 of the Railway Act, class rate tariffs are required to specify class rates on a mileage basis for all distances covered by a railway company. The respondent railway companies appear to have complied with the statute by publishing class rates to and from the boundary points in issue in Canadian National Railways Tariff No. C. 100, C.T.C. No. E.4078.

#### RULING

Upon full consideration of all that has been alleged, we find, and so rule, that the distance commodity rates on fertilizer published in Canadian National Railways Tariff No. C.J. 24, C.T.C. No. E.1765, do not apply to the international boundary points adjacent to Fort Erie and Niagara Falls, Ontario. This being a ruling of the Board, no Order is necessary.

ROD KERR  
F. M. MACPHERSON  
L. J. KNOWLES

Monday, February 2, 1959.

## ORDER No. 96955

*In the matter of the application of Canadian Pacific Railway Company for a licence under section 10 of the Transport Act:*

File No. 42076.24

TUESDAY, the 27th day of January, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

L. J. KNOWLES, *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

Licence No. C.T.C. (W.T.) 350 is issued to the Canadian Pacific Railway Company for a period of one year commencing on the 15th day of January, 1959, licensing the following ships, namely:

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Assiniboia .....	125984	3,925
Keewatin .....	125985	3,856

to transport passengers and/or goods by water between all ports or places in Canada on Lakes Huron (including Georgian Bay) and Superior, and their connecting waters.

ROD KERR,

*Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

## ORDER No. 97090

*In the matter of Order No. 92616, dated October 2, 1957;*

*And in the matter of application of the Canadian Pacific Railway Company and the Canadian National Railways for an Order amending the said Order which approved the terms and conditions respecting the carriage by them by railway of highway semi-trailers, loaded or empty:*

File No. 47439.7

WEDNESDAY, the 11th day of February, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

L. J. KNOWLES, *Commissioner.*

*Upon consideration of the application and submissions filed—*

*It is hereby ordered as follows:*

1. Order No. 92616, dated October 2, 1957, is rescinded.

2. The terms and conditions contained in Appendix "A" attached hereto are approved in respect of the carriage by the Applicants of highway semi-trailers loaded or empty.

ROD KERR,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

**APPENDIX "A"****SPECIAL TERMS AND CONDITIONS RESPECTING CARRIAGE BY RAILWAY OF HIGHWAY SEMI-TRAILERS, LOADED OR EMPTY**

1. The carrier by rail (hereinafter called the "carrier") of any highway semi-trailer shall not be liable for any loss, damage or delay to any semi-trailer or contents thereof, except when such is caused by, or results from negligence on the part of the carrier (and the burden of proving freedom from negligence shall be on the carrier), provided, however, that in no event shall the liability of the carrier exceed \$10,000.00 in respect of any one semi-trailer and \$40,000.00 in respect of its contents, except that the liability of the carrier in respect to the contents of any one highway semi-trailer consisting of household goods only shall be limited to \$15,000.00.

2. The motor carrier (hereinafter called the "shipper") releases and agrees to indemnify the carrier and hold it harmless from and against any and all loss, damage, claims, actions, awards, costs or expense (including court costs and counsel fees) suffered or incurred by the carrier for loss or damage to any semi-trailer or the contents thereof except to the extent such is caused by, or results from negligence on the part of the carrier.

3. The shipper releases and agrees to indemnify the carrier and hold it harmless from and against any and all loss, damage, claims, actions, awards, costs or expense (including court costs and counsel fees) covered by Section 1 hereof, suffered or incurred by the carrier in excess of the limits set out in the said Section 1.

4. In the event of any loss or damage to any semi-trailer or contents thereof caused by or resulting in any manner from the joint or concurring negligence of both the shipper and the carrier, or their respective employees or agents, or where the cause of such loss or damage is unknown and cannot be determined, such loss or damage shall be borne equally by the shipper and the carrier; provided, however, that in such event the liability of the carrier shall not exceed the limits set out in Section 1 hereof in respect of any semi-trailer or the contents thereof; and provided further that the carrier shall not be liable for concealed loss or damage to any semi-trailer or the contents thereof.

5. Should a semi-trailer arrive at its rail destination in damaged condition or with doors unlocked and seal thereon broken or canvas or tarpaulin cover loosened or removed, the shipper undertakes to notify the carrier of such condition and prior to the removal of the semi-trailer from the premises of the carrier shall provide an opportunity for an inspection thereof by a representative of the carrier. The carrier shall not be liable for, and the shipper releases and agrees to indemnify and hold harmless the carrier from, any and all claims for loss or damage to the semi-trailer or its contents in the event of the failure of the shipper to give such notice and to provide such opportunity for inspection.

6. Notwithstanding the provisions of the preceding Sections and subject to the limits set out in Section 1, the carrier shall be liable for loss resulting from theft of contents of any van-type semi-trailer when locks and seals have been broken or removed. The carrier shall not be liable for loss resulting from theft of contents of any other type of semi-trailer.

7. Carriage of semi-trailers, loaded or empty, shall be in accordance with the general conditions of carriage approved by the Board of Transport Commissioners for Canada by General Order No. 41 of 15th July, 1909, amendments thereto and reissues thereof and as published in current Canadian Freight Classification, in so far as they are applicable and not inconsistent with these Special Terms and Conditions, and where there is any such inconsistency these Special Terms and Conditions shall govern.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
DECEMBER, 1958.

Railway Accidents .....	208	Killed	12	Injured	236
Level Crossing Accidents ...	82	Killed	24	Injured	119
Total .....	290		36		355

		<i>Killed</i>	<i>Injured</i>
Passengers .....		—	74
Employees .....		3	155
Others .....		33	126
Total .....		36	355

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

NOVA SCOTIA

- 1 Automobile struck by train. Licence: N.S. 263-89.
- 1 Automobile ran into side of train. Licence: N.S. 624-62.
- 1 — Automobile ran into side of train. Licence: N.S. C-57496.

NEW BRUNSWICK

- 1 Pedestrian crossed through cars at crossing.
- 4 Auto truck struck by train. Licence: N.B. C-22010.
- 1 Automobile ran into side of train. Licence: N.B. 65383.
- 2 — Automobile struck by train. Licence: N.B. 23420.

QUEBEC

- 1 Automobile ran into side of train. Licence: Que. 283205.
- 2 Automobile struck by train. Licence: Que. 392-187.
- 1 — Auto truck struck by train. Licence: Que. FM-7970.
- 2 Automobile struck by train. Licence: Que. 439-593.
- 1 Automobile struck by train. Licence: Que. 671-050.
- 1 Auto truck ran into side of train. Licence: Que. L-10955.
- 1 Automobile struck by train. Licence: Que. T-14184.
- 1 Automobile ran into side of train. Licence: Que. FJ-1390.
- 2 — Automobile struck by train. Licence: Que. 656-954.
- 1 Automobile struck by train. Licence: Que. 547-996.
- 1 Automobile struck by train. Licence: Que. 458-074.
- 1 Automobile struck by train. Licence: Que. 311-665.
- 2 Automobile struck by train. Licence: Que. 336-389.
- 1 Auto truck ran into side of train. Licence: Que. LE-6552.
- 1 — Auto truck struck by train. Licence: Que. N-11003.
- 1 Automobile ran into side of train. Licence: Que. 213-133.
- 1 — Auto truck struck by train. Licence not given.
- 4 Auto truck struck by train. Licence: Que. FT-6674.
- 1 Automobile struck by train. Licence: Que. 218-973.
- 1 Auto truck struck by train. Licence: Que. N-30444.
- 1 — Automobile struck by train. Licence: Que. 478-881.

ONTARIO

- 1 Automobile struck by train. Licence: Ont. C-48253.
- 9 Auto truck struck by two autos and forced into side of train. Licences: Ont. 4345-A; 16636-X; F-6989.
- 1 Automobile struck by train. Licence: Ont. 944-834.
- 1 Automobile ran into side of train. Licence: Ont. 682-032.

*Killed Injured*

- 4 Automobile struck by train. Licence: Ont. F-42000.
- 1 Automobile struck by train. Licence: Ont. C-54812.
- 3 Automobile ran into side of train. Licence: Que. 121-195.
- 1 Auto truck ran into side of train. Licence: Ont. 26294-C.
- 2 Automobile struck by train. Licence: NY NR-4026.
- 1 Automobile struck by train. Licence: Ont. 934-471.
- 1 Caterpillar snowplow struck by train.
- 2 Automobile struck by train. Licence: Ont. 23369-X.
- 1 Automobile ran into side of train. Licence: Ont. C-53843.
- 4 Automobile ran into side of train. Licence: Ont. 50854-H.
- 1 Pedestrian struck by train.
- 1 Automobile ran into side of train. Licence: Ont. 256-265.
- 1 Automobile struck by train. Licence: Ont. 958-005.
- 7 Automobile struck by train. Licence: Ont. 146-969.
- 1 — Automobile ran into side of train. Licence: Ont. A-15111.
- 1 Automobile struck by train. Licence: Ont. C-56075.
- 1 Road Grader struck by train.
- 1 Auto truck struck by train. Licence: Ont. 50054-A.
- 3 Automobile struck by train. Licence: Ont. 287-746.
- 2 Automobile struck by train. Licence: Ont. B-97782.
- 4 1 Automobile struck by train. Licence: Ont. B-80091.
- 1 Automobile ran into side of train. Licence: Ont. B-9429.
- 2 Automobile struck by train. Licence: Ont. A-96604.
- 1 Track motor car struck by automobile. Licence: Ont. 665-052.
- 2 Auto truck struck by train. Licence: Ont. 35128-B.
- 1 Automobile struck by train. Licence: Ont. 682-560.
- 1 — Automobile ran into side of train. Licence: Ont. 529-466.
- 2 9 School Bus struck by train. Licence: Ont. 5759-A.

## MANITOBA

- 1 — Auto truck ran into side of train. Licence: Man. 69591.
- 2 Automobile ran into side of train. Licence: Man. 8-Y-788.
- 1 — Auto truck struck by train. Licence: Man. CT-166.
- 1 Automobile ran into side of train. Licence: Man. 8-X-898.
- 1 Auto truck ran into side of train. Licence: Man. T-1685.

## SASKATCHEWAN

- 1 Automobile struck by train. Licence: Sask. 199-906.
- 1 Auto truck struck by train. Licence: Sask. F-81513.
- 1 — Automobile ran into side of train. Licence: Sask. 147-497.

## ALBERTA

- 1 Auto truck ran into side of train. Licence not given.
- 1 Auto truck struck by train. Licence: Alta. 259-504.
- 1 Auto truck ran into side of train. Licence: Alta. F-261-064.
- 1 Automobile struck by train. Licence: Alta. DN-153.
- 1 Automobile struck by train. Licence: Alta. FY-332.
- 1 Automobile struck by train. Licence: Alta. LL-931.
- 1 Auto truck ran into side of train. Licence: Alta. 117-263-X.
- 2 Automobile struck by train. Licence: Alta. LA-551.
- 1 Auto truck ran into side of train. Licence: Alta. X-13966.
- 2 Automobile ran into side of train. Licence: Alta. VA-657.

## BRITISH COLUMBIA

- 1 Automobile struck by train. Licence: B.C. 41255.
- 1 2 Automobile struck by train. Licence: B.C. C-9528.
- 1 Automobile struck by train. Licence: B.C. 217584.
- 3 — Automobile struck by train. Licence: B.C. 253-480.

Of the 82 accidents at highway crossings, 67 occurred at unprotected crossings, 15 at protected crossings, 46 occurred after sunrise and 36 after sunset.

OTTAWA, Ontario, February 11, 1959.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 96901 Jan. 21—Authorizing the C.N.R. to install automatic protection at the crossing of its railway and Jefferson Boulevard, in the Twp. of Sandwich East, Ont., Mileage 103 Chatham Subd.
- 96902 Jan. 21—Authorizing the C.N.R. to construct its track across the unopened road allowance between Sections 21 and 22, Twp. 45, Rge. 1 W.6M., Alta.
- 96903 Jan. 21—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 5.26 Cornwall Subd., Ont.
- 96904 Jan. 21—Authorizing the removal of the speed limitation at the crossing of Marlborough St. and the C.P.R. in Cornwall, Ont., Mileage 26.87 Cornwall Subd.
- 96905 Jan. 21—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 39.46 Parry Sound Subd., Ont.
- 96906 Jan. 21—Authorizing the removal of the speed limitation at the crossing of Davis Drive and the C.N.R. in Newmarket, Ont., Mileage 34.15 Newmarket Subd.
- 96907 Jan. 21—Approving tolls published in tariffs filed by the C.P.R. under the Maritime Freight Rates Act.
- 96908 Jan. 21—Approving proposed flammable liquid bulk storage facilities of the Preeceville Farmers' Co-operative Assoc. Limited, at Preeceville, Sask.
- 96909 Jan. 22—Approving proposed flammable liquid bulk storage facilities of McColl-Frontenac Oil Company Limited, at Barrie, Ont.
- 96910 Jan. 22—Requiring the Northern Alberta Railways Company to install automatic protection at the crossing of 8th Street and its Railway in Dawson Creek, B.C., Mileage 137.8 Grande Prairie Subd.
- 96911 Jan. 22—Approving proposed flammable liquid storage facilities of North Star Oil Limited at Roland, Man., Mileage 25.77 Miami Subd.
- 96912 Jan. 22—Amending Order 93361 in the matter of temporary permit to Gibson Petroleum Company Limited to load crude oil into tank cars from tank trucks at Goodwater, Sask.
- 96913 Jan. 22—Approving proposed flammable liquid bulk storage facilities of North Star Oil Limited at Langham, Sask., Mileage 16.62 Langham Subd.
- 96914 Jan. 22—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Monk Rural Telephone Company Limited.
- 96915 Jan. 23—Authorizing the City of Brantford, Ont. to construct Newport Street over the B.H. Spur of the Lake Erie and Northern Railway at Mileage 21.1 Port Dover to Galt Subd.
- 96916 Jan. 23—Authorizing the Manitoba Dept. of Public Works to widen Highway No. 31 where it crosses the C.P.R. at Mileage 31.86 Snowflake Subd., Man.
- 96917 Jan. 23—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Monnoir Road, Marieville (Rouville Co.) P.Q., Mileage 24.68 Granby Subd.
- 96918 Jan. 23—Approving proposed flammable liquid bulk storage facilities of Amurex Oil Company at Cessford, Alta., Mileage 46.0 Sheerness Subd.
- 96919 Jan. 23—Authorizing the removal of the speed limitation at crossing of the C.N.R. and Sixth Ave., Lachine, P.Q., Mileage 46.01 L'Assomption Subd.
- 96920 Jan. 23—Authorizing the removal of the speed limitation at crossing of 18th Ave. and the C.N.R. in Lachine, P.Q., Mileage 7.16 Cornwall Subd.

- 96921 Jan. 23—Authorizing the C.P.R. to remove the station building at Parker, P.Q., Mileage 22.79 Waltham Subd.
- 96922 Jan. 23—Dismissing application of the New York Central Railroad Company for authority to discontinue as an agency its station at Muirkirk, Ont.
- 96923 Jan. 23—Approving tariffs filed by British Columbia Telephone Company.
- 96924 Jan. 23—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 96925 Jan. 23—Authorizing the removal of the speed limitation at the crossing of St. James Street and the C.N.R. in Ville St. Pierre, P.Q., Mileage 47.30 L'Assomption Subd.
- 96926 Jan. 23—Extending the time within which the C.P.R. is required to install protection at the crossing of its railway and the highway at first crossing north of the station at Lacadie, P.Q., Mileage 24.55 Adirondack Subd.
- 96927 Jan. 23—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and St. Georges St., first crossing north of station at Metabetchouan, P.Q., Mileage 73.75 Jonquiere Subd.
- 96928 Jan. 26—Approving Supplementary Agreement between The Bell Telephone Company of Canada and The Trans-Canada Telephone System.
- 96929 Jan. 26—Approving application of the C.N.R. of less than standard clearance on the private siding serving V. C. McCann at Hardwood Ridge, N.B., Mileage 0.32 Minto Spur of the Chipman Subd.
- 96930 Jan. 26—Authorizing the Township of Chinguacousy to improve the sight lines at crossing of the highway and the C.N.R. at Mileage 32.66 Milton Subd., Ont.
- 96931 Jan. 26—Requiring the C.P.R. to install automatic protection at crossing of its railway and the highway at Mileage 92.94 Ste. Agathe Subd., P.Q.
- 96932 Jan. 26—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under sections 3 and 8 of the Maritime Freight Rates Act.
- 96933 Jan. 26—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Sheppard Ave., at Agincourt, Ont., Mileage 96.47 Oshawa Subd.
- 96934 Jan. 26—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Edmonton Trail, in the City of Calgary, Alta., Mileage 4.8 Red Deer Subd.
- 96935 Jan. 26—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Ranges 5 and 6, being first public crossing north of station at Defoy, P.Q., Mileage 10.90 Aston Subd.
- 96936 Jan. 26—Approving proposed liquefied petroleum gas bulk storage facilities of the C.P.R. in Sherbrooke, P.Q., Mileage 0.80 Quebec Subd.
- 96937 Jan. 26—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Highway No. 2 east of Port Hope, Ont., Mileage 36.78 Oshawa Subd.
- 96938 Jan. 26—Authorizing the removal of the speed limitation at the crossing of the C.P.R. at Manotick Town Line Crossing, Mileage 12.3 Prescott Subd., Ont.
- 96939 Jan. 26—Authorizing the removal of the speed limitation at the crossing of Provincial Highway No. 17 and the C.N.R. in the Village of St. Quentin, N.B., Mileage 65.09 Quentin Subd.
- 96940 Jan. 26—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Grande Pointe, Man., Mileage 9.27 Emerson Subd.
- 96941 Jan. 26—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at second crossing East of station at Lemieux, P.Q., Mileage 58.92 Drummondville Subd.

- 96942 Jan. 26—Approving plans submitted by the Quebec Dept. of Roads showing details of subways to be erected at Mileages 40.92 and 41.01 Adirondack Subd.
- 96943 Jan. 27—Approving flammable liquid bulk storage facilities of McColl-Frontenac Oil Company Limited at Dolbeau, P.Q., Mileage 57.55 Roberval Subd.
- 96944 Jan. 27—Approving proposed flammable liquid bulk storage facilities of Standard Oil Company of B.C. Limited at Golden, B.C., Mileage 165.97 Lake Windermere Subd.
- 96945 Jan. 27—Approving proposed flammable liquid bulk storage facilities of Imperial Oil Limited at Shaunavon, Sask.
- 96946 Jan. 27—Requiring the C.N.R. to install automatic protection at the crossing of its railway and Highway No. 532 at Mileage 15.4 Huntsville Subd., Ont.
- 96947 Jan. 27—Requiring the C.N.R. to install automatic protection at the crossing of its railway and Highway No. 29, Mileage 34.04 Smiths Falls Subd., Ont.
- 96948 Jan. 27—Approving tariffs filed by the C.P.R. under section 8 of the Maritime Freight Rates Act.
- 96949 Jan. 27—In the matter of tariffs and supplements to tariffs filed by the C.P.R. under the provision of the Maritime Freight Rates Act.
- 96950 Jan. 27—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under the provisions of the Maritime Freight Rates Act.
- 96951 Jan. 27—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under the provisions of the Maritime Freight Rates Act.
- 96952 Jan. 27—In the matter of the Board's Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service.
- 96953 Jan. 27—Authorizing the Town of Candiac to construct Montcalm Boulevard across the C.N.R. in the Town of Candiac, P.Q., at Mileage 15.23 Massena Subd.
- 96954 Jan. 27—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Kerr Line Telephone Company Limited.
- 96955 Jan. 27—Granting a licence under section 10 of the Transport Act to the C.P.R. for certain ships to transport passengers and/or goods by water, etc.
- 96956 Jan. 27—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Tyendinaga Municipal Telephone System.
- 96957 Jan. 27—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 49 at Mileage 16.7 MacTier Subd., Ont.
- 96958 Jan. 27—Approving tolls published in tariffs filed by the C.P.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 96959 Jan. 27—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Telephone d'Harricana & Gatineau Limitee.
- 96960 Jan. 27—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Parker Ave. at Fort Garry, Man., Mileage .18 Letellier Subd.
- 96961 Jan. 27—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway east of Collins Bay, Ont., Mileage 180.1 Gananoque Subd.

- 96962 Jan. 28—Authorizing Trans-Northern Pipe Line Company to extend the casing of its pipe line approx. 10 feet where it crosses under the spur track of the C.N.R. and the Toronto, Hamilton & Buffalo Rly. Co., and Burlington St., Hamilton, Ont.
- 96963 Jan. 28—Approving proposed liquefied petroleum gas bulk storage facilities of Steelman Gas Limited at Melville, Sask., Mileage 0.0 Touchwood Subd.
- 96964 Jan. 28—Authorizing the C.N.R. to operate over the bridge over the Red Deer River, Sask., at Mileage 92.9 Erwood Subd.
- 96965 Jan. 28—Authorizing the City of Winnipeg to construct Taylor Avenue over the C.N.R. in the City of Winnipeg, Man., at Mileage 0.25 Oak Point Subd.
- 96966 Jan. 28—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Don Mills Road, Mileage 101.88 Oshawa Subd., Ont.
- 96967 Jan. 28—Approving tolls published in tariffs filed by the C.P.R. under section 8 of the Maritime Freight Rates Act.
- 96968 Jan. 28—Authorizing the C.N.R. to remove the caretaker at Kelsey, Alta.
- 96969 Jan. 28—Requiring the New York Central Railroad Company to install improved protection at the crossing of its railway and Cemetary Street, Huntingdon, P.Q.
- 96970 Jan. 28—Requiring the C.N.R. to install automatic protection in lieu of the present protection at the crossing of its railway and Division Street, Limoges, Ont., Mileage 113.07 Alexandria Subd.
- 96971 Jan. 28—Approving tariffs filed by The Bell Telephone Company.
- 96972 Jan. 28—Approving tolls published in tariffs filed by the Canadian Freight Association under sections 3 and 8 of The Maritime Freight Rates Act.
- 96973 Jan. 28—Approving proposed flammable liquid bulk storage facilities of Standard Oil Company of B.C. Limited at Nakusp, B.C., Mileage 31.0 Kalso Subd.
- 96974 Jan. 28—Approving proposed flammable liquid bulk storage facilities of The British American Oil Company Limited at Stoney Creek, B.C.
- 96975 Jan. 28—Approving proposed flammable liquid bulk storage facilities of Canadian Oil Companies Limited at Sturgeon Falls, Ont.
- 96976 Jan. 28—Authorizing the Manitoba Department of Public Works to widen Highway No. 83 at grade across the C.P.R. at Mileage 49.26 Broad-view Subd.
- 96977 Jan. 28—Authorizing the C.N.R. to operate over the trestle over the Fir River, Sask., at Mileage 1.4 Tisdale Subd.
- 96978 Jan. 28—Extending the time to December 31, 1959, within which the crossing of the Trans-Canada Highway and the C.N.R. at North Branch, Nfld., Mileage 504.0 Port aux Basques Subd., is to remain open to the public.
- 96979 Jan. 28—Approving flammable liquid bulk storage facilities of Shell Oil Company of Canada Limited at St. James, Man., Mileage 3.4 Oak Point Subd.
- 96980 Jan. 28—Approving liquid bulk storage facilities of North West Oil Company Limited at Dawson Creek, B.C.
- 96981 Jan. 29—Authorizing the New York Central Railroad Company to remove the station agent at Canfield Junction, Ont.
- 96982 Jan. 29—Approving proposed flammable liquid bulk storage facilities of the Bate Chemical Corporation Limited at Montreal, P.Q., Mileage 72.27 St. Hyacinthe Subd.
- 96983 Jan. 29—Approving proposed flammable liquid bulk storage facilities of Imperial Oil Limited at Rock Creek, B.C., Mileage 11.58 Carmi Subd.

- 96984 Jan. 29—Authorizing the C.N.R. to operate their trains on the Harte Subd. over the diamond crossing at Petrel Jct., Man., where the Harte Subd. crosses the Carberry Subd. at Mileage 97.3 Harte Subd.
- 96985 Jan. 29—Approving tolls published in tariffs filed by the Canadian Freight Association under sections 3 and 8 of the Maritime Freight Rates Act.
- 96986 Jan. 29—Approving proposed flammable liquid bulk storage facilities of North Star Oil Limited, at Laurier, Man., Mileage 148.28 Gladstone Subd.
- 96987 Jan. 29—Approving proposed flammable liquid bulk storage facilities of Brandon Consumers Co-Operative Limited, at Brandon, Man., Mileage 78.74 Pleasant Point Subd.
- 96988 Jan. 29—Rescinding Order 55654 in the matter of facilities of Canadian Oil Companies Limited at Victoria Avenue, Guelph, Ontario.
- 96989 Jan. 29—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 96990 Jan. 29—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 19.17 Hardisty Subd., Sask.
- 96991 Jan. 29—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Beaugrand Ave., Montreal, P.Q., Mileage 6.39 Longue Pointe Subd.
- 96992 Jan. 29—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Provincial Highway No. 4, being first public crossing west of station at Elrose, Sask., Mileage 49.52 Elrose Subd.
- 96993 Jan. 29—Authorizing the removal of the speed limitation at the crossing of The Chesapeake & Ohio Railway Company and Grand Marais Road, Windsor, Ont., Mileage 3 No. 1 Subd.
- 96994 Jan. 29—Authorizing the removal of the speed limitation at the crossing of the Grand River Railway Company at Hagey, Ont., Mileage 5.9 Waterloo Subd.
- 96995 Jan. 29—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Park Street, the fifth crossing west of the station at Kitchener, Ont., Mileage 63.40 Brampton Subd.
- 96996 Jan. 29—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway east of the station at Mitchell, Ont., Mileage 12.03 Goderich Subd.
- 96997 Jan. 29—Approving proposed flammable liquid bulk storage facilities of British Petroleum Canada Limited at Kirkland Lake, Ont.
- 96998 Jan. 29—In the matter of the application of the Town of LaTuque, P.Q., for the construction of a pedestrian subway under the C.N.R. at Neault St., LaTuque, P.Q.
- 96999 Jan. 30—Rescinding Order No. 64930 in the matter of the location of facilities of Victory Soya Mills at Toronto, Ont., C.N.R.
- 97000 Jan. 30—Amending Order No. 96896 which authorized the C.P.R. to remove the agent and appoint a caretaker at St. Maurice, P.Q.
- 97001 Feb. 2—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and 12th St. East, Calgary, Alta.
- 97002 Feb. 2—Authorizing the C.N.R. to operate under the overhead bridge in Lot 2, Con. 28, Twp. of North Himsworth, Ont., Mileage 108.42 Huntsville Subd.
- 97003 Feb. 2—Authorizing the removal of the speed limitation at the crossing of Highway No. 19 and the C.P.R. at Mileage 61.64 Wood Mountain Subd., Sask.
- 97004 Feb. 2—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at first public crossing west of station at Watrous, Sask., Mileage 0.28 Asquith Subd.

- 97005 Feb. 2—Authorizing the removal of the speed limitation at the crossing of 55th Avenue and the C.N.R. in Lachine, P.Q., Mileage 9.2 Cornwall Subd.
- 97006 Feb. 2—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at the second crossing west of Mosborough, Ont., Mileage 54.37 Brampton Subd.
- 97007 Feb. 2—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. near Bristol, P.Q., Mileage 50 Beachburg Subd.
- 97008 Feb. 2—Authorizing the removal of the speed limitation at the crossing of Woodstock Road and the C.P.R. at Canterbury, N.B., Mileage 21.93 Shogomoc Subd.
- 97009 Feb. 2—Authorizing the removal of the speed limitation at the crossing of Highway No. 32 and the C.N.R. at Upton, P.Q., Mileage 26.34 St. Hyacinthe Subd.
- 97010 Feb. 2—Authorizing the C.N.R. to operate under the overhead bridge in Lot 9, Con. 11, Twp. of Tay, Ont., Mileage 62.10 Midland Subd.
- 97011 Feb. 2—Authorizing the C.P.R. to operate over the industrial track on Island No. 2 in the City of Fort William, Ont.
- 97012 Feb. 2—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 12.65 Drummondville Subd., P.Q.
- 97013 Feb. 2—Authorizing the removal of the speed limitation at the crossing of Mountain Road and the C.N.R. at Dauphin, Man., Mileage 176.8 Gladstone Subd.
- 97014 Feb. 2—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 97015 Feb. 2—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at Hay Lakes, Alta.
- 97016 Feb. 2—Authorizing the C.N.R. to construct two additional tracks at grade across Peppett St. in North Sydney, N.S., Mileage 99.07 Sydney Subd.
- 97017 Feb. 2—Authorizing the C.N.R. to operate under the overhead bridge in Lot 32, Con. 15, Twp. of West Ferris, Ont., Mileage 57.34 Alderdale Subd.
- 97018 Feb. 2—Authorizing the Manitoba Dept. of Public Works to widen the highway across the C.P.R. between Sections 1 and 12, Twp. 12, Rge. 12, East Principal M., Mileage 5.39 Arborg Subd.
- 97019 Feb. 2—Approving operation of the C.P.R. over the private siding serving Northern Electric Company in the City of Vancouver, B.C.
- 97020 Feb. 2—Authorizing the Quebec North Shore and Labrador Railway Company to make signal changes between certain mileages on its Wacouna and Menihek Subds., in the Provinces of P.Q. and Newfoundland.
- 97021 Feb. 3—Approving revised plans submitted by the C.N.R. showing the signals installed at crossing of Armagh and Bridge Subds. at Joffre, P.Q.
- 97022 Feb. 3—Requiring the C.P.R. to install automatic protection at the crossing of Highway No. 95 and its railway near Cranbrook, B.C., Mileage 4.5 Kimberley Subd.
- 97023 Feb. 3—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 97024 Feb. 3—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Metcalfe Rural Telephone Company Limited.
- 97025 Feb. 3—Approving flammable liquid bulk storage facilities of British American Oil Company Limited at Hinton, Alta.

- 97026 Feb. 3—Relieving the C.N.R. from erecting fencing between Mileages 74.43 and 74.59 (East side) Milton Subd., Ont.
- 97027 Feb. 3—Approving proposed flammable liquid bulk storage facilities of Shell Oil Company of Canada Limited at Kitchener, Ont., Waterloo Subd.
- 97028 Feb. 3—Authorizing the removal of the speed limitation at the crossing of The Chesapeake & Ohio Railway Company and Grand Marais Road, Windsor, Ont., Mileage 3.25 No. 1 Subd.
- 97029 Feb. 3—Approving tolls published by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 97030 Feb. 3—Amending Order No. 90470 which authorized the C.N.R. to install automatic protection at the crossing of its railway and Gilmore Road, Town of Fort Erie, Ont., Mileage 1.0 Dunnville Subd.
- 97031 Feb. 3—In the matter of Regulations for the Transportation of Dangerous Commodities by Rail.
- 97032 Feb. 3—Approving revised location of the C.N.R. freight and passenger shelter proposed to be erected at Decker Lake, B.C.
- 97033 Feb. 5—Approving proposed flammable liquid bulk storage facilities of Federated Co-Operative Limited at Russell, Man.
- 97034 Feb. 5—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Bolton, Ont., Mileage 22.85 MacTier Subd.
- 97035 Feb. 5—Authorizing the Saskatchewan Power Corporation to construct a 14,400 volt one wire power line over the pipe line of Trans-Canada Pipe Line Company in the NW $\frac{1}{4}$  Sec. 15-18-8-W.3M., Sask.
- 97036 Feb. 5—Authorizing the Saskatchewan Power Corporation to construct a 138,000 volt four wire power line over the pipe line of Trans-Canada Pipe Line Company in the SE $\frac{1}{4}$  Sec. 25-17-26-W.2M., Sask.
- 97037 Feb. 5—Authorizing the Saskatchewan Power Corporation to construct a 14,400 volt one wire power line over the pipe line of Trans-Canada Pipe Lines Limited, in the NW $\frac{1}{4}$  Sec. 14-18-8-W.3M., Sask.
- 97038 Feb. 5—Authorizing the C.N.R. to reconstruct the timber bridge over Cooper Creek, Man., at Mileage 387.6 Herchmer Subd.
- 97039 Feb. 5—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Tottenham, Ont., Mileage 35.36 MacTier Subd.
- 97040 Feb. 5—Authorizing the C.P.R. to construct at its own expense a private siding over the unused lane in the NW $\frac{1}{4}$  Sec. 27-23-1-W.5M., Alta., Mileage 3.58 MacLeod Subd., to serve the Irving Wire Products Limited.
- 97041 Feb. 5—Authorizing the C.N.R. to install improved protection at the crossing of 114th Ave. and its railway, near 81st St. in the City of Edmonton, Alta.
- 97042 Feb. 5—Authorizing the removal of the speed limitation at the crossing of Delamere Avenue and the C.N.R. at Stratford, Ont., Mileage 1.41 Newton Subd.
- 97043 Feb. 5—Amending Order No. 90919 re apportionment of cost of installing protection at the crossing of the C.N.R. and Essa Road, Barrie, Ont.
- 97044 Feb. 5—Authorizing the Department of Roads for Quebec to widen the highway where it crosses the C.N.R. in the Parish of Tres St. Sacrement, Co. of Chateauguay, P.Q., Mileage 35.51 Alexandria Subd.
- 97045 Feb. 5—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and The Yarmouth Rural Telephone Company.
- 97046 Feb. 5—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Mr. Ovila Arpin, Proprieteir, Le Telephone de St. Ours, Enrg.

- 97047 Feb. 5—Authorizing the Westspur Pipe Line Company to abandon the operation of that portion of its Frobisher gathering lines in Twps. 3 and 4, Rge. 4, West 2M., Sask.
- 97048 Feb. 5—Approving the proposed flammable liquid bulk storage facilities of North Star Oil Limited at Mundare, Alta.
- 97049 Feb. 5—Authorizing the C.N.R. to remove the caretaker at St. Valentin, P.Q.
- 97050 Feb. 5—Authorizing the C.N.R. to remove the caretaker at Pomquet, N.S.
- 97051 Feb. 5—Amending Order No. 94035 which authorized the C.N.R. to install automatic protection at crossing of their railway and Townsend St., Sydney, N.S., Mileage 113.52 Sydney Subd.
- 97052 Feb. 5—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 5 east of the station at Lyster, P.Q., Mileage 25.65 Danville Subd.
- 97053 Feb. 5—Rescinding Order No. 70968 which approved the location of facilities of Sturdie Oils Limited for the handling and storage of flammable liquids near the railway of the C.P.R. at Lethbridge, Alta.

The Board of  
**Transport Commissioners for Canada**

**Judgments, Orders, Regulations and Rulings**

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*In the matter of the General Freight Rates Investigation directed by Order in Council P.C. 1487, dated April 7, 1948 (Equalization Case) and of Section 336 of the Railway Act (National Freight Rates Policy) re commodity freight rates on fresh fruits and vegetables* File 47828.6

and

*In the matter of the application of the B.C. Tree Fruits Limited; British Columbia Fruit Growers Association and the British Columbia Interior Vegetable Marketing Board for a reduction in freight rates on fresh fruits and vegetables* File 47828.6

and

*In the matter of the complaint of the B.C. Fruit Processors Limited in connection with rates on canned fruits and vegetables from Kelowna, B.C. to points in Western Canada.* File 35457.6

Heard at:

Vancouver, B.C., March 3, 1958.  
Kelowna, B.C., March 7, 1958.  
Ottawa, Ont., June 6 and 9, 1958.

Before:

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
F. M. MACPHERSON, *Commissioner.*  
L. J. KNOWLES, *Commissioner.*

Appearances:

C. W. BRAZIER, Q.C., and J. G. ALLEY,	} for the Province of British Columbia; B.C. Tree Fruits Limited, and B.C. Fruit Processors Ltd.
J. J. FRAWLEY, Q.C., for the Province of Alberta.	
T. M. KIDD, for the Canadian Fruit Wholesalers' Association and Canadian Horticultural Council.	
H. A. MANN, for the Maritime Transportation Commission.	
K. D. M. SPENCE, Q.C., and A. J. ALLISTON,	} for the Canadian Pacific Railway Co.
J. W. G. MACDOUGALL, Q.C., and W. G. BOYD,	

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## J U D G M E N T

BY THE BOARD:

### 1. ORIGIN OF THE APPLICATION

On May 25, 1956 the B.C. Tree Fruits Ltd. filed an application with the Board stating, inter alia, that in conformity with the program of freight rate equalization now under way in Canada, and in recognition of current competitive factors affecting the movement of their products, the need for a full schedule of revised commodity freight rates for their industry was evident in consideration of a number of factors, namely:

- (1) Higher minimum weight loads and greater earning capacity thereof for the railways.
- (2) The volume of traffic offered by the industry throughout a 10 to 11 months shipping season each year—estimated at between 4,000 and 5,000 carloads annually to points between the British Columbia-Alberta provincial boundary and the head of the lakes.
- (3) The influence of Canadian freight rate equalization policy which calls for equity with comparable schedules of Commodity Rates for similar products originating elsewhere in Canada, particularly in the provinces of Ontario and Quebec, and where such products are competitive with our own.
- (4) The urgent need for this industry to re-build and extend distribution of its products to country points and smaller centres on the Canadian prairies. With the growth of trucking in distributing traffic from warehousing centres to the smaller centres, there has been a tendency towards decreased consumption of fresh fruits and vegetables which has reacted against the best interests both of B.C. producers and the carriers. Under a policy of rate blanketing whereby transportation cost to smaller centres within a reasonable distance of larger centres are accorded the same delivered transportation cost, we are confident that a greater overall tonnage can be moved.
- (5) As a step towards the forcing of maximum tonnage under full crop conditions to smaller receiving centres, it is desirable to make the greatest possible use of stop-off privileges accorded by the railways. If this is to be done the blanketing of rates over relatively large marketing areas permits maximum utilization of part car unloading without untoward rate penalty.
- (6) Also, where separate rates apply from different points of origin, orderly marketing procedure based on origin and destination rate blanketing disappears.

The applicant made the following recommendations in respect to the construction of a reasonable level of equalized commodity rates for fresh fruits and vegetables.

*Apples and Pears:*

We recommend the use of Column 38 rates under a similar plan to that outlined below for fresh fruits. This is the approximate level of commodity rates presently applying from Group A/B points to stations in Western Canada which move at a minimum weight of 30,000 lbs. and also enjoy the benefit of the bridge subsidy. It is also worth noting that commodity rates for Apples and Pears from British Columbia were published at 85% of class rates prior to equalized class rates being published last year. We see no reason why the higher minimum weight of 35,000 lbs. should not be permitted to apply about October 15 each year both from Group A/B territory and our own origin blanketing area. From the opening of the season each summer to October 15, minimum weight of 30,000 lbs. should apply.

*Fresh Fruit:* (Including commodities listed in the Canadian Classification under Class 70, including Cherries, Apricots, Peaches, Plums, Prunes and Grapes.)

These products should move at rates built on Column 55 in the Class Rate Tariff. Origin and destination blanketing, as we have said, is essential for our products. Under 150 mile destination blanketing, the Column 55 rates could be applied from a centrally located point, e.g. Kelowna, to a centrally located point in each destination zone.

It is noteworthy here that specific commodity rates for these products from points of origin in Group A/B territory in Ontario and Quebec to stations in Alberta, Saskatchewan and Manitoba are published at minimum weight of 20,000 lbs. at levels approximating 75-80% of class rates. These rates, incidentally, also enjoy the benefit of the bridge subsidy, which is not available to shippers in British Columbia to relatively long haul points in Manitoba or Western Ontario. Column 55 rates, at minimum weight of 24,000 lbs. as in the case of B.C. traffic, could well apply to this traffic from Ontario and Quebec.

*Vegetables:* (Root and Green, with and without tops)

In the past we have enjoyed commodity rates for these products at 85% of class rates for root vegetables, but we are prepared to recommend Column 27 rates for all vegetables at existing minimum weights with the exception of Potatoes, which call for separate consideration as has existed before in recognition of special competitive marketing problems affecting this commodity, and other factors. Potatoes themselves will require Column 24 rates at minimum weight of 40,000 lbs. Similar origin and destination blanketing to that outlined for Fresh Fruits and Apples and Pears also will be required for our traffic.

Although we naturally favour 150 mile destination blanketing as drawn up tentatively last year, we are prepared to concede its rejection, if necessary, provided that the 100 mile zoning arrangement established in 1949 be continued rather than being subjected to new designing as initiated by the railways to their own advantage last year.

Where competitive factors insert themselves and enable publication of wider destination zoning areas, it is most satisfactory for such wider zoning to prevail.

Subsequent to the receipt of the above mentioned application the Board was informed by the B.C. Tree Fruits Limited that negotiations were being progressed with the railways with the view to establishing a mutually satisfactory level of commodity rates under an Agreed Charges arrangement. Such agreement has not been submitted for filing with the Board and consequently it appears that the said negotiations were without result.

On November 26, 1957 the Board pursuant to the General Freight Rates Investigation directed by Order-in-Council P.C. 1487 and to Section 336 of the Railway Act set the matter down for hearing at Vancouver and Kelowna, B.C. in March, 1958. The matter was accordingly heard at those cities and final hearings were held in Ottawa, Ont., in June 1958. At these hearings over 500 pages of evidence were received and over 20 exhibits filed.

From the evidence and submissions received at these hearings it appears that the application of the B.C. Tree Fruits Limited, et al, for a revision of the prevailing freight rate structure on fresh fruits and vegetables has a dual objective; firstly, equalization of the existing rates on this traffic in Canada, and secondly, a request for a reduction in the rates from the Okanagan Valley to Western Canada. Consequently the Board will proceed to adjudicate upon this application as a matter coming within Section 336 of the Railway Act and also as a matter for determination of just and reasonable rates under Section 328 of the said Act.

In order to have before us the basis of the rail freight rates applicable on fresh fruit and vegetable traffic in Canada, it may be well to review briefly the background of these rates and we believe it is appropriate in the consideration of this matter that the rates applicable on these commodities in Western Canada be dealt with at three basic periods, 1st, the rates established in 1949 consequent upon the removal of the mountain differential; 2nd, the rates established in 1955 during which year the equalized class rate scale came into force; and 3rd, the present rate situation. Consideration of the rate levels must also be dealt with separately, i.e., the rates applicable on (A) Hard fruit (Apples-Pears); (B) Soft fruit (Peaches, etc.); and (C) Vegetables; subdivided between rates applicable within (1) Western Canada; (2) within Eastern Canada; and (3) between Eastern and Western Canada.

## 2. CLASSIFICATION BASIS ON FRESH FRUIT AND VEGETABLES

The carload ratings and carload minimum weights on fresh fruit and fresh or green vegetables (not cold pack nor frozen) under Canadian Freight Classification 20, Agent R. K. Watson's C.T.C. 1525, are as follows:

Article	Carload Rating	Minimum Weight
Apples.....	45	24,000
Pears.....	45	24,000
Quinces.....	45	24,000
Cranberries.....	55	24,000
Lingonberries.....	55	24,000
Melons:—		
Cantaloupes.....	55	24,000
Citron.....	55	24,000
Muskmelons.....	55	24,000
Melons NOIBN.....	55	24,000
Apricots.....	70	20,000
Avocados.....	70	20,000
Bananas.....	70	20,000
Berries NOIBN.....	70	20,000
Currants.....	70	20,000
Grapefruit.....	70	20,000
Grapes.....	70	20,000
Lemons.....	70	20,000
Limes.....	70	20,000
Nectarines.....	70	20,000
Oranges.....	70	20,000
Peaches.....	70	20,000
Pineapples.....	70	20,000
Plums.....	70	20,000
Fresh Fruit, NOIBN.....	70	20,000
Artichoke Tubers.....	30	24,000
Beets without tops.....	30	24,000
Cabbage.....	30	24,000
Carrots without tops.....	30	24,000
Garlic, dry.....	30	24,000
Onion Sets.....	30	24,000
Onion without tops.....	30	24,000
Parsnips without tops.....	30	24,000
Potatoes.....	30	30,000
Pumpkins.....	30	24,000
Turnips without tops.....	30	24,000
Radishes without tops.....	30	24,000
Winter Squash.....	30	24,000
Beets with tops.....	45	20,000
Carrots with tops.....	45	20,000
Cauliflower.....	45	20,000
Celery.....	45	20,000
Corn, in the husk.....	45	24,000
Cucumbers.....	45	20,000
Egg Plant.....	45	20,000
Horseradish, Roots.....	45	24,000
Onions with tops, (including Shallots).....	45	20,000
Parsnips with tops.....	45	20,000
Peppers.....	45	24,000
Radishes with tops.....	45	20,000
Rhubarb (Pie Plant).....	45	20,000
Tomatoes.....	45	20,000
Turnips with tops.....	45	20,000
Summer Squash.....	45	20,000
Fresh or Green Vegetables, NOIBN.....	45	20,000

These ratings have application throughout Canada and the equalized class rate scale ordered by the Board in its Judgment and Order of March 1, 1954 (plus the 11% increase under Order 90447) has application to these ratings between all points in Canada west of the Maritime Territory.

### 3. COMMODITY RATE STRUCTURE ON HARD FRUIT (APPLES-PEARS)

#### (1) Within Western Canada

In lieu of the classification basis on hard fruit, lower commodity rates subject to different minimum weights were provided by the railways in their tariff schedules in 1949 applicable from British Columbia to Western Canadian destinations. The commodity description and minimum weights are:

Apples.....	Minimum weight 35,000 lbs. (Note)
Pears.....	“ “ 35,000 lbs. (Note)
Quinces.....	“ “ 24,000 lbs.

NOTE:—Minimum weight June 1st to September 30th each year, 30,000 lbs.

According to the tariff schedules of the railways the fruit origin territory of British Columbia was divided into some nine groups, in total these groups encompassed some 254 shipping stations on both the Canadian National and Canadian Pacific Railways. The destination territory in Western Canada was divided into 100-mile blocks and the centre point in each destination group was used as a basing point for its particular group. The commodity rates were constructed by selecting key points in the origin groups and applying the then 5th class prairie distributing class rates therefrom to the centre basing point in each destination group and the resulting rate was made applicable from all shipping points in the origin group to all destinations in the 100-mile destination groups. This method of rate construction accorded a reduction from the prevailing classification basis. It is not feasible to calculate with any degree of accuracy the over-all lower level of the commodity rates in relation to the then prevailing class rates due to the differences in rate construction formulae. However, the following illustrates the difference in the rate levels using Kelowna, B.C., as a single point of origin.

Destination	Classification Basis	Commodity Rate
Calgary, Alta.....	86	71
Red Deer, Alta.....	98	86
Lethbridge, Alta.....	104	86
Edmonton, Alta.....	113	92
Moose Jaw, Sask.....	140	115
North Battleford, Sask.....	142	115
Saskatoon, Sask.....	145	115
Regina, Sask.....	145	126
Prince Albert, Sask.....	160	126
Yorkton, Sask.....	167	142
Brandon, Man.....	171	142
Winnipeg, Man.....	180	149

All rates quoted above and hereinafter are in cents per 100 lbs.

In 1955 the railways established rates based on a different formula. While the same 100-mile destination groups created in 1949 were maintained, the shipping territory was revised to include in one large group all shipping points in the Okanagan Valley and east thereof including the Kootenay territory, and Kelowna (approximately in the centre of the group) was selected as the key point. The rates were constructed by using the Class 45 equalized class rates applicable from Kelowna, B.C., to the most westerly station in each 100-mile

were made applicable from all shipping points in the said origin group to all destinations in the 100-mile destination groups.

At the time this formula was adopted there was in effect from the fruit district in the State of Washington (Yakima-Wenatchee) a rail rate of 137 cents to the United States-Canadian border point of Noyes, Minn., which rate in conjunction with the rate of 43 cents from Noyes, Minn., to Winnipeg, Man., produced a through rate of 180 cents per 100 lbs. The Canadian railways established this same rate from the Okanagan Valley to Winnipeg, and in order to conform to the long and short haul provisions of the Railway Act (Section 317(5)), this rate of 180 cents was made applicable to all destinations west of Winnipeg until the lower 100-mile group rates were met. The effect of this action was to create a large one-rate destination area from Winnipeg westward to almost mid-Saskatchewan.

Since 1955 the Board by its Orders 89030 and 90447 has authorized an 11% increase in the rates applicable within Canada, and maximum rate increases of 6 cents, 11 cents and 5 cents,—total 22 cents per 100 lbs.—have been authorized by the Interstate Commerce Commission under Ex Parte 196, 206 and 212 in the United States rates applicable on fresh fruits. The origin and destination grouping formula adopted in 1955 is still in effect (except to the Winnipeg area) but the level of the rates has been changed due to the above mentioned general authorized increases. The rate of 180 cents which previously applied to all destinations Winnipeg and west to approximately mid-Saskatchewan was increased to 206 cents per 100 lbs., to reflect the American rail rate of 159 cents from the Yakima-Wenatchee districts of Washington to Noyes, Minn., in conjunction with the increased rate of 47 cents from Noyes, Minn., to Winnipeg, Man. An exception was made in respect to the level of this through rate to destinations Winnipeg and south to Emerson and Morris, Man., in order to meet motor truck competition from the United States-Canadian border. The rate to this area was set at 187 cents per 100 lbs. arrived at by use of the American rail rate of 159 cents above mentioned plus a factor of 28 cents from Emerson, Man., to Winnipeg to meet the said motor truck competition.

### *(2) Within Eastern Canada*

In Eastern Canada the classification basis of Class 45 applies between all stations within the Ontario-Quebec territory (Levis, Diamond, Boundary, Que., and west thereof). In addition to this classification basis the railways provide through the medium of a commodity level of rates an alternative basis at reduced minimum weights. These rate applications in Eastern Canada are;

Class 45—Minimum weight 24,000 lbs.

Class 55—Minimum weight 20,000 lbs.

No origin or destination groupings apply in respect to these rates other than that inherent in the equalized class rates, namely, 25-mile blocks for distances 200 to 1500 miles, as contrasted to the large origin and destination grouping system in effect in Western Canada. Little more need be said concerning the application of these rate levels except it has been stated in evidence that they do not control a substantial volume of traffic—the traffic from the fruit growing centres of Eastern Canada moves mainly by truck or at railway published truck competitive rates.

### *(3) Between Eastern and Western Canada*

From Eastern Canada to destinations in Manitoba, Saskatchewan and Alberta commodity rates are provided on a lower level than the prevailing Class 45 rates. These commodity rates reflect on the average 38% to 40% of

the Class 100 rates applying from Groups A-B territory in Eastern Canada. Mr. J. M. Roberts, Assistant General Traffic Manager of the Canadian Pacific Railway stated in evidence that 46 carloads moved from Eastern Canada under these rates during the shipping season of 1957.

From the Okanagan Valley to Eastern Canada the Canadian railways provide assistance to the growers of that area to enable them to market their product in Eastern Canada at a rate level comparable to that prevailing from the Yakima-Wenatchee district of Washington. These comparable rate levels are set out below:

From	TO EASTERN CANADA					
	APPLES			PEARS		
	Rate	Minimum Weight	Percent of Class 100	Rate	Minimum Weight	Percent of Class 100
Okanagan Valley (Kelowna).....	226	40,000	22%	226	36,000	22%
Bridge Subsidy.....	211			211		
Yakima-Wenatchee.....	226	35,000		226	34,000	

#### 4. COMMODITY RATE STRUCTURE ON SOFT FRUIT (PEACHES, ETC.)

##### (1) *Within Western Canada*

The Classification basis on soft fruits is Class 70 (former 3rd class), subject to minimum weight of 20,000 lbs, see Chapter 2. The basic rate group formula in 1949 was similar to that for hard fruit with the 3rd class prairie distributing class rates being used as a base. It is well, we believe, to repeat the formula. The origin territory of British Columbia at that time was divided into separate groups and the destination territory in Western Canada divided into 100-mile blocks and the centre point in each destination group was used as a basing point for its particular group. The commodity rates were constructed by selecting key points in the origin groups and applying the then 3rd class prairie distributing class rates therefrom to the centre basing point in each destination group and the resulting rate was made applicable from all shipping points in the origin groups to all destinations in the 100-mile destination groups. This method of rate construction accorded a reduction from the prevailing classification basis. The following illustrates the difference in the rate levels using Kelowna, B.C., as a single point of origin.

Destination	Classification Basis	Commodity Rate
Calgary, Alta.....	126	195
Red Deer, Alta.....	145	126
Lethbridge, Alta.....	152	126
Edmonton, Alta.....	167	133
Moose Jaw, Sask.....	207	171
North Battleford, Sask.....	211	171
Saskatoon, Sask.....	217	171
Regina, Sask.....	217	185
Prince Albert, Sask.....	238	185
Yorkton, Sask.....	243	211
Brandon, Man.....	249	211
Winnipeg, Man.....	267	224

In 1955, following negotiations between the B.C. Tree Fruits Limited and the railways, an entirely different formula was adopted for the construction of commodity rates on soft fruit within Western Canada. The shipping territory was revised to include in one large group all shipping points in the Okanagan Valley and east thereof including the Kootenay territory. The destination grouping was drastically altered from that prevailing in 1949. Two major destination groups were established, the first group comprising all stations north of the Canadian Pacific Railway main line from Winnipeg westward to Morse Sask., and all stations east of Kerrobert, Macklin, Paradise Valley and Furnace, Sask. The rate to all destinations in this major group was set at 235 cents per 100 lbs. and was made applicable from all shipping points in the Okanagan Valley. The second major destination group comprised the territory bounded by the Canadian Pacific Railway main line from Winnipeg, Man. to Morse, Sask. and all stations south thereof. The rate to the destinations in this large group was set at 211 cents per 100 lbs. and this rate also was made applicable from all shipping points in the Okanagan Valley. An exception was made to this rate in respect to traffic destined Weyburn, Estevan, North Portal, Sask., and Winnipeg, Man., to which destinations the rate was set at 200 cents per 100 lbs. These two major destination groups encompassed practically all destinations in Manitoba and Saskatchewan. To stations in Alberta and westerly Saskatchewan smaller rate groups were established for this territory with the rates to such groups graded downwards; the key points in this group are, Swift Current 205 cents, Lloydminster 220 cents, Edmonton 175 cents, Medicine Hat 185 cents, Red Deer 160 cents and Calgary-Lethbridge 145 cents.

Since 1955 the Board, by its Orders 89030 and 90447 has authorized an 11% increase in freight rates applicable within Canada and flat maximum rate increases of 6 cents, 11 cents and 5 cents—total 22 cents per 100 lbs.—have been authorized by the Interstate Commerce Commission under Ex Parte 196, 206 and 212 in the rates applicable within the United States on fresh fruit. The origin and destination grouping formula adopted in 1955 is still in effect but the level of the rates has been changed due partially to the above mentioned authorized increases, with additional adjustments in some of the rates. This is illustrated as follows:

Okanagan Valley To	1955 rate level	Present rate level
Northern Group.....	235	261
Southern Group.....	211	239
Weyburn Estevan North Portal Winnipeg	200	224
Swift Current.....	205	228
Lloydminster.....	220	244
Edmonton.....	175	194
Medicine Hat.....	185	207
Red Deer.....	160	178
Calgary.....	145	161
Lethbridge.....	145	161

*(2) Within Eastern Canada*

In Eastern Canada Class 55 applies between all stations within the Ontario-Quebec territory. This rate level is lower than the Classification basis and is authorized through the medium of commodity tariffs. No origin or destination groupings apply in respect to these rates other than that inherent in the equalized class rates as contrasted to the large origin and destination grouping system in effect in Western Canada.

*(3) Between Eastern and Western Canada*

From Eastern Canada to destinations in Manitoba, Saskatchewan and Alberta commodity rates are provided on a lower level than the prevailing Class 70 rates. These commodity rates reflect on the overall about 56% of the Class 100 rates applying from Groups A-B territory in Eastern Canada.

From the Okanagan Valley to Eastern Canada a commodity rate of 344 cents per 100 lbs. subject to minimum weight of 27,500 lbs. is provided. This commodity rate is approximately half the rate under the Classification basis reflecting approximately 32.5% of the Class 100 rates. This rate however is displaced by the application of a lower commodity rate which apparently has been provided to assist the growers in the Okanagan Valley to market their products in Eastern Canada at a rate level comparable to that prevailing from the Yakima-Wenatchee district. This latter rate is set out below together with the applicable rate from Yakima-Wenatchee.

From	To EASTERN CANADA		
	Rate	Minimum Weight	Per Cent of Class 100
Okanagan Valley.....	242	30,000 lbs.	23%
Bridge Subsidy.....	226	.....	.....
Yakima—Wenatchee.....	226	30,000 lbs.	.....

## 5. COMMODITY RATE STRUCTURE ON VEGETABLES

*(1) Within Western Canada*

The classification basis as noted in chapter 2 segregates fresh or green vegetables into two ratings, namely Class 30 (8th class) and Class 45 (5th class). The commodity rate structure from British Columbia to Western Canada does not so differentiate, but all vegetables are accorded the same rate.

In 1949 the origin territory of British Columbia was divided into nine separate groups and the destination territory in Western Canada divided into 100-mile blocks and the centre point in each destination group was used as a basing point for its particular group. The commodity rates were constructed by selecting key points in the origin groups and applying the then 8th class prairie distributing class rates therefrom to the centre basing point in each destination group and the resulting rate was made applicable from all shipping points in the origin group to all destinations in the 100-mile destination groups. This method of rate construction accorded a reduction from the prevailing 5th and 8th class rates. The following illustrates the difference in the rate levels at that time using Kelowna, B.C., again as a single point of origin.

Destination	Classification Basis		Commodity Rate
	5th Class	8th Class	
Calgary, Alta.....	86	51	46
Red Deer, Alta.....	98	58	51
Lethbridge, Alta.....	104	61	51
Edmonton, Alta.....	113	65	57
Moose Jaw, Sask.....	140	79	68
North Battleford, Sask.....	142	79	68
Saskatoon, Sask.....	145	80	68
Regina, Sask.....	145	80	71
Prince Albert, Sask.....	160	87	71
Yorkton, Sask.....	167	90	79
Brandon, Man.....	171	90	79
Winnipeg, Man.....	180	97	82

In 1955 the railways established rates based on a different formula. The same 100-mile destination groups created in 1949 were maintained but the shipping territory was revised to include in one large group all shipping points in the Okanagan Valley and east thereof including the Kootenay territory and Kelowna was selected as the key point. The rates were constructed by using the Class 30 equalized class rates applicable from Kelowna, B.C. to the most westerly station in each 100-mile destination group (in lieu of the former centre station), and the resulting rates were made applicable from all shipping points in the said origin group to all destinations in the 100-mile destination groups.

Since 1955 the Board by its Orders 89030 and 90447 has authorized an 11% increase in the rates applicable within Canada. The origin and destination grouping formula adopted in 1955 is still in effect but the level of the rates has been changed due to this general authorized increase.

### (2) *Within Eastern Canada*

In Eastern Canada the classification bases of Class 30 and Class 45 applies between all stations within the Ontario-Quebec territory (Levis, Diamond, Boundary, Que., and west thereof). No origin or destination groupings apply in respect to those rates other than that inherent in the equalized class rates, namely, 25-mile blocks for distances 200 to 1500 miles, as contrasted to the large origin and destination grouping system in effect in Western Canada.

### (3) *Between Eastern and Western Canada*

From Eastern Canada to destinations in Manitoba, Saskatchewan and Alberta commodity rates are provided on an approximate level to prevailing Class 30 and Class 45 rates.

From the Okanagan Valley to Eastern Canada the railways also provide commodity rates, which reflect on the average 32.5%, minimum 27,500 lbs., and 34.3%, minimum 24,000 lbs. of the Class 100 rates from the Okanagan Valley.

## 6. NATIONAL FREIGHT RATES POLICY

The policy of Parliament respecting equalization of freight rates is set forth for our guidance in Section 336 of the Railway Act.

The broad general principle of equalizing commodity freight rates in Canada is that the rate structure shall result in treating all citizens, localities, districts and regions alike as far as is reasonably possible to do so. This objective can be attained only after full consideration of the effect proposals for establishing uniform commodity rates may have on railway revenues, on established industry or on existing trade and market patterns. Should the Board find on considering all the factors that the implementation of a uniform rate structure on any commodity is not reasonably possible it may make an exception in such cases from the operation of Section 336 of the Railway Act.

#### HARD FRUIT (Apples-Pears)

Briefly stated the railways' position in respect to this application concerning the rates on apples and pears within Western Canada is that the existing commodity rate structure was established following negotiations with applicant in an endeavour to meet to some degree the economic conditions of the fruit industry; that the grouping system set up was to meet the marketing needs of the industry and that as similar conditions did not prevail in respect to the marketing in Eastern Canada it is not reasonably possible to meet applicant's demands under the provisions of Section 336 of the Railway Act. The railways assert that in the overall result the commodity rates in Western Canada are at the present time reasonably related to the level requested by applicant.

Applicant on the other hand requests, inter alia, that lower commodity rates (base Class 38 in lieu of base Class 45) be accorded apple and pear traffic moving within Western Canada, where such rates are not influenced by American rates from the Yakima-Wenatchee district of Washington. Applicant points to the rates from Eastern to Western Canada alleged to approximate 38% of the Class 100 rates, in support of the request for relief under the equalization provisions of the Act. It is further stated that the organization and shipping of British Columbia fruit and vegetable tonnage is over a single desk, and consequently it is desired for orderly marketing that all origin shipping stations in the Okanagan Valley including the Kootenays be blanketed and the same rate maintained from all stations in the said area. Applicant's recommendations in respect to apples and pears as contained in Exhibit 12 are quoted hereunder:

"Recommendations in respect to the application of Column Rates for Commodity Rate Construction have already been outlined in our submission to the Board of May 25th, 1956 and again summarized at the commencement of this present submission. (APPLES and PEARS: Column 38, min. weight June 1st to October 15th 30,000#, October 16th to May 30th 35,000#). A recapitulation of shipping point and destination rate blanketing requirements for our industry may be of further assistance at this point, together with an outline of the need for the application of reasonable maximum rate factors in certain areas.

APPLES and PEARS: We are prepared to accept the modified 100 mile destination zoning plan of the railways provided the seven stations previously named (Lloydminster, St. Paul, Wainwright, Saskatoon, Kindersley, Prince Albert and Humboldt) are moved westward one zoning. Apart from the Column rates recommended it will be necessary for the carload rates from Washington points to the same Canadian destinations to be protected

as a maximum. Consideration is required also to the important Winnipeg market as suggested above, and the need for a reasonable maximum rate factor to all points in Manitoba."

The following comments are made concerning the commodity rate structures which the Board is now required to consider with the view to implementing uniform commodity rates on apple and pear traffic within Canada.

#### *Rates within Western Canada.*

The Prairie provinces are British Columbia's major domestic market. It is estimated that over 3,000 carloads of apples and pears moved by rail to consuming centres in these provinces during 1957. To evaluate the general level of freight rates applicable on this traffic the Board has selected some 21 destinations for rate comparison purposes, to which destinations it is known traffic actually moved. It is believed this selection will be sufficiently representative upon which to draw general conclusions.

As pointed out earlier, the rates within Western Canada are constructed generally upon the use of the Class 45 rates from one large origin group to 100-mile destination groups. While this class is used as a base for the construction of the commodity rates, the commodity rates from the more distant shipping stations in the origin group reflect a lower level, while the rates from some less distant points in the origin group do not exceed the maximum of the Class 45 rates. Consequently it follows that the present commodity rates generally are on a lower overall level of rates in relation to Class 100 than Class 45. With the view to ascertaining an approximation of the class level of these commodity rates, the Board's Traffic Department has selected Haynes, B.C., as a southern shipping point in the origin group, Kelowna, B.C., as an approximate centre point in the group and Armstrong, B.C., as a northern shipping station. The percentage relationship of the present rates to Class 100 from these three representative origin stations to the 21 selected destination stations have been calculated, together with the average percentage relationship to Class 100. This same information has been calculated for the basis of rates requested by applicant. The detail of this study follows:—

To	From	Class 100	HARD FRUIT (APPLES)					
			Present Rate	Per Cent of Class 100	Average Per Cent of Class 100	Requested Rate	Per Cent of Class 100	Average Per Cent of Class 100
<i>Alberta</i>								
Calgary.....	Haynes.....	276	102	37.0	40.9	87	31.5	34.9
	Kelowna.....	246	102	41.5		87	35.4	
	Armstrong....	226	102	45.1		87	38.5	
Edmonton.....	Haynes.....	356	138	38.8	41.9	117	32.9	35.5
	Kelowna.....	326	138	42.3		117	35.9	
	Armstrong....	306	138	45.0		117	38.2	
Lethbridge.....	Haynes.....	326	120	36.8	40.1	101	31.0	33.7
	Kelowna.....	296	120	40.5		101	34.1	
	Armstrong....	276	120	43.5		101	36.6	
Medicine Hat....	Haynes.....	346	138	39.9	42.7	117	33.8	36.6
	Kelowna.....	316	138	43.7		117	37.0	
	Armstrong....	296	133	44.9		117	39.5	
Red Deer.....	Haynes.....	316	120	38.0	41.5	101	32.0	34.7
	Kelowna.....	286	120	42.0		101	35.3	
	Armstrong....	266	120	45.1		101	38.0	

To	From	Class 100	HARD FRUIT (APPLES)					Average Per Cent of Class 100
			Present Rate	Per Cent of Class 100	Average Per Cent of Class 100	Request- ed Rate	Per Cent of Class 100	
<i>Saskatchewan</i>								
Estevan.....	Haynes.....	506	188	37.2		178	35.2	
	Kelowna.....	476	188	39.5	39.2	178	37.4	37.1
	Armstrong....	456	188	41.2		178	39.0	
Humboldt.....	Haynes.....	506	207	40.9		162	32.1	
	Kelowna.....	476	207	43.5	43.0	162	34.0	33.8
	Armstrong....	456	205	45.0		162	35.5	
Kerrobert.....	Haynes.....	406	155	38.2		132	32.5	
	Kelowna.....	376	155	41.2	40.5	132	35.1	34.7
	Armstrong....	366	155	42.3		132	36.1	
Melfort.....	Haynes.....	526	207	39.4		178	33.8	
	Kelowna.....	496	207	41.7	41.2	178	35.9	35.4
	Armstrong....	486	207	42.6		178	36.6	
Moose Jaw.....	Haynes.....	446	174	39.0		147	33.0	
	Kelowna.....	416	174	41.8	41.5	147	35.3	35.1
	Armstrong....	396	174	43.9		147	37.1	
Nipawin.....	Haynes.....	566	207	36.6		192	33.9	
	Kelowna.....	536	207	38.6	38.4	192	35.8	35.6
	Armstrong....	516	207	40.1		192	37.2	
North Battleford.....	Haynes.....	456	174	38.2		147	32.2	
	Kelowna.....	426	174	40.8	40.5	147	34.5	34.2
	Armstrong....	406	174	42.9		147	36.2	
Prince Albert.....	Haynes.....	526	207	39.4		162	30.8	
	Kelowna.....	496	207	41.7	41.5	162	32.7	32.4
	Armstrong....	476	207	43.5		162	34.0	
Regina.....	Haynes.....	466	192	41.2		162	34.8	
	Kelowna.....	436	192	44.0	43.3	162	37.2	36.9
	Armstrong....	416	187	45.0		162	38.9	
Saskatoon.....	Haynes.....	466	192	41.2		147	31.5	
	Kelowna.....	436	192	44.0	43.3	147	33.7	33.5
	Armstrong....	416	187	45.0		147	35.3	
Swift Current.....	Haynes.....	396	155	39.1		132	33.3	
	Kelowna.....	376	155	41.2	41.2	132	35.1	35.1
	Armstrong....	356	155	43.5		132	37.1	
Wadena.....	Haynes.....	536	207	38.6		192	35.8	
	Kelowna.....	506	207	40.9	40.4	192	37.9	37.5
	Armstrong....	496	207	41.7		192	38.7	
Weyburn.....	Haynes.....	476	188	39.5		162	34.0	
	Kelowna.....	456	188	41.2	41.3	162	35.5	35.5
	Armstrong....	436	188	43.1		162	37.2	
Yorkton.....	Haynes.....	546	207	37.9		192	35.2	
	Kelowna.....	516	207	40.1	39.9	192	37.2	37.0
	Armstrong....	496	207	41.7		192	38.7	
<i>Manitoba</i>								
Brandon.....	Haynes.....	546	207	37.9		192	35.2	
	Kelowna.....	516	207	40.1	39.9	192	37.2	37.0
	Armstrong....	506	207	41.7		192	38.7	
Winnipeg.....	Haynes.....	606	187	30.9		187	30.9	
	Kelowna.....	576	187	32.5	32.3	187	32.5	32.3
	Armstrong....	556	187	33.6		187	33.6	
Average.....	Haynes.....	—	—	38.3		—	33.2	
	Kelowna.....	—	—	40.9	40.5	—	35.5	35.2
	Armstrong....	—	—	42.5		—	37.0	

It will be noted from the foregoing that the average percent of the Class 100 rates from the Okanagan Valley origin group to the 21 selected destinations in Western Canada ranges from 43.3% down to 32.3% with an overall average of 40.5%. Applicants requested basis ranges from 37.5% down to 32.3% with an overall average of 35.2%.

The situation in connection with this Western commodity rate structure, it is believed, requires analysis and comment. It has been alleged that the Western rate structure here under review is influenced by the freight rates prevailing from the Yakima-Wenatchee fruit districts of Washington state to destinations in Western Canada and that such rates should prevail as a maximum in the Western Canadian commodity rate structure. A comparison of the present freight rates on apples and pears from Yakima-Wenatchee versus from the Okanagan Valley follows:

Destination	APPLES		PEARS	
	From Yakima	From Okanagan	From Yakima	From Okanagan
<i>Alberta</i>				
Calgary.....	193	102	193	102
Edmonton.....	210	138	215	138
Lethbridge.....	177	120	177	120
Medicine Hat.....	195	138	195	138
Red Deer.....	204	120	204	120
<i>Saskatchewan</i>				
Estevan.....	184	188	185	188
Humboldt.....	223	207	234	207
Kerrobot.....	210	155	242	155
Melfort.....	226	207	242	207
Moose Jaw.....	195	174	213	174
Nipawin.....	226	207	269	207
North Battleford.....	226	174	245	174
Prince Albert.....	226	207	243	207
Regina.....	195	192	212	192
Saskatoon.....	210	192	233	192
Swift Current.....	195	155	217	155
Weyburn.....	195	188	200	188
Yorkton.....	210	207	227	207
<i>Manitoba</i>				
Brandon.....	195	207	216	207
Winnipeg.....	206	187	206	187

From the foregoing table it will be observed that the rates from the Okanagan Valley are, except in two instances, lower than the present rates from the Yakima-Wenatchee district. It does not necessarily follow that while the American rates may have to some degree an influence on the western Canadian commodity rate structure that the Canadian commodity rates can be deemed to be competitive rates. In contrast to this alleged Washington competitive rate influence the Board directs attention to the rates prevailing to Eastern Canada, to which area the rates from Yakima-Wenatchee and the Okanagan Valley are to all destination stations in the large Eastern Group A and B territory on an identical freight rate parity. In the Board's opinion these rates to Eastern Canada are railway competitive rates. The Board considers that the Western Canadian commodity rate structure, while it may be influenced to some extent by the American rates from the State of Washington, is part

and parcel of the normal commodity freight rate structure voluntarily established by the railways and consequently should be treated as such in evaluating all such commodity rates in relation to the uniform class rate structure prescribed by the Board.

#### *Rates within Eastern Canada*

The rates applicable within Eastern Canada are the classification basis, i.e., Class 45. It has been stated in evidence however that practically all this traffic moves by truck or at railway truck competitive rates.

#### *Rates from Eastern to Western Canada*

There is a limited movement of traffic from Eastern to Western Canada under the existing commodity rates,—a total of 46 carloads being reported to the Board as moving during 1957 via both the Canadian Pacific and Canadian National Railways.

The following shows the present published rates from Eastern Canada to the 21 selected western destinations and also the rates under the so-called "bridge subsidy". The percentage relationship of such rates to the Class 100 rates is also shown.

To	Present Rates			Bridge Subsidy		
	Class 100	Present Rate	Per Cent of Class 100	Class 100	Present Rate	Per Cent of Class 100
<i>Alberta</i>						
Calgary.....	921	349	37.9	881	329	37.3
Edmonton.....	904	349	38.6	865	329	38.0
Lethbridge.....	886	342	38.6	847	323	38.1
Medicine Hat.....	846	326	38.5	809	307	37.9
Red Deer.....	921	356	38.7	881	336	38.1
<i>Saskatchewan</i>						
Estevan.....	706	274	38.8	674	257	38.1
Humboldt.....	746	297	39.8	712	279	39.2
Kerrobert.....	846	321	37.9	809	302	37.3
Melfort.....	766	303	39.6	732	285	38.9
Moose Jaw.....	746	292	39.1	712	274	38.5
Nipawin.....	766	303	39.6	732	285	38.9
North Battleford.....	806	317	39.3	770	298	38.7
Prince Albert.....	786	311	39.6	751	293	39.0
Regina.....	726	284	39.1	693	267	38.5
Saskatoon.....	766	303	39.6	732	285	38.9
Swift Current.....	786	307	39.1	751	289	38.5
Wadena.....	726	284	39.1	693	267	38.5
Weyburn.....	706	279	39.5	674	262	38.9
Yorkton.....	706	271	38.4	674	254	37.7
<i>Manitoba</i>						
Brandon.....	626	249	39.8	597	233	39.0
Winnipeg.....	576	220	38.2	548	205	37.4
Average.....	—	—	39.0%	—	—	38.4%

From the foregoing it will be observed that the level of rates upon which railway revenue is received (without bridge subsidy) reflects an average of 39% of the Class 100 rates.

#### *From Okanagan Valley to Eastern Canada*

As has been previously mentioned the present published rate from the Okanagan Valley to Eastern Canada is 226 cents (211 cents with bridge reduction) which approximates 22% of the Class 100 rate. This rate of 226 cents is constructed in direct relationship to the rate from Yakima-Wenatchee and

although not so indicated in the tariff schedule is apparently a competitive rate issued to meet the competing American rail rate. Competitive rates are made an exception from the provisions of Section 336 of the Railway Act and consequently the said rate will not be further considered in respect to the matter of equalization. The application of this rate will be more fully dealt with later herein.

### DISCUSSION

In summary the commodity freight rate structures before the Board for consideration with the view to implementing the provisions of Section 336 of the Act, are the rates from Eastern to Western Canada and the rates applicable within Western Canada. These rates to the 21 selected western destinations are set out below together with the percentage relationship to Class 100.

Destination	From Eastern Canada		From Okanagan Valley	
	Present Rate	Per Cent of Class 100	Present Rate	Average Per Cent of Class 100
<i>Alberta</i>				
Calgary.....	349	37.9	102	40.9
Edmonton.....	349	38.6	138	41.9
Lethbridge.....	342	38.6	120	40.1
Medicine Hat.....	326	38.5	138	42.7
Red Deer.....	356	38.7	120	41.5
<i>Saskatchewan</i>				
Estevan.....	274	38.8	188	39.2
Humboldt.....	297	39.8	207	43.0
Kerrobert.....	321	37.9	155	40.5
Melfort.....	303	39.6	207	41.2
Moose Jaw.....	292	39.1	174	41.5
Nipawin.....	303	39.6	207	38.4
North Battleford.....	317	39.3	174	40.5
Prince Albert.....	311	39.6	207	41.5
Regina.....	284	39.1	192	43.3
Saskatoon.....	303	39.6	192	43.3
Swift Current.....	307	39.1	155	41.2
Wadena.....	284	39.1	207	40.4
Weyburn.....	279	39.5	188	41.3
Yorkton.....	271	38.4	207	39.9
<i>Manitoba</i>				
Brandon.....	249	39.8	207	39.9
Winnipeg.....	220	38.2	187	32.3
Average	—	39.0	—	40.5

This tabulation reveals that the overall percentage relationship of these two commodity freight rate structures to their respective Class 100 rates are closely related at the present time. The Board considers that it is not feasible to find an exact meeting point between these two rate structures and maintain railway revenue. To construct an exact equal percentage relationship to the Class 100 rates would necessitate a minor increase in the rates from Eastern Canada and a minor reduction in the rates from the Okanagan Valley. The rates within the West cover an estimated movement of over 3,000 carloads annually, while those from the East covered only a movement of 46 carloads during 1957. It is apparent therefore that the minor reduction in rates within Western Canada compared with the minor increase from Eastern Canada would have an adverse effect on railway revenue. It is evident that an exact meeting point is doubtful of accomplishment. Under the circumstances the Board is of the opinion that the said rate structures as they exist at the present time reflect uniformity of rates as far as is reasonably possible.

## CONCLUSION

Upon due consideration of all that was submitted the Board finds that the carload commodity rates applicable on apples and pears within Western Canada and from Eastern to Western Canada are reasonably uniform in their general application at the present time and meet the directions of Parliament as enunciated under Order-in-Council P.C. 1487 and of Section 336 of the Railway Act. Should the necessity arise for commodity rates within Eastern Canada at the minimum weight applicable within Western Canada, it is obvious that such basis should be approximately 40% of the Class 100 rates.

## SOFT FRUIT (Peaches, etc.)

The railways' position in respect to the rates on soft fruit within Western Canada is the same as in regard to hard fruit; i.e. concessions in rates have been accorded fresh fruit traffic with the view to assisting the industry in the marketing of its products, and that the existing rate structure was established following negotiations with applicant with the view to assisting to some degree the economic conditions of the fruit industry. They also allege that the commodity rates in Western Canada at the present time are approximately at the level requested by applicant.

Applicant requests that the rates on these commodities be constructed on basis of Class 55 with all origin shipping stations in the Okanagan Valley including the Kootenay blanketed and the same rate maintained from all origin stations in the said area. Applicant's recommendation in regard to soft fruit as contained in Exhibit 12 is quoted hereunder:

"Recommendations in respect to the application of Column Rates for Commodity Rate Construction have already been outlined in detail in our submission to the Board of May 25, 1956, and again summarized at the commencement of this present submission.

FRESH FRUIT: (Including Commodities listed in the Canadian Classification under Class 70, including Cherries, Apricots, Peaches, Plums, Prunes and Grapes) Column 55, Min. weight 24,000#.

A recapitulation of shipping point and destination rate blanketing requirements for our industry may be of further assistance at this point, together with an outline of the need for the application of reasonable maximum rate factors in certain areas.

We are on record as conceding the 1955 modified 100 mile destination zones as conceived by the railways, provided that seven additional stations are returned to their previous zoning relationship, namely: Lloydminster, St. Paul, Wainwright, Saskatoon, Kindersley, Prince Albert and Humboldt. There may still be room, however, to re-examine the feasibility of 150 mile destination zoning in this classification before it is finally discarded.

Apart from the Column rates recommended it will be necessary for carload rates from Washington points to be protected as a maximum. Rates to Winnipeg, Weyburn and Estevan will need to be perpetuated in order to be competitive with routing via border points such as Portal, North Dakota and Noyes, Minnesota."

In support of the above recommendation applicant states that "an examination of fresh fruit Commodity Rates available elsewhere in Canada reveals that Ontario shippers enjoy such rates for fresh fruit to points in Western Canada ranging from about 78% to 81% of maximum Class 70 Rates. These rates, it should be remembered, are further reduced by benefit of Bridge Subsidy.

They are published at minimum weight of 20,000 lbs.—the same as Class Rates—so that no additional carload revenue is secured by reason of additional tonnage in the load as compared with the application of Class 70 rates. Commodity Rate Structure available within Eastern Canada itself provides Class 55 rates at minimum 20,000 lbs. These, presumably, are the rates referred to in the Board's memorandum dated November 26, 1957—Revised Page 5. Here again, no additional minimum weight tonnage is required over and above minimum weight for basic Class 70 rates."

The following comments are made concerning the commodity rate structures which the Board is now required to consider with the view to implementing uniform commodity rates on soft fruit traffic within Canada.

#### *Rates within Western Canada*

The largest portion of British Columbia's soft fruit traffic is marketed in the Prairie Provinces. To evaluate the general level of freight rates on this traffic the Board has selected the same 21 destinations for rate comparison purposes as used in the analysis of hard fruits.

As mentioned the rates within Western Canada are constructed on origin and destination group formula with the same rate being made applicable from all stations in the origin group to all stations in the various destination groups. With the view to ascertaining an approximation of the class level of these commodity rates the Board's Traffic Department has selected Haynes, Kelowna and Armstrong as representative shipping stations. The percentage relationship of the present rates to Class 100 from these three origins to the 21 selected destination stations have been calculated, together with the average percentage relationship to Class 100. This same information has been calculated for the basis of rates requested by applicant. The detail of this study follows:

To	From	Class 100	SOFT FRUIT (PEACHES)					
			Present Rate	Per Cent of Class 100	Average Per Cent of Class 100	Requested Rate	Per Cent of Class 100	Average Per Cent of Class 100
<i>Alberta</i>								
Calgary.....	Haynes.....	276	161	58.3	62.8	124	44.9	49.7
	Kelowna.....	246	161	65.4		124	50.4	
	Armstrong....	226	158	69.9		124	54.9	
Edmonton.....	Haynes.....	356	194	54.5	58.9	169	47.5	51.3
	Kelowna.....	326	194	59.5		169	51.8	
	Armstrong....	306	194	63.4		169	55.2	
Lethbridge.....	Haynes.....	326	161	49.4	53.8	147	45.1	49.1
	Kelowna.....	296	161	54.4		147	49.7	
	Armstrong....	276	161	58.3		147	53.3	
Medicine Hat....	Haynes.....	346	207	59.8	64.8	169	48.8	52.9
	Kelowna.....	316	207	65.5		169	53.5	
	Armstrong....	296	297	69.9		169	57.1	
Red Deer.....	Haynes.....	316	178	56.3	61.5	147	46.5	50.8
	Kelowna.....	286	178	62.2		147	51.4	
	Armstrong....	266	178	66.9		147	55.3	
<i>Saskatchewan</i>								
Estevan.....	Haynes.....	506	224	44.3	46.7	192	37.9	40.1
	Kelowna.....	476	224	47.1		192	40.3	
	Armstrong....	456	224	49.1		192	42.1	
Humboldt.....	Haynes.....	506	261	51.6	54.5	234	46.2	48.8
	Kelowna.....	476	261	54.8		234	49.2	
	Armstrong....	456	261	57.2		234	51.3	

To	From	Class 100	SOFT FRUIT (PEACHES)					
			Present Rate	Per Cent of Class 100	Average Per Cent of Class 100	Requested Rate	Per Cent of Class 100	Average Per Cent of Class 100
<i>Saskatchewan</i>								
Kerrobert.....	Haynes.....	406	261	64.3	67.8	191	47.0	49.9
	Kelowna.....	376	261	69.4		191	50.8	
	Armstrong....	366	256	69.9		191	52.2	
Melfort.....	Haynes.....	526	261	49.6	51.9	256	48.7	50.9
	Kelowna.....	496	261	52.6		256	51.6	
	Armstrong....	486	261	53.7		256	52.7	
Moose Jaw.....	Haynes.....	446	239	53.6	57.0	212	47.5	50.6
	Kelowna.....	416	239	57.5		212	51.0	
	Armstrong....	396	239	60.4		212	53.5	
Nipawin.....	Haynes.....	566	261	46.1	48.4	279	49.3	51.7
	Kelowna.....	536	261	48.7		279	52.1	
	Armstrong....	516	261	50.6		279	54.1	
North Battleford	Haynes.....	456	261	57.2	60.8	212	46.5	49.4
	Kelowna.....	426	261	61.3		212	49.8	
	Armstrong....	406	261	64.3		212	52.2	
Prince Albert....	Haynes.....	526	261	49.6	52.3	234	44.5	46.9
	Kelowna.....	496	261	52.6		234	47.2	
	Armstrong....	476	261	54.8		234	49.2	
Regina.....	Haynes.....	466	239	51.3	54.4	233	50.0	53.0
	Kelowna.....	436	239	54.8		233	53.4	
	Armstrong....	416	239	57.5		233	56.0	
Saskatoon.....	Haynes.....	466	261	56.0	59.4	212	45.5	48.3
	Kelowna.....	436	261	59.9		212	48.6	
	Armstrong....	416	261	62.7		212	51.0	
Swift Current....	Haynes.....	396	228	57.6	60.6	191	48.2	50.8
	Kelowna.....	376	228	60.6		191	50.8	
	Armstrong....	356	228	64.0		191	53.7	
Wadena.....	Haynes.....	536	261	48.7	50.9	279	52.1	54.4
	Kelowna.....	506	261	51.6		279	55.1	
	Armstrong....	496	261	52.6		279	56.3	
Weyburn.....	Haynes.....	476	224	47.1	49.1	210	44.1	46.1
	Kelowna.....	456	224	49.1		210	46.1	
	Armstrong....	436	224	51.4		210	48.2	
Yorkton.....	Haynes.....	546	261	47.8	50.3	254	46.5	48.9
	Kelowna.....	516	261	50.6		254	49.2	
	Armstrong....	496	261	52.6		254	51.2	
<i>Manitoba</i>								
Brandon.....	Haynes.....	546	239	43.8	45.7	237	43.4	45.3
	Kelowna.....	516	239	46.3		237	45.9	
	Armstrong....	506	239	47.2		237	46.8	
Winnipeg.....	Haynes.....	606	224	37.0	38.7	224	37.0	38.7
	Kelowna.....	575	224	38.9		224	38.9	
	Armstrong....	556	224	40.3		224	40.3	
Average.....	Haynes.....			50.7	53.7		45.9	48.6
	Kelowna.....			54.2			49.0	
	Armstrong....			56.5			51.2	

It will be observed from the above that the overall average percent to the Class 100 rates from the Okanagan Valley origin group to the 21 selected destinations in Western Canada is 53.7%, while under the applicant's requested basis the overall average is 48.6%.

The same remarks made concerning the Western Canadian commodity rate structure on hard fruit is pertinent here, and there follows a comparison of the present rates from Yakima-Wenatchee versus from the Okanagan Valley:

Destination	From Yakima-Wenatchee Wash.	From Okanagan Valley B.C.
Calgary.....	201	161
Edmonton.....	228	194
Lethbridge.....	192	161
Medicine Hat.....	210	207
Red Deer.....	216	178
Estevan.....	192	224
Humboldt.....	264	261
Kerrobert.....	269	261
Melfort.....	275	261
Moose Jaw.....	234	239
Nipawin.....	297	261
North Battleford.....	279	261
Prince Albert.....	278	261
Regina.....	233	239
Saskatoon.....	261	261
Swift Current.....	234	228
Weyburn.....	210	224
Yorkton.....	254	261
Brandon.....	237	239
Winnipeg.....	234	224

Here again this rate structure, while same may be influenced by the American rates from the Yakima-Wenatchee district must be considered as a normal commodity freight rate level set by the railways and consequently will be treated as such in evaluating these commodity rates within Western Canada in relation to the uniform class rate structure prescribed by the Board.

#### *Rates within Eastern Canada*

The freight rates applicable within Eastern Canada are Class 55, subject to minimum weight of 20,000 lbs., established by the railways by means of general commodity rate application. The Board has no information as to the total traffic moving within Eastern Canada under these rates.

#### *Rates from Eastern to Western Canada*

There is a limited movement of traffic from Eastern to Western Canada under the existing commodity rates, a total of 138 carloads being reported to the Board as moving during 1957 via both the Canadian Pacific and Canadian National Railways, comprised of 35 cars of Peaches, 14 cars of Plums, 81 cars of Grapes and 8 cars of Cherries.

The following shows the present published rates from Eastern Canada to the 21 selected western destinations and also the rates under the so-called "bridge subsidy". The percentage relationship of such rates to the Class 100 rates is also shown:

To	PRESENT RATES			BRIDGE SUBSIDY		
	Class 100	Present Rate	Per Cent of Class 100	Class 100	Present Rate	Per Cent of Class 100
<i>Alberta</i>						
Calgary.....	921	512	55.6	881	487	55.3
Edmonton.....	904	512	56.6	865	487	56.3
Lethbridge.....	886	493	55.6	847	468	55.3
Medicine Hat.....	846	474	56.0	809	450	55.6
Red Deer.....	921	521	56.6	881	495	56.2
<i>Saskatchewan</i>						
Estevan.....	706	393	55.7	674	372	55.2
Humboldt.....	746	427	57.0	712	405	56.9
Kerobert.....	846	471	55.7	809	447	55.3
Melfort.....	766	436	56.9	732	413	56.4
Moose Jaw.....	746	420	56.3	712	398	55.9
Nipawin.....	766	428	55.9	732	406	55.5
North Battleford.....	806	455	56.5	770	432	56.1
Prince Albert.....	786	446	56.7	751	423	56.3
Regina.....	726	407	56.1	693	385	55.6
Saskatoon.....	766	436	56.9	732	413	56.4
Swift Current.....	786	443	56.4	751	420	55.9
Wadena.....	726	407	56.1	693	385	55.6
Weyburn.....	706	401	56.8	674	379	56.2
Yorkton.....	706	389	55.1	674	368	54.6
<i>Manitoba</i>						
Brandon.....	626	346	55.3	597	326	54.6
Winnipeg.....	576	303	52.6	548	285	52.0
Average.....	—	—	56.1	—	—	55.6

From the foregoing it will be noted that the level of rates upon which railway revenue is received (without bridge subsidy) reflects an average of 56.1% of the Class 100 rates.

#### *From the Okanagan Valley to Eastern Canada.*

As mentioned previously the effective published rate from the Okanagan Valley to Eastern Canada is 242 cents (226 cents with bridge subsidy) which approximates 23% of the Class 100 rates. This rate is apparently constructed in direct relationship to the rate from Yakima-Wenatchee and although not so indicated in the tariff schedule is a competitive rate issued to meet the competing American rate. Competitive rates are made an exception from the provisions of Section 336 of the Railway Act and consequently the said rate will not be further considered in respect to the matter of equalization. The application of this rate will be more fully dealt with later herein.

#### DISCUSSION

In summary the commodity freight rate structures before the Board for consideration with the view to establishing a uniform commodity rate level in Canada on soft fruits, are the rates from Eastern to Western Canada the rates applicable within Western Canada, and those applicable within Eastern Canada.

The rates from Eastern Canada and the rate applicable within Western Canada to the 21 selected Western destinations are set out below, together with the percentage relationship to Class 100.

	FROM EASTERN CANADA		FROM OKANAGAN VALLEY	
	Present Rate	Per Cent of Class 100	Present Rate	Per Cent of Class 100
<i>Alberta</i>				
Calgary.....	512	55.6	161	62.8
Edmonton.....	512	56.6	194	58.9
Lethbridge.....	493	55.6	161	53.8
Medicine Hat.....	474	56.0	207	64.8
Red Deer.....	521	56.6	178	61.5
<i>Saskatchewan</i>				
Estevan.....	393	55.7	224	46.7
Humboldt.....	427	57.0	261	54.5
Kerrobert.....	471	55.7	261	67.8
Melfort.....	436	56.9	261	51.9
Moose Jaw.....	420	56.3	239	57.0
Nipawin.....	428	55.9	261	48.4
North Battleford.....	455	56.5	261	60.8
Prince Albert.....	446	56.7	261	52.3
Regina.....	407	56.1	239	54.4
Saskatoon.....	436	56.9	261	59.4
Swift Current.....	443	56.4	228	60.6
Wadena.....	407	56.1	261	50.9
Weyburn.....	401	56.8	224	49.1
Yorkton.....	389	55.1	261	50.3
<i>Manitoba</i>				
Brandon.....	346	55.3	239	45.7
Winnipeg.....	303	52.6	224	38.7
Average.....	—	56.1	—	53.7

This tabulation reveals that the overall percentage relationship of these two commodity freight rate structures to their respective Class 100 rates are on an approximate uniform level at the present time; the rates from the East reflecting 56% and those within Western Canada 54%. The rates within Eastern Canada are 55%. Upon this finding, coupled with the fact that the origin and destination rate grouping system in Western Canada is, as has been stated in evidence, necessary and desirable for the industry the Board is of the view that the freight rate structures here under review are reasonably uniform at the present time and consequently comply with the principles of equalization under the national freight rates policy.

#### CONCLUSION

Upon careful consideration of all that was submitted the Board finds that the carload commodity rates applicable on fresh fruit classifying rating 70 under Canadian Freight Classification 20 are uniform in their general application at the present time and meet the directions of Parliament as enunciated under Order-in-Council P.C. 1487 and of Section 336 of the Railway Act.

## VEGETABLES (except Potatoes)

The British Columbia Interior Vegetable Marketing Board request that lower commodity rates (base Class 27 in lieu of base Class 30) be accorded all vegetable traffic, except potatoes, moving within Western Canada, and that the carload rate applicable from Ontario to Winnipeg be made the maximum rate from the Okanagan Valley to all stations in the Province of Manitoba. Special consideration is also requested in respect to Lloydminster, St. Paul, Wainwright, Saskatoon, Kindersley, Prince Albert and Humboldt by moving such destination stations westward one group in the rate structure. It is stated that for orderly marketing it is desired that all shipping stations in the Okanagan Valley including the Kootenays be blanketed and the same rate made applicable therefrom. Applicants' recommendation in respect to vegetables as contained in Exhibit 12 is quoted hereunder:—

“Recommendations in respect to the application of Column Rates for Commodity Rate Construction have already been outlined in detail in our submission to the Board of May 25, 1956 and again summarized at the commencement of this present submission. (VEGETABLES: (Root and Green with and without tops) Except Potatoes: Column 27—at existing minimum weights) A recapitulation of shipping point and destination rate blanketing requirements for our industry may be of further assistance at this point, together with an outline of the need for the application of reasonable maximum rate factors in certain areas.

VEGETABLES: (Root and Green with and without tops) Here again we are prepared to accept the modified 100 mile destination zoning plan of the railways provided the seven stations previously named are moved westward one zoning. Apart from the Column rates recommended it will be necessary for carload rates from Ontario to act as a maximum to Winnipeg, and we feel that these same rates should be applied as a maximum factor to all stations in the Province of Manitoba in the light of dwindling B.C. vegetable tonnage to such stations in the last few years.”

The railways allege that the existing commodity rate structure within Western Canada was established following negotiations with applicant and was set up to meet the marketing needs of the vegetable industry of that area. The railways maintain that the commodity rates on vegetables within Western Canada are, at the present time, approximately on the level requested by applicant.

The following comments are made concerning the commodity rate structures that the Board is now required to consider with the view to implementing uniform commodity rates on vegetable traffic within Canada.

*Rates within Western Canada*

The principal domestic market for British Columbia vegetables is the Prairie Provinces. To evaluate the general level of the existing commodity rates on this traffic the Board has selected the same 21 destinations for rate comparison purposes as used in respect to hard and soft fruits.

As previously stated the rates within Western Canada are constructed by the use of Class 30 rates from one large origin group to 100-mile destination groups for all fresh or green vegetables. While this class is used as a base

for the construction of the commodity rates, the commodity rates from the more distant shipping stations in the origin group reflect a lower level than this class, while the rates from some less distant points in the origin groups do not exceed the maximum of the Class 30 rates. Consequently it follows that the present commodity rates reflect a lower overall level of rates in relation to Class 100 than Class 30. With the view to ascertaining an approximation of the overall level of commodity rates the Board's Traffic Department has adopted the same procedure as in respect to the hard and soft fruit and selected Haynes, Kelowna and Armstrong as shipping stations and the percentage relationship of the present rates to Class 100 from these three origin stations to the 21 selected destination stations have been calculated together with the average percentage relationship to Class 100. This same information has been calculated for the basis of rates requested by applicant. The detail of this study follows.

To	From	Class 100	VEGETABLES					
			Present Rate	Per Cent of Class 100	Average Per Cent of Class 100	Requested Rate	Per Cent of Class 100	Average Per Cent of Class 100
<i>Alberta</i>								
Calgary.....	Haynes.....	276	68	24.6	27.3	61	22.1	24.5
	Kelowna.....	246	68	27.6		61	24.8	
	Armstrong....	226	68	30.1		61	27.0	
Edmonton.....	Haynes.....	356	92	25.8	27.9	83	23.3	25.2
	Kelowna.....	326	92	28.2		83	25.5	
	Armstrong....	306	92	30.1		83	27.1	
Lethbridge.....	Haynes.....	326	80	24.5	26.7	72	22.1	24.1
	Kelowna.....	296	80	27.0		72	24.3	
	Armstrong....	276	80	29.0		72	26.1	
Medicine Hat....	Haynes.....	346	92	26.6	28.5	83	24.0	26.0
	Kelowna.....	316	92	29.1		83	26.3	
	Armstrong....	296	89	30.1		83	28.0	
Red Deer.....	Haynes.....	316	80	25.3	27.7	72	22.8	24.9
	Kelowna.....	286	80	28.0		72	25.2	
	Armstrong....	266	80	30.1		72	27.1	
<i>Saskatchewan</i>								
Estevan.....	Haynes.....	506	140	27.7	29.0	125	24.7	26.1
	Kelowna.....	476	140	29.4		125	26.3	
	Armstrong....	456	137	30.0		125	27.4	
Humboldt.....	Haynes.....	506	140	27.7	29.0	115	22.7	24.0
	Kelowna.....	476	140	29.4		115	24.2	
	Armstrong....	456	137	30.0		115	25.2	
Kerrobert.....	Haynes.....	406	104	25.6	27.2	93	22.9	24.3
	Kelowna.....	376	104	27.7		93	24.7	
	Armstrong....	366	104	28.4		93	25.4	
Melfort.....	Haynes.....	526	140	26.6	27.9	125	23.7	24.9
	Kelowna.....	496	140	28.2		125	25.2	
	Armstrong....	486	140	28.8		125	25.7	
Moose Jaw.....	Haynes.....	446	115	25.8	27.4	104	23.3	24.8
	Kelowna.....	416	115	27.6		104	25.0	
	Armstrong....	396	115	29.0		104	26.3	
Nipawin.....	Haynes.....	566	152	26.9	28.2	137	24.2	25.4
	Kelowna.....	536	152	28.4		137	25.6	
	Armstrong....	516	152	29.5		137	26.6	
North Battleford	Haynes.....	456	115	25.2	26.8	104	22.8	24.2
	Kelowna.....	426	115	27.0		104	24.4	
	Armstrong....	406	115	28.3		104	25.6	

To	From	Class 100	VEGETABLES					
			Present Rate	Per Cent of Class 100	Average Per Cent of Class 100	Requested Rate	Per Cent of Class 100	Average Per Cent of Class 100
<i>Saskatchewan</i> Prince Albert.....	Haynes.....	526	140	26.6	28.0	115	21.9	23.0
	Kelowna.....	496	140	28.2		115	23.2	
	Armstrong....	476	140	29.4		115	24.2	
Regina.....	Haynes.....	466	128	27.5	28.9	115	24.7	26.2
	Kelowna.....	436	128	29.4		115	26.4	
	Armstrong....	416	125	30.1		115	27.7	
Saskatoon.....	Haynes.....	466	128	27.5	28.9	104	22.3	23.7
	Kelowna.....	436	128	29.4		104	23.9	
	Armstrong....	416	125	30.1		104	25.0	
Swift Current....	Haynes.....	396	104	26.3	27.7	93	23.5	24.7
	Kelowna.....	376	104	27.7		93	24.7	
	Armstrong....	356	104	29.2		93	26.1	
Wadena.....	Haynes.....	536	152	28.4	29.5	137	25.6	26.7
	Kelowna.....	506	152	30.0		137	27.1	
	Armstrong....	496	149	30.0		137	27.6	
Weyburn.....	Haynes.....	476	128	26.9	28.1	115	24.2	25.2
	Kelowna.....	456	128	28.1		115	25.2	
	Armstrong....	436	128	29.4		115	26.4	
Yorkton.....	Haynes.....	546	152	27.8	29.1	137	25.1	26.4
	Kelowna.....	516	152	29.5		137	26.6	
	Armstrong....	496	149	30.0		137	27.6	
<i>Manitoba</i> Brandon.....	Haynes.....	546	152	27.8	29.1	137	25.1	26.2
	Kelowna.....	516	152	29.5		137	26.6	
	Armstrong....	506	152	30.0		137	27.1	
Winnipeg.....	Haynes.....	606	164	27.1	28.3	144	23.8	24.9
	Kelowna.....	576	164	28.5		144	25.0	
	Armstrong....	556	164	29.5		144	25.9	
Average.....	Haynes.....			26.7	28.2		23.7	25.1
	Kelowna.....			28.6			25.3	
	Armstrong....			29.6			26.4	

It will be noted from the foregoing table that the average per cent to the Class 100 rates of the present commodity rates is 28% while on applicants' requested rates it is 25%.

#### *Rates within Eastern Canada*

The rates applicable within Eastern Canada are the Classification basis of Classes 30 and 45—see chapter 2. No information has been furnished to the Board as to the total volume of traffic moving within Eastern Canada under these rates. In the circumstances the Board considers such classification rates being presently equalized as a maximum level of rates, is not pertinent in these proceedings in the formulation of uniform commodity rates.

#### *Rates from Eastern to Western Canada*

The table on the next page shows the present published commodity rates on fresh or green vegetables from Eastern Canada to the 21 selected Western Canadian destinations, together with the percentage relationship of such rates to the Class 100 rates.

*From Okanagan Valley to Eastern Canada*

Commodity rates are published by the railways which reflect an average per cent of 32.5 and 34.3 of the existing Class 100 rates, viz:

From	To Eastern Canada				
	Classification Basis		Commodity Rate		
	Class 45	Class 30	Commodity Rate	Minimum Weight	Average Per Cent of Class 100
<i>Okanagan Valley</i>					
Haynes BC.....	486	324	344	27500 lbs.	32.5%
Kelowna BC.....	471	314	344		
Armstrong BC.....	471	314	344		
Haynes BC.....	486	324	363	24000 lbs.	34.3%
Kelowna BC.....	471	314	363		
Armstrong BC.....	471	314	363		

The commodity description in respect to the above commodity rates is designated in the railway tariff as "Fresh Vegetables". It will be noted from the above that the commodity rates are higher than the Class 30 rates and consequently the said commodity rates would have application only in respect to the fresh vegetables classified in the Canadian Freight Classification at Class 45 rating.

## PRESENT COMMODITY RATES ON VEGETABLES FROM EASTERN TO WESTERN CANADA

Destination	Class 100	Vegetables classifying Class 45 Minimum 20,000 lbs.		Vegetables classifying Class 30 Minimum 24,000 lbs.		Vegetables classifying Class 30 Minimum 36,000 lbs.	
		Commodity Rate	Per Cent of Class 100	Commodity Rate	Per Cent of Class 100	Commodity Rate	Per Cent of Class 100
<i>Alberta</i>							
Calgary.....	921	391	42.5	264	28.7	200	21.7
Edmonton.....	904	391	43.3	264	29.2	206	22.8
Lethbridge.....	886	380	42.9	256	28.9	200	22.6
Medicine Hat.....	846	363	42.9	249	29.4	192	22.7
Red Deer.....	921	402	43.6	268	29.1	206	22.4
<i>Saskatchewan</i>							
Estevan.....	706	297	42.1	216	30.6	175	24.8
Humboldt.....	746	326	43.7	230	30.8	194	26.0
Kerrobert.....	846	356	42.1	248	29.3	205	24.2
Melfort.....	766	333	43.5	234	30.5	200	26.1
Moose Jaw.....	746	319	42.8	228	30.6	181	24.3
Nipawin.....	766	333	43.5	234	30.5	199	26.0
North Battleford.....	806	349	43.3	243	30.1	202	25.1
Prince Albert.....	786	344	43.8	240	30.5	202	25.7
Regina.....	726	307	42.3	221	30.4	181	24.9
Saskatoon.....	766	333	43.5	234	30.5	200	26.1
Swift Current.....	786	337	42.9	236	30.0	188	23.9
Wadena.....	706	307	42.3	221	30.4	192	26.4
Weyburn.....	706	302	42.8	221	31.3	181	25.6
Yorkton.....	706	291	41.2	215	30.5	175	24.8
<i>Manitoba</i>							
Brandon.....	626	261	41.7	198	31.6	163	26.0
Winnipeg.....	576	220	38.2	175	30.4	157	27.3
Average.....			42.7		30.1		24.6

## DISCUSSION

In summary the commodity freight rate structures before the Board for review with the view to implementing the provisions of Section 336 of the Railway Act are those from Eastern to Western Canada; from the Okanagan Valley to Eastern Canada; and within Western Canada.

The first matter for determination is the matter of uniformity of commodity description and minimum carload weights. Under the Canadian Freight Classification there are two ratings applicable on fresh or green vegetables,—see chapter 2. Class 45 has application to those vegetables that will be termed herein as “fresh” vegetables and Class 30 to what will be termed “green” vegetables. This differentiation has been carried into the commodity rate structure from Eastern to Western Canada and also to some extent from the Okanagan Valley to Eastern Canada. From the Okanagan Valley to Western Canadian destinations no differentiation is made,—the commodity rates are applicable on all “fresh” or “green” vegetables. This inclusive general commodity description has been in the railways’ western tariff schedules since 1925. It does not appear that a disturbance of a general commodity application of such long standing is now warranted, for to do so, might result in further serious marketing difficulties for the vegetable industry of that area. On the other hand uniformity of commodity description and minimum carload weights thereon is desirable as far as is reasonably possible and consequently consideration must be centred on the commodity rate application from Eastern to Western Canada.

Reference to the rate table immediately preceding will indicate there are three levels of commodity rates in effect on vegetables. The first commodity rate tabulation has application to “fresh” vegetables, at minimum weight of 20000 lbs. and it will be noted that the said commodity rates are close to the classification basis of 45% of the Class 100 rates. The second commodity rate tabulation has application to “green” vegetables at minimum weight of 24000 lbs. and the commodity rates thereon are in the main at, or approximately at, the classification basis of 30% of the class 100 rates. The Board considers that due to the proximity of these two commodity rate levels to the present classification basis such commodity rates could be cancelled without any undue burdens being placed upon the industry.

Commodity rates applicable on “green” vegetables subject to minimum carload weight of 36,000 lbs. are also shown on the rate table mentioned. These commodity rates average 24.6% of the Class 100 rates. It is considered that in order to achieve uniformity with the general vegetable rate application within Western Canada the present restrictive commodity coverage of the Eastern to Western Canada rates should be enlarged to include all fresh or green vegetable classifying Class 45 and Class 30 in the Canadian Freight Classification and made subject to a carload minimum weight of 36,000 lbs. In respect to the general vegetable commodity description and minimum carload weights applying within Western Canada it is considered that the classification commodity description at minimum carload weight of 36,000 lbs. be also adopted in respect to vegetable rates applying within the area.

We come now to a consideration of the commodity rate levels applying from Eastern Canada and the Okanagan Valley to Western Canada with the view to creating uniformity in the application of such rates. These rates are shown below together with the percentage relationship of such rates to Class 100.

To	FROM EASTERN CANADA		FROM OKANAGAN VALLEY	
	Present Rate	Per Cent of Class 100	Present Rate	Average Per Cent of Class 100
<i>Alberta</i>				
Calgary.....	200	21.7	68	27.3
Edmonton.....	206	22.8	92	27.9
Lethbridge.....	200	22.6	80	26.7
Medicine Hat.....	192	22.7	92	28.5
Red Deer.....	206	22.4	80	27.7
<i>Saskatchewan</i>				
Estevan.....	175	24.8	140	29.0
Humboldt.....	194	26.0	140	29.0
Kerrobert.....	205	24.2	104	27.2
Melfort.....	200	26.1	140	27.9
Moose Jaw.....	181	24.3	115	27.4
Nipawin.....	199	26.0	152	28.2
North Battleford.....	202	25.1	115	26.8
Prince Albert.....	202	25.7	140	28.0
Regina.....	181	24.9	128	28.9
Saskatoon.....	200	26.1	128	28.9
Swift Current.....	188	23.9	104	27.7
Wadena.....	192	26.4	152	29.5
Weyburn.....	181	25.6	128	28.1
Yorkton.....	175	24.8	152	29.1
<i>Manitoba</i>				
Brandon.....	163	26.0	152	29.1
Winnipeg.....	157	27.3	164	28.3
Average.....	—	24.6	—	28.2

It will be observed from the above that the rates from Eastern Canada are 24.6% of the Class 100 rates, while the commodity rates from the Okanagan Valley reflect an average of 28.2%. There is room here for adjustment of the rates to a common basic level, and it is considered that 26% of the Class 100 rates should be adopted as a basic level for commodity rates on fresh and green vegetables subject to minimum weight of 36,000 lbs. Due to the origin and destination rate grouping formula which has been recognized as desirable for the vegetable industry of Western Canada the basis herein suggested must be superimposed upon the existing rate structure, as contrasted to the substitution of Class 26 in lieu of the existing commodity rates from Eastern to Western Canada. This suggested adjustment in the rates constitutes a 7.5% reduction in the present rates on fresh and green vegetables within Western Canada and a 5.8% increase in the existing commodity rates applying from Eastern to Western Canada.

#### CONCLUSION

Upon consideration of all that was submitted, the Board directs that the commodity rates on fresh or green vegetables classifying Class 45 and Class 30 in the Canadian Freight Classification as authorized in Canadian Freight Association's Tariff 5-J, Agent R. K. Watson's CTC 1515 be withdrawn and cancelled;

and that the commodity description published in Item 7185, 7188 and 7190 of the same said tariff be amended to apply on fresh or green vegetables, classifying Class 30 and Class 45 in the Canadian Freight Classification.

The Board also directs that the rates published in Item 7185, 7188 and 7190 on fresh or green vegetables be fixed at 26% of the Class 100 rates; and that the present commodity rates on fresh or green vegetables published in Item 136-B of Canadian Pacific Railway Tariff W.22-B, C.T.C. 4016 and Item 26-B of Canadian National Railways Tariff 306-C, C.T.C. 2045 be reduced by seven and one-half (7½) per cent.

Should the necessity arise in Eastern Canada for rates on carloads of fresh or green vegetables at a minimum weight of 36,000 lbs. they should be published on the same basis of 26% of the Class 100 rates.

## 7. JUST AND REASONABLE RATES

The applications before the Board are basically for a general reduction in the freight transportation costs of the fruit and vegetable industry of British Columbia. It is stated production trends and mounting costs together with increasing marketing and distribution problems are restricting the normal marketing of their products and that freight rate relief should be accorded the industry by the establishment of reasonable freight rates.

It must here be pointed out that the Board is created by statute, the Railway Act, and is limited in its functions to the powers which that Act provides. It has no power to adjust freight rates for purposes of equalizing costs of production or geographical, climatic or economic conditions. Each locality however is entitled to reasonable and just rates by the railway serving it. By a series of decisions it has been held that just and reasonable rates means rates reasonable and just not only from the standpoint of the producer but also of the railway. The Board's powers as set out in the Railway Act in the matter of freight rates concerns those matters which fall under the broad categories of reasonableness and unjust discrimination. The railways subject to the inhibitions as to reasonableness and unjust discrimination may grant freight rate adjustments to assist and develop traffic. The railways take the responsibility of the profit or loss in connection with such transactions, and the Board's intervention must, as has been indicated, be concerned with reasonableness and unjust discrimination and not with the policy of assisting industry through rate adjustments.

There follows a review of the past and present freight rates accorded hard and soft fruit from the Okanagan Valley to representative destinations in Western Canada in effect in 1949, 1955 and at present. Also shown are the rates requested.

Destination	August 1949	August 1955	Present Rate	Requested Rate
	HARD FRUIT			
<i>Alberta</i>				
Calgary.....	71	92	102	87
Lethbridge.....	86	108	120	101
Red Deer.....	86	108	120	101
Edmonton.....	92	124	138	117
Medicine Hat.....	98	124	138	117

Destination	August 1949	August 1955	Present Rate	Requested Rate
<b>HARD FRUIT</b>				
<i>Saskatchewan</i>				
Swift Current.....	105	140	155	132
Kerrobert.....	105	140	155	132
Moose Jaw.....	115	157	174	147
North Battleford.....	115	157	174	147
Saskatoon.....	115	173	192	147
Humboldt.....	126	180	207	162
Prince Albert.....	126	180	207	162
Regina.....	126	173	192	162
Weyburn.....	126	173	188	162
Estevan.....	134	180	188	178
Melfort.....	134	180	207	178
Nipawin.....	134	180	207	192
Wadena.....	134	180	207	192
Yorkton.....	142	180	207	192
<i>Manitoba</i>				
Brandon.....	142	180	207	192
Winnipeg.....	149	180	187	187
Increase over 1949.....	—	33.6%	49.2%	29.5%
<b>SOFT FRUIT</b>				
<i>Alberta</i>				
Calgary.....	105	145	161	124
Lethbridge.....	126	145	161	147
Red Deer.....	126	160	178	147
Edmonton.....	133	175	194	169
Medicine Hat.....	144	185	207	169
<i>Saskatchewan</i>				
Swift Current.....	159	205	228	191
Kerrobert.....	159	235	261	191
Moose Jaw.....	171	211	239	212
North Battleford.....	171	235	261	212
Saskatoon.....	171	235	261	212
Humboldt.....	185	235	261	234
Prince Albert.....	185	235	261	234
Regina.....	185	211	239	233
Weyburn.....	185	200	224	210
Estevan.....	200	200	224	192
Melfort.....	200	235	261	256
Nipawin.....	200	235	261	279
Wadena.....	200	235	261	279
Yorkton.....	211	235	261	254
<i>Manitoba</i>				
Brandon.....	211	211	239	237
Winnipeg.....	224	200	224	224
Increase over 1949.....	—	19.5%	33.3%	20.7%

It will be noted from the foregoing that the present rates on hard fruits reflect an increase of approximately 49% over the rates established in 1949, and soft fruit approximately 33%. The requested rates represent an increase of approximately 30% and 21% respectively over the rates of 1949.

The Board has since August 1949 authorized increases in freight rates generally within Canada totalling 81.7%. These authorized increases are:

Order 73123—September 24, 1949;	8%	100.0
Order 74034—March 1, 1950;	16% in lieu of above 8%	108.0
Order 74512—May 25, 1950;	20% in lieu of above 16%	120.0
Order 76886—July 4, 1951;	12%	134.4
Order 78164—January 25, 1952;	17% in lieu of above 12%	140.4
Order 80462—December 20, 1952;	9%	153.0
Order 80965—March 6, 1953;	7%	163.7
Order 89030—June 18, 1956;	7%	175.1
Order 90447—December 17, 1956;	11% in lieu of above 7%	181.7

Having regard to the fact that the total authorized increases as above mentioned have not been assessed on hard and soft fruit traffic here under review, it would appear reasonable consideration has been given to the economic position of the industry. The railways by granting within their managerial discretion the freight rate adjustment of August 1955 have in effect removed from the industry a substantial portion of the above noted authorized increases. With this pertinent fact before us it is difficult for the Board to now find that the existing commodity rates on hard and soft fruit traffic moving within Western Canada are unreasonable.

Applicant also requests in respect to the hard fruit and vegetable rates that seven destination stations in Western Canada; viz, Lloydminster, St. Paul, Wainwright, Saskatoon, Kindersley, Prince Albert and Humboldt, be moved westward one rate destination group because of the proximity of such points to the lower rated next west destination group. Applicant points to an anomalous rate situation created in 1955 by the establishment of the 100-mile destination groups whereby the 100-mile boundary line fell between Battleford and North Battleford and allege that the North Battleford Board of Trade took steps to protest this discrimination following which the railways accorded North Battleford the same rates as applicable to Battleford. Applicant submits there is every justification to expand this adjustment to embrace the seven destination points mentioned.

The Board desires to state that the adjustment in the rates to North Battleford to which applicant has reference was made by the railways entirely within their discretionary powers. Such action, being a departure from the negotiated commodity rate structure, appears to have been taken in order to remedy an anomalous rate situation. It cannot be held in respect to the seven destinations mentioned that unjust discrimination is created by the establishment of the negotiated grouping system for the commodity rate structure. Boundaries of groups based on distance must necessarily break at some particular station and the fact that the stations mentioned by applicant are in his opinion in close proximity to such boundaries is not in itself a sound reason for granting such points the lower level of rates applying to the next westward group. To adopt such a practice in all these instances would defeat the grouping formula agreed upon with the resultant breakdown of the commodity rate structure.

#### CONCLUSION

Upon careful consideration of all that was submitted the Board does not consider that the present rates on hard and soft fruit are unreasonable or that unjust discrimination or undue preference exists with respect thereto. Consequently the application as it concerns the request for reduction in freight rates on hard and soft fruit traffic within Western Canada must be, and is hereby, denied.

## BRIDGE SUBSIDY

The Board in promulgating the directions contained in General Order 833 in respect to the application of the "Bridge Subsidy" had determined that it would not be warranted in applying the reduction to traffic that had been granted a competitive rate. That this is a proper conclusion to reach is supported by the fact that a competitive rate should not be lower than the competition demands. To further reduce such rate would create a preferential condition not warranted by the circumstances. Likewise to allow a portion of the subsidy funds to apply in such circumstances means that traffic not subject to the influence of competition would be deprived of its full benefit.

Mention has been made that the commodity rate on apples and pears applicable from the Okanagan Valley to Eastern Canada is related to the rate applicable from the State of Washington and apparently was established to maintain the competitive position of the British Columbia producers in the eastern markets.

On August 28, 1951, the carload rate on apples and pears from Yakima-Wenatchee, Wash., and the rate from the Okanagan Valley in British Columbia to Toronto and Montreal were on a parity—198 cents per 100 lbs.

Effective May 2, 1952, the Yakima-Wenatchee rate was increased 6 cents under Ex Parte 175 and shortly thereafter on May 19 the Okanagan rate was also increased 6 cents. Under Ex Parte 196 the Yakima-Wenatchee rate was again increased 6 cents per 100 lbs. effective March 7, 1956 and the Okanagan rate was similarly increased on March 12.

On December 28, 1956 the Yakima-Wenatchee rate became 217 cents under the Ex Parte 206 increase and the Okanagan rate followed suit on January 1, 1957. Effective August 26, 1957 the Yakima-Wenatchee rate was further increased under Ex Parte 206 with the Okanagan rate maintaining parity on September 12, 1957.

Effective February 15, 1958 both rates were at parity at 226 cents per 100 lbs. having been increased under Ex Parte 212.

The rate from the Okanagan Valley is not designated as a competitive rate in the railways' tariff schedule and consequently has been receiving the benefit of the "bridge subsidy" reduction under the application of Canadian Freight Association Tariff 76-B, Agent Watson's C.T.C. 1493 and Agent Mitchell's C.T.C. 610 since May 1, 1952. The application of this "bridge subsidy" reduces the present rate from the Okanagan Valley to 211 cents per 100 lbs.

On soft fruit a rate of 344 cents per 100 lbs. subject to minimum weight of 27,500 lbs. is provided from the Okanagan Valley to Eastern Canada. This rate has also been made subject to the application of the "bridge subsidy" thereby reducing the said rate to 324 cents per 100 lbs. This rate however would appear to be of doubtful material value in that a rate of 226 cents subject to a minimum weight of 30,000 lbs. is available to shippers for the movement of Apricots, Cherries, Peaches, Plums and Prunes.

On July 31, 1957, and prior thereto, the carload rate on soft fruit from Yakima-Wenatchee to Eastern Canada was 217 cents per 100 lbs., subject to a minimum weight of 30,000 lbs. On this date the Canadian railways published from the Okanagan Valley to Eastern Canada a rate of 233 cents subject to the bridge subsidy, making the rate payable by shippers 217 cents, thus placing the shippers of the Okanagan Valley at rate parity with the shippers in the Yakima-Wenatchee district.

Effective August 26, 1957 the Yakima-Wenatchee rate was increased 4 cents to 221 cents under Ex Parte 206-A. Shortly thereafter on September 12, 1957 the Okanagan rate of 233 cents per 100 lbs. was also increased 4 cents, which new rate subject to the bridge subsidy reduction met the Yakima-Wenatchee rate of 221 cents.

Effective February 15, 1958 the Yakima-Wenatchee rate was increased 5 cents to 226 cents under Ex Parte 212 and on June 23, 1958 the Okanagan rate was also increased 5 cents to 242 cents, which rate being subject to the bridge subsidy again met the Yakima-Wenatchee rate of 226 cents.

The Board is of the opinion that if it is the desire of the railways to accord shippers of the Okanagan Valley parity of rate application with the shippers of the Yakima-Wenatchee district to the Eastern Canadian market that such rate parity application should not be made through the medium of the bridge subsidy but by means of competitive tariff application.

### CONCLUSION

The Board finds that the carload freight rate on apples and pears from the Okanagan Valley to Eastern Canada published in Item 140-L of Canadian Freight Association Tariff 103-R, Agent Mitchell's C.T.C. 621, which is maintained on a parity with like rate from Yakima-Wenatchee to Eastern Canada is a competitive rate within the meaning of General Order 833 and consequently should be so designated in the freight tariff schedule mentioned.

The Board also finds that the carload freight rate on Apricots, Cherries, Peaches, Plums and Prunes from the Okanagan Valley to Eastern Canada published in Item 155-D of Canadian Freight Association Tariff 103-R, Agent Mitchell's C.T.C. 621, subject to the application of Canadian Freight Association Tariff 76-B, Agent R. K. Watson's C.T.C. 1493 and Agent G. H. Mitchell's C.T.C. 610, is a competitive rate and consequently should be designated as such in the freight tariff schedule above mentioned.

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### COMMODITY RATES ON POTATOES

The Board, in its Judgment dated September 18, 1957, dealt with the matter of commodity mileage scales of rates on potatoes. Its findings in those proceedings follow:

"The railways propose that the classification basis apply on this commodity, i.e., class 30 subject to minimum weight of 30,000 lbs. The railways stated if they 'attempted to make a new uniform scale based on some relation to the existing Eastern and Western scales, we would come out with probably a uniform scale that in many instances would exceed the class 30; so we concluded that as there was not in any event a great deal of difference between the class rates and the mileage commodity rates, we should cancel the mileage scales and allow the class rates to apply'.

The Canadian Fruit Wholesalers' Association suggested that the existing Western scale be adopted, on the grounds that the western mileage scale was used extensively, whereas only a limited movement was made on the Eastern mileage scale, and the adoption of the lower Western scale with its higher minimum weight would encourage the movement of traffic in Eastern Canada for rail movement.

The railways have recently filed with the Board written submissions stating their study of the matter indicates that there would be little, if any additional traffic handled by the railways at the suggested rates; the net result would only be a further depletion of railway revenues in addition to the reduction consequent upon the publication of the new class rates which, in many cases, have taken the place of the former mileage commodity rates. Under these circumstances the railways were not prepared to amend their proposal as presented to the Board. No answer to this submission of the railways has been received from the Canadian Fruit Wholesalers' Association.

Upon due consideration the Board approves the railways' proposal of cancelling the existing commodity mileage scales of rates."

Under the present proceedings the matter of specific commodity rates, applicable on potatoes, has been raised and the Board is required to now consider the applications of these specific commodity rates.

The British Columbia Interior Vegetable Marketing Board requests that the rates on potatoes from the Okanagan Valley to Western Canada be constructed by the use of Class 24 in lieu of Class 30 as at present, subject to minimum carload weight of 40,000 lbs. Applicant desires the maintenance of the same origin and destination grouping formula as prevails in respect to the vegetable commodity rate structure. In support of this request they draw attention to the level of rates prevailing between Eastern and Western Canada.

There are no specific carload commodity rates in effect on potatoes between points in Eastern Canada, the classification basis of Class 30, minimum carload weight of 30,000 lbs. applying thereon. Between points within the prairie provinces of Manitoba, Saskatchewan and Alberta, the classification basis of Class 30 also has application to this traffic.

From the Okanagan Valley to the prairie provinces, specific commodity rates are published which, under the origin and destination rate grouping formula adopted, reflect 26.5% of the Class 100 rates. The following table illustrates the present general rate structure prevailing from the Okanagan Valley to Western Canada. Also shown in this table are the requested rates which, it will be noted, reflect 22.3% of the Class 100 rates. These commodity rates are subject to minimum carload weight of 40,000 lbs.

To	From	Class 100	POTATOES					
			Present Rate	Per Cent of Class 100	Average Per Cent of Class 100	Requested Rate	Per Cent of Class 100	Average Per Cent of Class 100
<i>Alberta</i> Calgary.....	Haynes.....	276	68	24.6	27.3	54	19.6	21.7
	Kelowna.....	246	68	27.6		54	22.0	
	Armstrong....	226	68	30.0		54	23.9	
Edmonton.....	Haynes.....	356	92	25.8	27.9	73	20.5	22.2
	Kelowna.....	326	92	28.2		73	22.4	
	Armstrong....	306	92	30.0		73	23.9	
Lethbridge.....	Haynes.....	326	80	24.5	26.7	64	19.6	21.4
	Kelowna.....	296	80	27.0		64	21.7	
	Armstrong....	276	80	29.0		64	23.2	
Medicine Hat...	Haynes.....	346	92	26.6	28.5	73	21.1	22.9
	Kelowna.....	316	92	29.1		73	23.1	
	Armstrong....	296	89	30.0		73	24.7	
Red Deer.....	Haynes.....	316	80	25.3	27.6	64	20.3	22.1
	Kelowna.....	286	80	28.0		64	22.4	
	Armstrong....	266	80	30.0		64	24.1	

To	From	Class 100	POTATOES					
			Present Rate	Per Cent of Class 100	Average Per Cent of Class 100	Requested Rate	Per Cent of Class 100	Average Per Cent of Class 100
<i>Saskatchewan</i> Estevan.....	Haynes.....	506	131	25.9	27.3	112	22.1	23.4
	Kelowna.....	476	131	27.5		112	23.5	
	Armstrong....	456	131	28.7		112	24.6	
Humboldt.....	Haynes.....	506	123	24.3	25.7	102	20.2	21.3
	Kelowna.....	476	123	25.8		102	21.4	
	Armstrong....	456	123	27.0		102	22.4	
Kerrobot.....	Haynes.....	406	104	25.6	27.2	83	20.4	21.7
	Kelowna.....	376	104	27.7		83	22.1	
	Armstrong....	366	104	28.4		83	22.7	
Melfort.....	Haynes.....	526	131	24.9	26.1	112	21.3	22.3
	Kelowna.....	496	131	26.4		112	22.6	
	Armstrong....	486	131	27.0		112	23.0	
Moose Jaw.....	Haynes.....	446	115	25.8	27.4	93	20.9	22.2
	Kelowna.....	416	115	27.6		93	22.4	
	Armstrong....	396	115	29.0		93	23.5	
Nipawin.....	Haynes.....	566	131	23.1	24.3	121	21.4	22.4
	Kelowna.....	536	131	24.4		121	22.6	
	Armstrong....	516	131	25.4		121	23.4	
North Battleford	Haynes.....	456	115	25.2	26.8	93	20.4	21.7
	Kelowna.....	426	115	27.0		93	21.8	
	Armstrong....	406	115	28.3		93	22.9	
Prince Albert....	Haynes.....	526	123	23.4	24.6	102	19.4	20.4
	Kelowna.....	496	123	24.8		102	20.6	
	Armstrong....	476	123	25.8		102	21.4	
Regina.....	Haynes.....	466	123	26.4	28.0	102	21.9	23.2
	Kelowna.....	436	123	28.2		102	23.4	
	Armstrong....	416	123	29.6		102	24.5	
Saskatoon.....	Haynes.....	466	119	25.5	27.1	93	20.0	21.2
	Kelowna.....	436	119	27.3		93	21.3	
	Armstrong....	416	119	28.6		93	22.4	
Swift Current....	Haynes.....	396	104	26.3	27.7	83	21.0	22.1
	Kelowna.....	376	104	27.7		83	22.1	
	Armstrong....	356	104	29.2		83	23.3	
Wadena.....	Haynes.....	536	131	24.4	25.6	121	22.6	23.6
	Kelowna.....	506	131	25.9		121	23.9	
	Armstrong....	496	131	26.4		121	24.4	
Weyburn.....	Haynes.....	476	123	25.8	27.0	102	21.4	22.4
	Kelowna.....	456	123	27.0		102	22.4	
	Armstrong....	436	123	28.2		102	23.4	
Yorkton.....	Haynes.....	546	138	25.3	26.6	121	22.2	23.3
	Kelowna.....	516	138	26.7		121	23.4	
	Armstrong....	496	138	27.8		121	24.4	
<i>Manitoba</i> Brandon.....	Haynes.....	546	138	25.3	26.4	121	22.2	23.2
	Kelowna.....	516	138	26.7		121	23.4	
	Armstrong....	506	138	27.3		121	24.0	
Winnipeg.....	Haynes.....	606	142	23.4	24.5	131	21.6	22.6
	Kelowna.....	576	142	24.7		131	22.7	
	Armstrong....	556	142	25.5		131	23.6	
Average.....	Haynes.....			25.0	26.5		21.1	22.3
	Kelowna.....			26.7			22.5	
	Armstrong....			27.9			23.5	

From Western Canada (Manitoba, Saskatchewan and Alberta) to Eastern Canada specific commodity rates are published on potatoes subject to a minimum weight of 40,000 lbs. From Eastern Canada to Manitoba, Saskatchewan and Alberta specific commodity rates are published subject to a minimum weight of 30,000 lbs., with an alternate lower level of specific commodity rates at a higher minimum carload weight of 40,000 lbs. These commodity rates are set out hereunder with a comparison of the classification basis of Class 30 rates. Also shown is the percentage relationship of these commodity rates to the Class 100 rates.

Origin and Destination	Class 30	From Eastern Canada		Between Eastern Canada and Western Canada	
		Minimum weight 30,000 lbs.		Minimum weight 40,000 lbs.	
		Rate	Per Cent of Class 100	Rate	Per Cent of Class 100
Winnipeg.....	Man. 173	169	29.3	149	25.9
Portage la Prairie.....	" 179	181	30.4	154	25.8
Miniota.....	" 194	192	29.7	162	25.1
Melville.....	Sask. 206	205	29.9	169	24.6
Nokomis.....	" 218	219	30.2	184	25.3
Young.....	" 224	219	29.4	189	25.3
Saskatoon.....	" 230	225	29.4	189	25.3
Unity.....	" 242	233	28.9	198	24.6
Edmonton.....	Alta. 271	253	28.0	199	22.0
Canora.....	Sask. 212	213	30.2	169	24.0
Wadena.....	" 218	213	29.3	184	25.3
Muenster.....	" 224	219	29.4	185	24.8
Humboldt.....	" 224	219	29.4	185	24.8
Warman.....	" 230	225	29.4	191	24.9
North Battleford.....	" 242	233	28.9	192	23.8
Lloydminster.....	Alta. 254	239	28.3	198	23.4
Brandon.....	Man. 188	189	30.2	157	25.1
Regina.....	Sask. 218	213	29.3	172	23.7
Davidson.....	" 230	225	29.4	184	24.0
Indi.....	" 230	225	29.4	191	24.9
Dundurn.....	" 230	225	29.4	191	24.9
MacDowell.....	" 236	230	29.3	192	24.4
Clouston.....	" 236	230	29.3	192	24.4
Prince Albert.....	" 236	230	29.3	192	24.4
Gypsumville.....	Man. 191	192	30.2	162	25.5
Hodgson.....	" 185	185	30.0	157	25.5
Emerson.....	" 176	169	28.8	154	26.3
Carman.....	" 179	181	30.4	154	25.8
Hartney.....	" 194	192	29.7	162	25.1
Virten.....	" 194	192	29.7	168	26.0
Holmfield.....	" 188	189	30.2	157	25.1
Deloraine.....	" 194	192	29.7	162	25.1
Carberry.....	" 185	185	30.0	157	25.5
Neepawa.....	" 185	185	30.0	157	25.5
Russell.....	" 200	199	29.9	162	24.3
Parkerview.....	Sask. 212	213	30.2	181	25.6
Hamton.....	" 212	213	30.2	169	23.9
Yorkton.....	" 212	205	29.0	169	23.9
Zehner.....	" 218	213	29.3	172	23.7
Victoria Plains.....	" 218	213	29.3	172	23.7
Swan River.....	Man. 206	205	29.9	168	24.5
Peesane.....	Sask. 224	219	29.4	191	25.6
Crooked River.....	" 224	225	30.2	191	25.6
Tisdale.....	" 224	225	30.2	189	25.3
Melfort.....	" 230	225	29.4	191	24.9
St. Rose.....	Man. 194	192	29.7	162	25.1
Winnipegosis.....	" 197	199	30.3	162	24.7
Hyas.....	Sask. 212	213	30.2	173	24.5
Stenen.....	" 212	213	30.2	173	24.5
Kelvington.....	" 218	215	29.6	184	25.3
The Pas.....	Man. 230	225	29.4	192	25.1
Lipsett.....	Sask. 230	225	29.4	192	25.1

Origin and Destination	Class 30	From Eastern Canada		Between Eastern Canada and Western Canada	
		Minimum weight 30,000 lbs.		Minimum weight 40,000 lbs.	
		Rate	Per Cent of Class 100	Rate	Per Cent of Class 100
Willowbunch.....	Sask. 224	219	29.4	181	24.3
Estevan.....	" 212	206	29.2	169	23.9
Moose Jaw.....	" 224	218	29.2	172	25.1
Mossbank.....	" 230	225	29.4	181	23.6
Weyburn.....	" 212	213	30.2	172	24.4
Rosetown.....	" 236	233	29.6	198	25.2
Kindersley.....	" 248	236	28.6	198	24.0
Alsask.....	" 248	239	28.9	199	24.1
Drumheller.....	Alta. 266	250	28.2	198	22.3
Calgary.....	" 276	253	27.5	191	20.7
Beechy.....	Sask. 236	230	29.3	198	25.2
Eston.....	" 242	233	28.9	198	24.6
White Bear.....	" 248	233	28.2	199	24.1
Tallman.....	" 242	233	28.9	198	24.6
Krydor.....	" 248	233	28.2	198	24.0
Big River.....	" 248	236	28.6	199	24.1
Battleford.....	" 242	233	28.9	192	23.8
Livelong.....	" 248	239	28.9	198	24.0
Fairholme.....	" 248	239	28.9	198	24.0
Bazentin.....	" 248	236	28.6	198	24.0
Camrose.....	" 266	250	28.2	199	22.5
Stettler.....	Alta. 271	253	28.0	199	22.0
Red Deer.....	" 276	255	27.7	199	21.6
Broadview.....	Sask. 206	205	29.9	168	24.5
Swift Current.....	" 236	226	28.8	181	23.0
Leader.....	" 248	233	28.2	189	22.9
Medicine Hat.....	Alta. 254	239	28.3	184	21.7
Gretna.....	Man. 185	169	27.4	157	25.5
Macklin.....	Sask. 254	239	28.3	198	23.4
Lenore.....	Man. 197	192	29.3	168	25.6
Nipawin.....	Sask. 230	225	29.4	190	24.8
Albertville.....	" 242	230	28.5	192	23.8
Souris.....	Man. 194	192	29.7	162	25.1
Neudorf.....	Sask. 212	213	30.2	172	24.4
Assiniboia.....	" 230	219	28.6	181	23.6
Big Beaver.....	" 236	230	29.3	182	23.2
Mankota.....	" 236	226	28.8	182	23.2
Kerrobert.....	" 254	236	27.9	198	23.4
Lacombe.....	Alta. 276	255	27.7	199	21.6
Lethbridge.....	" 266	244	27.5	191	21.6
Average.....					24.2

The foregoing rate tabulation reveals that the present commodity rates from Eastern Canada subject to a minimum carload weight of 30,000 lbs. approximates the classification basis of Class 30, as was the case in respect to the mileage commodity rate scales dealt with by the Board in its Judgment of September 18, 1957. The said commodity rates are in some instances higher than the Class 30 rates. In view of the fact there is not a great deal of difference between the class rates and the specific commodity rates the Board considers that the said commodity rates be withdrawn from the tariff schedules of the railways permitting the classification basis of Class 30 to apply in future.

Concerning now the matter of the specific commodity rates between Eastern Canada and Western Canada at minimum carload weight of 40,000 lbs. From the foregoing rate tabulation, it will be observed that such rates reflect 24.2% of the Class 100 rates. From the Okanagan Valley, as is illustrated on page 36,

the present commodity rates average 26.5%. It is considered that the same basis as herein authorized on other fresh or green vegetables, namely 26% of the Class 100 rates, be adopted as a basic level for commodity rates on potatoes subject to minimum weight of 40,000 lbs.

Here again, due to the origin and destination rate grouping formula in effect in Western Canada the rates herein authorized must be superimposed upon the existing rate structure, as contrasted to the substitution of 26% of Class 100 rates in lieu of the existing commodity rates as prevail between Eastern and Western Canada.

### CONCLUSION

Upon consideration of all that was submitted, the Board directs that the commodity rates on potatoes subject to minimum carload weight of 30,000 lbs. as published in Item 3560 of Canadian Freight Association Tariff 5-J, Agent R. K. Watson's C.T.C. 1515 be withdrawn and cancelled.

The Board also directs that the rates on potatoes published in Items 7185, 7188 and 7190 of the above mentioned tariff and in Canadian Freight Association Tariff 111-G Agent G. H. Mitchell's C.T.C. 468 be increased to 26% of the Class 100 rates.

The Board further directs that potatoes, subject to minimum carload weight of 40,000 lbs. be included in Canadian Pacific Railway Tariff W.22-B, C.T.C. 4016 and Canadian National Railways 306-C, C.T.C. 2045 at the level of rates herein authorized on other fresh or green vegetables.

### SUBMISSION OF PROVINCE OF ALBERTA

Mr. Frawley, Counsel for the Province of Alberta through Witness Telford of the Alberta Freight Bureau filed Exhibit 3 at the Vancouver hearings purporting to show that the shippers of southern Alberta were discriminated against by virtue of the commodity rate structures applying from Eastern Canada and from the Okanagan Valley to Western Canada. It appears from the evidence that the remarks and allegations made concern mainly the rate applications on fresh vegetables and potatoes and consequently consideration of the submission of the Province of Alberta will be confined herein to the rates covering such commodities.

The Province of Alberta alleges that vegetable shippers of that province should not be required to pay rates on potatoes on basis of Class 30 when lower commodity rate levels prevail for shippers of other areas, which it is asserted is contrary to Section 336 of the Railway Act.

The fresh vegetable commodity rate structure from interior British Columbia (Okanagan Valley) to Western Canada, as has been herein outlined, is constructed on an origin and destination grouping formula and the rates applicable thereunder reflect a lower overall level than the rate base applying from the vegetable shipping points in southern Alberta. Likewise, the level of the rates applying from Eastern to Western Canada. It is to these rates that the Board's attention is directed and similar treatment demanded for the vegetable shippers of southern Alberta.

The Board has herein directed that the base level of the rates on fresh or green vegetables and potatoes from the Okanagan Valley and between Eastern and Western Canada be established to reflect 26% of the Class 100 rates. Section 336 of the Railway Act requires that similar consideration be accorded shippers of Alberta.

The advantage of the origin and destination rate grouping formula which has application to the vegetable traffic from the Okanagan Valley to Western Canada was also drawn to the Board's attention and the suggestion made by the Province of Alberta that a somewhat similar commodity rate construction formula might be devised for the vegetable shippers of southern Alberta. No information was furnished the Board as to what was specifically contemplated in this regard. Mr. Frawley expressed the view that possibly this was a matter for negotiation with the railways, which view was fully concurred in by the railways. The railways position was simply that they had never been approached in the matter of rate groupings for traffic from southern Alberta and that they are willing to meet their shippers in negotiations at any time regarding alleged freight rate disparities.

*In the matter of the complaint of the B.C. Fruit Processors Limited in connection with rates on canned fruits and vegetables from Kelowna, B.C. to points in Western Canada.* File 35457.6

On February 7, 1958, application was received from the B.C. Fruit Processors Limited concerning the present freight rates on canned goods from shipping stations in the Okanagan Valley of interior British Columbia to destinations in Western Canada. Further formal submissions of the applicant were heard by the Board at Kelowna, B.C. on March 7, 1958 and the railways' reply to the said application was heard at sittings of the Board at Ottawa, Ontario on June 9, 1958.

The applicant requests a redesigning of the commodity rate structure on canned goods and demands commodity rates be established from the Okanagan Valley at Class 33 rates from Kelowna, B.C. subject to minimum carload weight of 50,000 lbs. which, it is suggested, is a reasonable level below the classification basis of Class 40 at the lower minimum carload weight of 30,000 lbs. In support of this requested commodity basis applicant draws the Board's attention to the commodity rate level applicable from Eastern to Western Canada which they allege "range from 78% to 94% of Class 40 rates". Applicant also states that Winnipeg, Manitoba is an important market for its product and they draw attention to the rates prevailing from Vancouver, from Washington, California and from Ontario and Quebec to that city, from which shipping areas lower transportation rates are alleged to be in effect.

The railways allege that reasonable rates have been accorded canned goods traffic from the Okanagan Valley; firstly, by the lowering of the class rating from 5th to 6th class in 1953 and secondly, by the reduction in the class rates brought about through equalization. This dual tariff action, it is alleged, has resulted in substantial concessions in transportation charges to the canned goods shippers of the Okanagan Valley. The railways state this new level of rates is substantially below the present commodity rates at minimum weight of 30,000 lbs. and also undercuts, in many instances, the present commodity rates subject to minimum weight of 50,000 lbs., the continuance of such higher commodity rates being due to the fact that it has not as yet been possible to do a complete "housecleaning" of the commodity rate tariff schedules to eliminate commodity rates that are on an improper level.

To appraise the rate situation complained of, there is set out on the next page the commodity rates on canned goods from Kelowna, B.C. in effect on July 1, 1949 the date of the removal of the mountain differential; the commodity and class rate in effect on March 1, 1955, the date of the establishment of equalized class rates; the present rates and the rates requested by applicant. The same destinations in Western Canada as selected in respect to fresh fruits and vegetables are used therein as representative.

## PAST AND PRESENT RATES ON CANNED GOODS FROM KELOWNA, B.C.

Destination	JULY 1, 1949			MARCH 1, 1955			PRESENT	REQUESTED
	Commodity Rates			Commodity Rates			Classification Basis	Class
	Minimum 24,000 lbs.	Minimum 40,000 lbs.	Minimum 60,000 lbs.	Minimum 30,000 lbs.	Minimum 50,000 lbs.	Minimum 30,000 lbs.	Minimum 30,000 lbs.	Minimum 50,000 lbs.
								33
<i>Alberta</i>								
Calgary.....	73			102	96	89	98	81
Edmonton.....	90	73		122	118	118	130	108
Lethbridge.....	90			122	118	107	118	98
Medicine Hat.....	93			129	122	114	126	104
Red Deer.....	86	73		116	113	103	114	94
<i>Saskatchewan</i>								
Estevan.....	131		126	185	172	172	190	157
Humboldt.....	129		126	182	169	172	190	157
Kerrobert.....	113			158	148	136	150	124
Melfort.....	131		126	185	172	179	198	164
Moose Jaw.....	119			167	156	150	166	137
North Battleford.....	113			158	148	154	170	141
Prince Albert.....	126			179	166	179	198	164
Regina.....	122			171	159	157	174	144
Saskatoon.....	119			167	156	157	174	144
Swift Current.....	109			153	143	136	150	124
Weyburn.....	129		126	182	169	164	182	150
Yorkton.....	140		126	196	184	186	206	170
<i>Manitoba</i>								
Brandon.....	142		126	202	186	190	210	174
Winnipeg.....	152	142	126	219	198	208	230	190
Increase over July 1949.....						36.4%	50.8%	24.7%

It will be observed from this rate table that with the coming into effect of the equalized class rates on March 1, 1955 a reasonable basis of rates would appear to have been established for the movement of canned goods in relation to the then prevailing commodity rates. Applicant appears to be under the impression that because prior to the equalized class rate structure coming into force the commodity rates were established at a discount below the then class rate level, that such practice should continue. The Board does not desire to be unduly critical of applicant's demands in this respect but must be emphatic in stating that the equalized class rate scale was constructed for the purpose of creating a reasonable uniform rate structure in the country, with a view that a system of approach would be created that would permit additional percentage columns being added to the class rate tariffs and thus avoid the former practice of instituting numerous rates on commodities for which the former limited number of class ratings did not appear appropriate. In the matter here under review the railways appear to have made practical use of the said class rates by reducing the classification rating from former 5th class to the present Class 40 (6th class) level, thus establishing through the means of the equalized class rates an approximation of the existing commodity rates at minimum weight of 50,000 lbs. In the Board's opinion the matter of prime importance is that a reasonable level of rates be established for both shippers and the railways and if such rates can be made available through the means of the classification such practice should be adopted.

Reference again to the foregoing rate table will indicate that the classification basis of rates applicable from the Okanagan Valley are approximately 50% higher than the commodity rates in effect on July 1, 1949. As has been previously stated, the Board has since 1949 authorized increases in freight rates

Destination	Commodity Rates		Classification Basis	Class 33
	Minimum 30,000 lbs.	Minimum 50,000 lbs.	Minimum 30,000 lbs.	Minimum 50,000 lbs.
<i>Alberta</i>				
Calgary.....	393	349	368	304
Edmonton.....	393	349	362	298
Lethbridge.....	379	336	354	292
Medicine Hat.....	360	322	338	279
Red Deer.....	406	357	368	304
<i>Saskatchewan</i>				
Estevan.....	291	264	282	233
Humboldt.....	319	287	298	246
Kerrobert.....	355	317	338	279
Melfort.....	327	295	306	253
Moose Jaw.....	315	284	298	246
North Battleford.....	345	312	322	266
Prince Albert.....	335	304	314	259
Regina.....	302	273	290	240
Saskatoon.....	327	295	306	253
Swift Current.....	333	300	314	259
Weyburn.....	291	264	282	233
Yorkton.....	285	260	282	233
<i>Manitoba</i>				
Brandon.....	255	233	250	207
Winnipeg.....	221	201	230	190
Average per cent under classification basis.....	—	5.1%	—	17.4%

generally within Canada, totalling approximately 82% and it would appear that the classification rating adjustment mentioned was of considerable benefit to the canning industry of the Okanagan Valley.

Concerning the rates applicable from Eastern to Western Canada to which applicant draws attention in support of the demand for commodity rates on basis of Class 33; these commodity rates to representative points in Western Canada are set out below, together with the classification basis of Class 40. Also shown are the Class 33 rates.

The foregoing illustrates that the classification basis is lower in all instances, except to Winnipeg, than the present commodity rates at minimum weight of 30,000 lbs., and that the alternate commodity rates at minimum weight of 50,000 lbs. reflect an average of approximately 5% below the classification basis. At the Class 33 rate level suggested by applicant the average reduction below the classification basis is approximately 17½%. Applicant's requested level from Kelowna, B.C. also reflects approximately 17½% reduction from the classification basis.

This is a substantial reduction in rates and the Board considers, based upon what has been submitted, that applicant has not made a case that would warrant the Board authorizing, at this time, an alternate application or rates on canned goods subject to minimum weight of 50,000 lbs. at the level of rates requested. The Board appreciates the task confronting the railways in reviewing their commodity rate tariff schedule with the view to adjustments resulting from findings under the terms of equalization, but the Board is compelled to suggest that the commodity rates herein involved should be the subject of review as promptly as possible. Should the railways find upon such review that an alternate level of rates at the higher minimum weight of 50,000 lbs. is warranted, the Board directs that such alternate rates be concurrently established on a relative basis from all other shipping areas in conformity with Section 336 of the Railway Act.

We now turn to a consideration of the rates in effect from other areas to Winnipeg, Manitoba, to which applicant makes reference, viz;

"The City of Winnipeg, because of its population, is a very important market for us. However, to sell in that market we must meet severe competition from Eastern Canada and the U.S.A. As at February 1, 1958—the following rates were in effect from main competing sources on canned goods to Winnipeg:

<i>From:</i>	<i>Min. Weight</i>	<i>Rate</i>	<i>Tariff Reference</i>
O.K. Valley Points . . .	50,000 lbs.	\$2.20	Item 2780, CP Tariff 975 Item 565, CN Tariff W-192-0
Vancouver . . . . .	50,000 lbs.	2.00	Item 2740, CP Tariff W-975 Item 260, CN Tariff W-200-I
Washington and California . . . . .	60,000 lbs.	1.94	Item 3800, TCFB Tariff 2-W Item 350, NP Tariff 1953-H
Ontario and Quebec . .	50,000 lbs.	1.57½	C.T.C. (A.C.) 230

While we are closer to Winnipeg than any other points of origin mentioned, it will be noted that we pay 20c per cwt. more than Vancouver, 26c per cwt. more than Washington or California, and 62½c more than competing shippers in Ontario and Quebec."

The Railways have furnished the Board and applicant with the following explanation concerning these rates:

"The rate named from Kelowna, B.C. and other Okanagan Valley shipping points of \$2.20 per 1,000 lbs., carload minimum weight, 50,000 lbs., is published in item 2780, C.P. Ry. tariff W-975, C.T.C. No. W-4240, and item 5190, C.N. Rys. tariff W-950, C.T.C. No. W-2303, and is on the established basis of 80% of the 5th class rates, prior to March 1, 1955. This is on the same basis as rates published from eastern Canadian shipping points to Winnipeg, Man. in items 1580 and 1590, Canadian Freight Association tariff 5-J, C.T.C. No. 1515.

From Vancouver, B.C. to Winnipeg, Man., the rate of \$2.00 per 100 lbs., minimum 60,000 lbs. (not 50,000 lbs.) is published in item 2740 of the aforementioned C.P. Ry. tariff and item 5130 of C.N. Rys. tariff W-950, C.T.C. No. W-2303. This is a competitive rate and is 'flagged', issued to meet motor truck competition.

The rate on canned goods from Washington and California points to Winnipeg, Man. is presently \$1.95 per 100 lbs., (not \$1.94 per 100 lbs.) minimum 60,000 lbs. The additional 1c is accounted for by application of ex parte 212.

This is not a through rate. It is a combination made up of \$1.67 per 100 lbs., minimum 60,000 lbs., to Noyes, Minn., published in item 4140-A, supplement 8, Trans-Continental Freight Bureau tariff 2-X, C.T.C. No. 880, plus 28c, minimum 40,000 lbs., beyond, published in item 80-A, C.P. Ry. tariff W-842-I, C.T.C. No. W-4243 and item 170, C.N. Rys. tariff W-819-E, C.T.C. No. W-2319. This latter factor is a competitive rate, and so 'flagged' issued to meet motor truck competition.

The rate of \$1.57½c per 100 lbs., minimum 50,000 lbs., mentioned in the application as published in agreed charge C.T.C. (A.C.) 230, applies by water and rail or by rail, lake and rail. The all-rail rate in the same agreed charge is \$1.65 per 100 lbs., minimum 50,000 lbs."

Little more need be said concerning these rate comparisons other than to point out that the establishment of competitive tolls is a matter that lies entirely within the discretionary powers of the railways and that such competitive tolls cannot be considered the measure of a reasonable rate where competition does not exist.

#### CONCLUSION

Upon careful consideration of all that has been submitted under this application, the Board finds at this time that the classification basis of Class 40, minimum carload weight 30,000 lbs. is a reasonable basis of rates and consequently the application of the B.C. Fruit Processers Limited must be, and is hereby dismissed.

#### INCREASE IN RATES

All rates between points in Canada shown herein and all rates directed to be published by this Judgment, may be made subject to the interim increase in rates permitted under the terms of Board's Order 96300 dated November 17, 1958.

OTTAWA, Ont., December 19, 1958.

A. SYLVESTRE,  
*Deputy Chief Commissioner.*

F. M. MACPHERSON,  
*Commissioner.*

L. J. KNOWLES,  
*Commissioner.*

## ORDER No. 96600

*In the matter of the General Freight Rates Investigation directed by Order in Council P.C. 1487, dated April 7, 1948 (Equalization Case) and of Section 336 of the Railway Act (National Freight Rates Policy) re commodity freight rates on fresh fruits and vegetables.* File 47828.6

and

*In the matter of the application of the B.C. Tree Fruits Limited; British Columbia Fruit Growers Association and the British Columbia Interior Vegetable Marketing Board for a reduction in freight rates on fresh fruits and vegetables.* File 47828.6

and

*In the matter of the complaint of the B.C. Fruit Processers Limited in connection with rates on canned fruits and vegetables from Kelowna, B.C. to points in Western Canada.* File 35457.6

FRIDAY, the 19th day of December, A.D. 1958

ROD KERR, Q.C., *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

L. J. KNOWLES, *Commissioner.*

Whereas the foregoing matters have been heard by the Board at various times and places in the presence of Counsel and representatives for B.C. Tree Fruits Limited; B.C. Fruit Processors Limited; Canadian Fruit Wholesalers' Association; Canadian Horticultural Council; Maritimes Transportation Commission; Province of British Columbia; Province of Alberta; Canadian Pacific Railway Company and Canadian National Railways; and the Board has issued its Judgment dated December 19, 1958 relating thereto—

*It is ordered* that the directions to the railway companies contained in the Judgment herein dated December 19, 1958, and the tariff changes therein directed to be made be implemented by the said railway companies on statutory notice effective March 1, 1959 in accordance with the provisions of the said Judgment.

*And it is further ordered* that the application of the B.C. Fruit Processors Limited be, and it is hereby, dismissed.

ROD KERR,

*Assistant Chief Commissioner,  
The Board of Transport Commissioners for Canada.*

## ORDER No. 97145

*In the matter of the application of British Columbia Electric Company, herein-after called the "Applicant Company", for authority to construct and maintain two 10-inch gas mains across and over that part of the right of way and road of the Burrard Inlet Tunnel and Bridge Company in North Vancouver, British Columbia, for which leave has not already been granted by this Board, all as shown on detail Z of Plan U-65200-R2, revised to May 28, 1958, on file with the Board under file No. 15732.13:*

TUESDAY, the 17th day of February, A.D. 1959.

H. H. GRIFFIN, *Assistant Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

*Upon hearing the application at a sittings of the Board held in Ottawa on February 16, 1959, in the presence of Counsel for the Applicant, no one appearing in opposition—*

*It is hereby ordered as follows:*

The Applicant Company is authorized to construct and maintain two 10-inch gas mains across and over that part of the right of way and road of the Burrard Inlet Tunnel and Bridge Company in North Vancouver, British Columbia, for which leave of the Board has not already been granted, all as shown on detail Z of the said plan on file with the Board under file No. 15732.13.

H. H. GRIFFIN,

*Assistant Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 97054 Feb. 6—Amending Order No. 88271 re apportionment of cost of reconstruction of an overhead bridge at the crossing of Highway No. 17 and the C.N.R. at Mileage 36.3 Kashabowie Subd., Ont.
- 97055 Feb. 6—Amending Order No. 93766 re apportionment of cost of installing automatic protection at the crossing of the C.N.R. and Erin Street in Saint John, N.B., Mileage 0.3 Courtenay Bay Branch, Sussex Subd.
- 97056 Feb. 6—Authorizing the City of Chicoutimi, P.Q., to relocate the public pedestrian crossing over the C.N.R. between Jacques Cartier St. and Hotel de Ville Avenue, Chicoutimi, Mileage 115.09 Jonquiere Subd.
- 97057 Feb. 6—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under Section 8 of the Maritime Freight Rates Act.
- 97058 Feb. 9—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Kipling Avenue, Toronto, Ont., Mileage 9.38 Galt Subd.
- 97059 Feb. 9—Approving flammable liquid bulk storage facilities of Imperial Oil Limited, at Vita, Man.
- 97060 Feb. 9—Approving flammable liquid bulk storage facilities of Standard Oil Company of British Columbia Limited, at Prince George, B.C.
- 97061 Feb. 9—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at Amaranth, Man.
- 97062 Feb. 9—Approving revised plan submitted by the C.P.R., showing the approach grades as constructed at the crossing of its siding extension at Mileage 28.67 Carberry Subd., Man.
- 97063 Feb. 9—Extending the time within which the C.N.R. is required to install automatic protection at the crossing of its railway and the highway east of Drummond, N.B., Mileage 71.19 Grand Falls Subd.
- 97064 Feb. 9—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and the highway north of St. Janvier, P.Q., Mileage 8.26 Ste. Agathe Subd.
- 97065 Feb. 9—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at Brock, Sask.
- 97066 Feb. 9—Approving proposed flammable liquid bulk storage facilities of North Star Oil Limited at Sandwich, Sask.
- 97067 Feb. 9—Authorizing the B.C. Dept. of Highways to construct the highway over the C.P.R. at Mileage 124.3 Shuswap Subd., B.C.
- 97068 Feb. 9—Authorizing the C.N.R. to remove the caretaker at Watts, Alta.
- 97069 Feb. 9—Amending Order No. 93754 which authorized the C.N.R. to install automatic protection at the crossing of its railway and the highway at first public crossing east of Premont, P.Q., Mileage 71.03 Grand'Mere Subd.
- 97070 Feb. 9—Authorizing the C.N.R. to remove the caretaker at Tate, Sask.
- 97071 Feb. 9—Granting licence under section 10 of the Transport Act to Charles Sanders.
- 97072 Feb. 9—Approving proposed flammable liquid bulk storage facilities of the C.P.R. at Brookmere, B.C., Mileage 0.0 Coquihalla Subd.
- 97073 Feb. 9—Approving proposed flammable liquid bulk storage facilities of the City of Sherbrooke, P.Q., Mileage 0.9 Quebec Subd.
- 97074 Feb. 9—Authorizing the C.N.R. to reconstruct the overhead bridge in the Twp. of Bertie, Co. of Welland, Ont., Mileage 1.58 Dunnville Subd.
- 97075 Feb. 9—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 60.90 Carman Subd., Man.
- 97076 Feb. 9—Requiring the C.P.R. to install improved protection at the crossing of its railway and County Road No. 5 west of Meadowvale, Ont., Mileage 2.11 Orangeville Subd.

- 97077 Feb. 9—Rescinding Order No. 80667 which approved facilities of Mr. Blake Snobelen for the storage of flammable liquids near the C.N.R. at Thamesville, Ont.
- 97078 Feb. 9—Authorizing the Township of Harwich, Ont., to improve the approach grades at crossing of Mull Side Road and the C.N.R. at Mileage 54.24 Chatham Subd.
- 97079 Feb. 9—Approving proposed additional flammable liquid bulk storage facilities of Imperial Oil Limited at Dodsland, Sask.
- 97080 Feb. 9—Approving operation of the C.N.R.'s engines, cars and trains over the siding serving Cassiar Asbestos Corp. Limited, in the City of North Vancouver, B.C.
- 97081 Feb. 9—Authorizing the Manitoba Dept. of Public Works to construct and maintain the highway over the C.N.R. at Mileage 24.88 Ridgeville Subd.
- 97082 Feb. 9—Amending Order No. 54075 which authorized the City of Montreal to widen St. Henry Place where it crosses the C.N.R. in the City of Montreal, P.Q.
- 97083 Feb. 9—Extending the time within which the C.N.R. is required to install automatic protection at crossing of its railway and Burnham St., Cobourg, Ont.
- 97084 Feb. 9—Approving operation of the C.N.R.'s engines, cars and trains over the private siding serving Kimberley-Clark Corp. of Canada Limited, in the City of St. Hyacinthe, P.Q.
- 97085 Feb. 9—Rescinding Orders Nos. 66518, 73573 and 80833 which approved location of facilities of Edwards Sudbury Limited near the tracks of the C.P.R. at Sudbury, Ont.
- 97086 Feb. 9—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Royal St. in the City of Sorel, P.Q., Mileage 45.45 Sorel Subd.
- 97087 Feb. 9—Authorizing the C.N.R. to close the existing public crossings near Renous, N.B., at Mileages 13.6 and 13.9 Washwaak Subd.
- 97088 Feb. 10—Approving flammable liquid bulk storage facilities of Shell Oil Company of Canada Limited at Ville LeMoynes, P.Q.
- 97089 Feb. 10—Approving clearances on the private siding serving Pirelli Cables Conduits Limited in St. Johns, P.Q.
- 97090 Feb. 11—Approving terms and conditions contained in Appendix "A" with respect to the carriage of highway semi-trailers loaded or empty by the C.P.R. and C.N.R.
- 97091 Feb. 11—Authorizing the C.P.R. to operate under the overhead bridge in Lot 9, Con. 4 West, Twp. of Toronto, Ont., Mileage 1.51 Orangeville Subd.
- 97092 Feb. 11—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Lavant Dalhousie Telephone Company Limited.
- 97093 Feb. 11—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at first public crossing south of Arbog, Man., Mileage 74.2 Arbog Subd.
- 97094 Feb. 11—Approving the location of the new station proposed to be erected by the C.N.R. at Trochu, Alta., Mileage 50.4 Three Hills Subd.
- 97095 Feb. 11—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 97096 Feb. 11—Approving proposed flammable liquid bulk storage facilities of Kamsack Co-operative Assoc. Ltd., at Kamsack, Sask.
- 97097 Feb. 11—Approving Standard Mileage Freight Tariff C.T.C. 62, under Section 18 of the Transport Act.
- 97098 Feb. 11—Approving Standard Mileage Freight Tariff filed by the Canada Steamship Lines Limited, under section 18 of the Transport Act.

- 97099 Feb. 11—Authorizing the C.P.R. to construct sidings across Broadway, Front and Condon Streets in the Town of Grand Falls, N.B.
- 97100 Feb. 11—Authorizing the C.P.R. to operate under the overhead bridge where highway No. 5 crosses its railway, Lots 11 and 12, Con. 1, north and south of Dundas St., Twp. of Toronto, Ont., Mileage 14.14 Galt Subd.
- 97101 Feb. 12—Amending Order No. 80167 which authorized the C.N.R. to install automatic protection at crossing of its railway and Highway No. 58 at Welland Junction, Ont., Mileage 18.02 Cayuga Subd.
- 97102 Feb. 12—Authorizing the C.N.R. to remove the caretaker at Bainsville, Ont.
- 97103 Feb. 12—Authorizing the removal of the speed limitation at teh crossing of Munroe Ave. and the C.P.R. in Winnipeg, Man., Mileage 122.86 Keewatin Subd.
- 97104 Feb. 12—Authorizing Westcoast Transmission Company Limited to construct two pipe lines at certain locations in the Peace River District of B.C.
- 97105 Feb. 12—Approving Alternate Appendix "B" to Traffic Agreement between The Bell Telephone Company of Canada and The Clarence Telephone Company Limited.
- 97106 Feb. 12—Authorizing the City of Brantford to construct Beach Road over the Toronto, Hamilton & Buffalo Rly. Co., in Brantford, Ont., Mileage 60.07 Waterford Subd.
- 97107 Feb. 12—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and Gore "G" Telephone Company Limited.
- 97108 Feb. 13—Authorizing the C.N.R. to construct one additional track over the highway in the Twp. of Bungay, Co. of Kamouraska, P.Q., Mileage 75.38 Glendyne Subd.
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# The Board of Transport Commissioners for Canada

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Judgments, Orders, Regulations and Rulings

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*In the matter of the application of the City of Montreal, in the Province of Quebec, for authority to construct a subway under the tracks of the Canadian Pacific Railway Company at Cremazie Boulevard (Metropolitan Boulevard), in the City of Montreal, Quebec, at mileage 7.24 Park Avenue Subdivision: and in the matter of the apportionment of the cost of the said construction.*

File No. 9437.1338

Before:

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
H. B. CHASE, C.B.E., *Commissioner.*

Appearances:

DAWSON A. McDONALD, Q.C., }  
and } for the City of Montreal.  
GEORGE C. GOULD, }  
K. D. M. SPENCE, Q.C., }  
and } for the Canadian Pacific Railway  
A. J. ALLISTON, } Company.

Heard at Montreal, P.Q., on January 21, 1959.

J U D G M E N T

SYLVESTRE, *Deputy Chief Commissioner.*

On May 30, 1957, the Board issued its Order No. 91671 following an application of the City of Montreal for authority to construct a subway under the tracks of the Canadian Pacific Railway Company at Cremazie Boulevard (Metropolitan Boulevard) in the City of Montreal, Province of Quebec, mileage 7.24, Park Avenue Subdivision. By paragraph 3 of this Order—the question of apportionment of cost of construction and maintenance of the subway—was reserved for further consideration and Order of the Board.

The subway has been completed and the Canadian Pacific Railway Company was authorized by Board Order No. 94834, dated July 10, 1958, to operate

its trains over it. Before approval was given for the construction of this subway, the question of the apportionment of cost had been discussed between the City of Montreal and the Canadian Pacific Railway Company but no agreement was reached and it is for this reason that the City of Montreal asked the Board to hold a public hearing on the question of the apportionment of cost. This hearing was held in Montreal on January 19, 1959.

It was established at the hearing that Cremazie Boulevard was approximately 25 feet wide at the time that the railway was constructed across this road. Traffic has gradually increased on this highway. In 1930 the Board ordered the installation of wig-wag signals and bell at this crossing. The cost of maintenance of the protection was divided equally between the City of Montreal and the Railway. In 1948 the Railway was directed to install two flashing light signals and one bell in lieu of the wig-wag signal and, on June 22, 1956, the Board issued its Order No. 89080 directing the installation of two flashing light signals, two short-arm gates and one bell. The Order directed that sixty per cent of the cost of the installation be paid out of the Railway Grade Crossing Fund, twenty-five per cent by the City of Montreal and the remainder to be borne and paid by the Canadian Pacific Railway Company. The cost of maintenance and operation of the protection to be borne in equal amounts by the City of Montreal and the Canadian Pacific Railway Company.

Before the Railway was ready to proceed with the installation of the automatic gates, the City of Montreal applied for the construction of a subway. This subway is an unusually elaborate structure of reinforced concrete including two center roadways 36 feet wide and two outer roadways 24 feet wide and 6 foot sidewalks making a distance of 156 feet and 6 inches between abutments. This structure had been estimated at \$1,300,000. It is clear that the reason for the construction of such an elaborate structure is because Cremazie Boulevard will become part of the new Metropolitan Boulevard. It would therefore be unreasonable to use the figure of \$1,300,000 as a basis for determining the apportionment of costs in this case. Had it not been to accommodate the anticipated heavy traffic on the new Metropolitan Boulevard, the cost of a subway at this location would have been considerably less than \$1,300,000.

The Canadian Pacific Railway Company has estimated its benefits from the construction of a grade separation at this location at \$14,877 based on the capitalized cost of maintenance of the crossing plus maintenance and operation of flashing lights and short arm gates which the Board ordered on June 22, 1956 by its Order No. 89080. The Board can contribute a maximum of sixty per cent not exceeding \$300,000 towards the cost of construction of this subway leaving a remainder of \$1,000,000 to be divided between the City of Montreal and the Railway.

The offer of the Railway would represent a little better than one per cent of the cost of this subway. It seems to me that over and above the immediate benefits that can be estimated in dollars and cents, there are considerations that should be taken into account in determining to what extent the Railway should contribute to a project of this kind. On the other hand, the City of Montreal has considered that the Railways' share of the cost of this project should be in the neighbourhood of at least \$75,000. This amount is out of proportion with the advantages for the Railway resulting from this project.

There is no doubt that the presence of the Railway at this location has forced the City of Montreal to spend considerable money to carry its Metropolitan boulevard across the Railway but even if a grade separation had been provided within the limits of the right-of-way of the Cremazie Boulevard existing at the time that the Railway was constructed, the cost of such a grade

separation would require the City of Montreal to spend a considerable sum of money to carry its highway traffic across the railway by means of a grade separation.

In view of the above, and taking into consideration the decision of the Board in the cases of the Township of Etobicoke and the Municipality of Metropolitan Toronto for grade separations at Royal York Road and Dundas Street, and of the subway at Bloor Street West, both reported in 76 C.R.T.C. at page 1, and in the case of a subway under C.N.R. at Greenwood Avenue, reported in 36 J.O.R. & R. at page 38, I consider that a fair apportionment of cost in this case would be sixty per cent not exceeding \$300,000 from the Railway Grade Crossing Fund, \$35,000 by the Canadian Pacific Railway Company and the remainder to be paid by the City of Montreal; the cost of maintenance of the said subway to be borne and paid by the City of Montreal.

Order to go accordingly.

A. SYLVESTRE.

February 24, 1959.

*I concur:*

H. B. CHASE.

## ORDER No. 97229

*In the matter of the apportionment of the cost of construction and maintenance of the subway under the tracks of the Canadian Pacific Railway Company at Cremazie Boulevard (Metropolitan Boulevard), in the City of Montreal, Quebec, at mileage 7.24 Park Avenue Subdivision, which was authorized to be constructed by Order No. 91671, dated May 30, 1957:*

File No. 9437.1338

THURSDAY, the 26th day of February, A.D. 1959

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing the matter at a sittings of the Board held in Montreal, P.Q., in the presence of Counsel for the City of Montreal and the Canadian Pacific Railway Company—*

*It is hereby ordered as follows:*

1. Sixty per cent of the cost of construction of the said subway, not exceeding, however, the sum of \$300,000.00, shall be paid out of The Railway Grade Crossing Fund, \$35,000.00 shall be paid by the Canadian Pacific Railway Company, and the balance of the said cost shall be borne and paid by the City of Montreal.

2. The cost of maintenance of the said subway shall be borne and paid by the City of Montreal.

ROD KERR,

*Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

*Relativement à la requête de la cité de Montréal, dans la province de Québec, en vue d'obtenir l'autorisation de construire un passage inférieur sous la voie ferrée de la Compagnie de chemin de fer du Pacifique-Canadien au boulevard Crémazie (boulevard Métropolitain) dans la cité de Montréal (P.Q.), au point milliaire 7.24 de la subdivision de l'avenue du Parc: et relativement à la répartition du coût de ladite construction.*

Dossier n° 9437.1338

*Devant:*

A. SYLVESTRE, C.R., *commissaire en chef suppléant.*

H. B. CHASE, C.B.E., *commissaire.*

*Ont comparu:*

DAWSON A. McDONALD, C.R., et GEORGE C. GOULD, pour la cité de Montréal.

K. D. M. SPENCE, C.R., et A. J. ALLISTON, pour la Compagnie de chemin de fer du Pacifique-Canadien.

Entendue à Montréal (P.Q.), le 21 janvier 1959.

#### J U G E M E N T

M. SYLVESTRE, *commissaire en chef suppléant:*

Le 30 mai 1957, la Commission a rendu son ordonnance n° 91671 à la suite d'une requête de la cité de Montréal en vue d'obtenir l'autorisation de construire un passage inférieur sous la voie ferrée de la Compagnie de chemin de fer du Pacifique-Canadien au boulevard Crémazie (boulevard Métropolitain) dans la cité de Montréal, province de Québec, au point milliaire 7.24 de la subdivision de l'avenue du Parc. Aux termes de l'article 3 de cette ordonnance, la question de la répartition du coût de construction et d'entretien du passage inférieur a été laissée en suspens pour un examen plus approfondi et une ordonnance de la Commission.

La construction du passage inférieur est terminée et la Compagnie de chemin de fer du Pacifique-Canadien a été autorisée par l'ordonnance n° 94834 de la Commission, en date du 10 juillet 1958, à y faire passer ses convois. Avant que la construction de ce passage inférieur ne fût approuvée, la cité de Montréal et la Compagnie de chemin de fer du Pacifique-Canadien avaient engagé des pourparlers au sujet de la répartition du coût de cette entreprise, mais aucun accord n'avait été conclu et c'est pour cette raison que la cité de Montréal a prié la Commission de convoquer une audience publique sur la question de la répartition du coût. Cette audience a eu lieu à Montréal le 19 janvier 1959.

Il a été établi à l'audience que le boulevard Crémazie avait une largeur approximative de 25 pieds à l'époque où la voie ferrée fut construite de façon à traverser ce chemin. La circulation a graduellement augmenté sur cette route. En 1930, la Commission ordonna l'installation de signaux à pendule et d'une sonnerie à ce passage à niveau. Le coût d'entretien du système de protection fut réparti également entre la cité de Montréal et la Compagnie de chemin de fer. En 1948, il fut enjoint à la Compagnie de chemin de fer d'installer deux signaux clignotants et une sonnerie au lieu des signaux à pendule et, le 22 juin 1956, la Commission rendit l'ordonnance n° 89080 qui prescrivait l'installation de deux signaux clignotants, de deux barrières à bras courts et d'une sonnerie. Aux termes de cette ordonnance, 60 p. 100 du coût de l'installation devaient être prélevés sur la Caisse des passages à niveau et 25 p. 100 payés par la cité

de Montréal alors que le reliquat devait être à la charge de la Compagnie de chemin de fer du Pacifique-Canadien. Le coût de l'entretien et du fonctionnement du système de protection devait être payé à parts égales par la cité de Montréal et par la Compagnie de chemin de fer du Pacifique-Canadien.

Avant que la Compagnie de chemin de fer fût prête à entreprendre l'installation des barrières automatiques, la cité de Montréal présentait une requête pour la construction d'un passage inférieur. Ce passage inférieur constitue un ouvrage en béton armé très important qui comprend deux chaussées centrales de 36 pieds de largeur, deux chaussées extérieures de 24 pieds de largeur et des trottoirs de 6 pieds donnant une distance de 156 pieds et 6 pouces entre les culées. Le coût de cet ouvrage avait été estimé à \$1,300,000. Il est évident que la construction d'un ouvrage de cette nature est due au fait que le boulevard Crémazie fera partie du nouveau boulevard Métropolitain. Il ne serait donc pas raisonnable en l'occurrence de se fonder sur la somme de \$1,300,000 pour déterminer la répartition du coût. N'eût été la nécessité de tenir compte de la circulation dense qui utilisera le nouveau boulevard Métropolitain, le coût d'un passage inférieur à cet endroit aurait été de beaucoup inférieur à \$1,300,000.

La Compagnie de chemin de fer du Pacifique-Canadien a estimé à \$14,877 les profits qu'elle réaliserait par suite de la construction d'un étagement des voies à cet endroit; pour arriver à cette somme, elle s'est basée sur le coût capitalisé de l'entretien du passage à niveau, en y ajoutant le coût d'entretien et de fonctionnement des signaux clignotants et des barrières à bras courts dont la Commission avait ordonné l'installation le 22 juin 1956 par son ordonnance n° 89080. La Commission peut contribuer un maximum de 60 p. 100, jusqu'à concurrence de \$300,000, au coût de construction de ce passage inférieur, ce qui laisse un reliquat de \$1,000,000 à être réparti entre la cité de Montréal et la Compagnie de chemin de fer.

L'offre de la Compagnie de chemin de fer représenterait un peu plus de 1 p. 100 du coût du passage inférieur. Il me semble qu'en sus des avantages immédiats qui peuvent s'estimer en espèces, il y a lieu de tenir compte de certaines considérations pour déterminer jusqu'à quel degré la Compagnie de chemin de fer devrait contribuer à un projet de ce genre. Par ailleurs, la cité de Montréal a jugé que la partie du coût de ce projet imputable à la Compagnie de chemin de fer devrait s'élever à \$75,000 au moins. Cette somme est hors de proportion avec les avantages que retirerait la Compagnie de la réalisation de ce projet.

Nul doute que la présence de la voie ferrée à cet endroit a contraint la cité de Montréal à dépenser une somme considérable pour y faire traverser son boulevard Métropolitain, mais même si un étagement de voies avait été prévu dans les limites de la réserve du boulevard Crémazie qui existait au moment où la voie ferrée a été construite, le coût d'un tel étagement obligerait la cité de Montréal à dépenser une somme d'argent considérable pour permettre à sa circulation routière de franchir la voie ferrée au moyen d'un étagement de voies.

Étant donné ce qui précède et compte tenu de la décision de la Commission relativement au canton d'Etobicoke et de la municipalité de Toronto métropolitain concernant les étagements des voies au chemin Royal York et à la rue Dundas, ainsi qu'au passage inférieur sur la rue Bloor ouest, lesquels cas sont exposés dans 76 C.R.T.C., page 1, et relativement à un passage inférieur sous la voie ferrée des chemins de fer Nationaux à l'avenue Greenwood, exposé dans 36 J.O.R. & R., page 38, je suis d'avis qu'une répartition raisonnable du coût en l'occurrence serait la suivante: 60 p. 100 à prélever sur la Caisse des passages à niveau, sans excéder cependant la somme de \$300,000, \$35,000

à payer par la Compagnie de chemin de fer du Pacifique-Canadien et le reliquat à payer par la cité de Montréal; le coût de l'entretien dudit passage inférieur serait à la charge de la cité de Montréal.

Une ordonnance sera rendue en conséquence.

A. SYLVESTRE

Le 24 février 1959.

*J'agrée:*

H. B. CHASE.

## ORDONNANCE N° 97229

*Relative à la répartition du coût de construction et d'entretien du passage inférieur sous la voie ferrée de la Compagnie de chemin de fer du Pacifique-Canadien au boulevard Crémazie (boulevard Métropolitain), dans la cité de Montréal (P.Q.), au point milliaire 7.24 de la subdivision de l'avenue du Parc, dont la construction a été autorisée par l'ordonnance n° 91671, du 30 mai 1957:*

Dossier n° 9437.1338

JEUDI 26 FÉVRIER 1959

A. SYLVESTRE, C.R., *commissaire en chef suppléant.*

H. B. CHASE, C.B.E., *commissaire.*

*Après lecture des pièces déposées lors d'une séance de la Commission tenue à Montréal (P.Q.), en présence des avocats de la cité de Montréal et de la Compagnie de chemin de fer du Pacifique-Canadien—*

*Il est par les présentes ordonné ce qui suit:*

1. Soixante pour cent du coût de construction dudit passage inférieur, sans excéder cependant la somme de \$300,000, seront prélevés sur la Caisse des passages à niveau, \$35,000 seront payés par la Compagnie de chemin de fer du Pacifique-Canadien et le reliquat sera à la charge de la cité de Montréal.

2. Le coût de l'entretien dudit passage inférieur sera à la charge de la cité de Montréal.

*Le commissaire en chef*  
ROD KERR

*In the matter of the apportionment of cost of construction and maintenance of overhead bridge at the intersection of the Canadian Pacific Railway tracks and Highway No. 11, at mileage 44.28, Town of Ste. Agathe, P.Q.*

File No. 27156.215

Before:

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
H. B. CHASE, C.B.E., *Commissioner.*

Appearances:

SENATOR LEON METHOT, Q.C., for the Quebec Dept. of Roads.

K. D. M. SPENCE, Q.C.,	}	for the Canadian Pacific Railway
and		
A. J. ALLISTON,		

Heard at Montreal, Que., on January 20, 1959.

### J U D G M E N T

*SYLVESTRE, Deputy Chief Commissioner:*

The question of apportionment of costs which had been reserved for further consideration in Board's Order No. 92238, dated August 9, 1957, authorizing the construction of an overhead bridge on Highway No. 11 in the Town of Ste. Agathe, was the subject of a public hearing in Montreal on January 19, 1959.

The construction of this overhead bridge was authorized following an application of the Quebec Department of Roads on January 24, 1956. In its application, the Department suggested that a grant of 60% from The Railway Grade Crossing Fund be authorized and that the remainder of the cost be divided 25% by the Quebec Department of Roads and 15% by the C.P.R. The Railway did not oppose the application but suggested that their contribution should be limited to \$12,480 which was the capitalized value of the savings that would be effected by the railway as a result of the elimination of the existing level crossing.

The existing highway crossing that will be closed as soon as the overhead bridge is opened to highway traffic, had a record of four accidents prior to 1951 when the Board directed the installation of flashing light signals and bell at this crossing; no accidents reportable to the Board have occurred at this location since then.

In its program of improving Highway No. 11, the Quebec Department of Roads included a relocation of their highway in that vicinity in order to improve grades and alignments. This permitted the selection of a suitable location for the construction of a grade separation that would permit the elimination of the existing level crossing and the Department applied for the construction of an overhead bridge in 1956. The construction of the overhead bridge has not yet been completed which would indicate that there was no urgency about the elimination of this crossing.

Although no accident had occurred since the installation of the automatic protection and the Board had received no complaints in connection with delay to highway traffic due to trains blocking the crossing, the Board still considered it was desirable to eliminate this crossing and for this reason, approved the application of the Department for the construction of the overhead bridge.

The estimated cost of the overhead bridge, including approaches, amounts to \$253,212. It is considered that a grant of 60% from the Railway Grade Crossing Fund is justified in this case. As to the remainder of the cost after this contribution, it is quite evident that if the offer made by the Canadian Pacific Railway Company of contributing \$13,510 is considered by the Quebec Department of Roads to be a low contribution, this figure could not be raised very much considering the fact that the elimination of this crossing is more or less incidental to the relocation of Highway No. 11 in this vicinity.

I feel that a fair contribution from the Canadian Pacific Railway Company would be \$15,000, and that the remainder of the cost, as well as the cost of maintenance of the overhead bridge, be borne and paid by the Quebec Department of Roads. An Order will issue accordingly.

A. SYLVESTRE.

February 25, 1959.

*I concur:*

H. B. CHASE.

## ORDER No. 97239

*In the matter of the apportionment of cost of construction and maintenance of overhead bridge at the intersection of the Canadian Pacific Railway tracks and Highway No. 11 in the Town of Ste. Agathe, Province of Quebec, mileage 44.28 Ste. Agathe Subdivision, which was authorized to be constructed by Order No. 92238, dated August 9, 1957:*

File No. 27156.215

THURSDAY, the 26th day of February, A.D. 1959

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing the matter at a sittings of the Board held in Montreal, P.Q., on January 20, 1959, in the presence of Counsel for the Department of Roads of the Province of Quebec and the Canadian Pacific Railway Company—*

*It is hereby ordered as follows:*

Sixty per cent of the cost of construction of the said bridge, not exceeding, however, the sum of \$151,927.00, shall be paid out of The Railway Grade Crossing Fund, \$15,000.00 shall be paid by the Canadian Pacific Railway Company, and the balance of the said cost, as well as the cost of maintenance of the said overhead bridge, shall be borne and paid by the Department of Roads of the Province of Quebec.

ROD KERR,

*Chief Commissioner,**The Board of Transport Commissioners for Canada.*

*Relative à la répartition du coût de construction et d'entretien d'un passage supérieur au croisement de la voie ferrée de la Compagnie de chemin de fer du Pacifique-Canadien et de la route n° 11, au point milliaire 44.28, dans la ville de Sainte-Agathe (P.Q.)*

Dossier n° 27156.215

*Devant:*

A. SYLVESTRE, C.R., *commissaire en chef suppléant.*

H. B. CHASE, C.B.E., *commissaire.*

*Ont comparu:*

Le SÉNATEUR LEON METHOT, C.R., pour le ministère de la Voirie de la province de Québec.

K. D. M. SPENCE, C.R., et A. J. ALLISTON, pour la Compagnie de chemin de fer du Pacifique-Canadien.

Entendue à Montréal (P.Q.) le 20 janvier 1959.

#### J U G E M E N T

A. SYLVESTRE, *commissaire en chef suppléant:*

La question de la répartition du coût, réservée pour un examen plus approfondi aux termes de l'ordonnance n° 92238 de la Commission, en date du 9 août 1957, qui autorise la construction d'un passage supérieur sur la route n° 11, dans la ville de Sainte-Agathe, a fait l'objet d'une audience publique à Montréal le 19 janvier 1959.

La construction de ce passage supérieur a été autorisée à la suite d'une demande présentée par le ministère de la voirie de la province de Québec le 24 janvier 1956. Dans cette demande, le ministère proposait que l'octroi d'une subvention de 60 p. 100 sur la Caisse des passages à niveau soit autorisé et que le reliquat du coût soit réparti ainsi: 25 p. 100 à la charge du ministère de la Voirie de la province de Québec et 15 p. 100 à la charge du Pacifique-Canadien. La Compagnie de chemin de fer ne s'est pas opposée à la demande mais elle a proposé que sa contribution soit limitée à \$12,480, soit la valeur capitalisée de l'économie que la Compagnie réaliserait par suite de l'élimination du passage à niveau actuel.

Le passage à niveau actuel, qui sera fermé dès l'ouverture du passage supérieur à la circulation routière avait été la scène de quatre accidents avant 1951, lorsque la Commission y ordonna l'installation de signaux clignotants et d'une sonnerie; il n'y est survenu depuis lors aucun accident devant être signalé à la Commission.

Dans son programme d'amélioration de la route n° 11, le ministère de la Voirie de la province de Québec faisait figurer le déplacement de sa route dans le voisinage afin d'améliorer les pentes et le tracé. Ceci laissait le choix d'un endroit approprié à la construction d'un étagement des voies qui permettrait d'éliminer le passage à niveau actuel, et le ministère présentait en 1956 une demande pour la construction d'un passage supérieur. La construction de ce passage supérieur n'est pas encore terminée, ce qui indiquerait qu'il n'était pas urgent de supprimer ce passage à niveau.

Bien qu'aucun accident ne se soit produit depuis l'installation du système de protection automatique et que la Commission n'ait reçu aucune plainte relativement au retard causé à la circulation routière par les trains au passage à

niveau, la Commission a néanmoins jugé qu'il était opportun d'éliminer ce passage à niveau et a, pour cette raison, approuvé la demande du ministère de la Voirie de la province de Québec touchant la construction du passage supérieur.

Le coût estimatif du passage supérieur, y compris les approches, s'élève à \$253,212. On estime qu'une subvention de 60 p. 100 sur la Caisse des passages à niveau est justifiée en l'occurrence. Quant au reliquat du coût, après versement de cette contribution, il est évident que si l'offre de la Compagnie de chemin de fer du Pacifique-Canadien de contribuer la somme de \$13,510 est considérée par le ministère de la Voirie de la province de Québec comme étant une faible contribution, ce montant ne pourrait être relevé de beaucoup si l'on tient compte du fait que l'élimination de ce passage à niveau se rattache plus ou moins au déplacement de la route n° 11 dans le voisinage.

Je suis d'avis que la somme de \$15,000 de la part du Pacifique-Canadien constituerait une contribution raisonnable et que le reliquat du coût, de même que les frais d'entretien du passage supérieur, devraient être à la charge du ministère de la Voirie de la province de Québec. Une ordonnance sera rendue en conséquence.

A. SYLVESTRE

Le 25 février 1959.

*J'agrée:*

H. B. CHASE.

## ORDONNANCE N° 97239

*Relative à la répartition du coût de construction et d'entretien d'un passage supérieur au croisement de la voie ferrée de la Compagnie de chemin de fer du Pacifique-Canadien et de la route n° 11, dans la ville de Sainte-Agathe (P.Q.), au point milliaire 44.28 de la subdivision de Sainte-Agathe, dont la construction a été autorisée par l'ordonnance n° 92238 du 9 août 1957:*

Dossier n° 27156.215

JEUDI 26 FÉVRIER 1959

A. SYLVESTRE, C.R., *commissaire en chef suppléant.*

H. B. CHASE, C.B.E., *commissaire.*

Après lecture des pièces déposées lors d'une séance de la Commission tenue à Montréal (P.Q.) le 20 janvier 1959, en présence des avocats du ministère de la Voirie de la province de Québec et de la Compagnie de chemin de fer du Pacifique-Canadien—

*Il est par les présentes ordonné ce qui suit:*

Soixante pour cent du coût de construction dudit passage supérieur, sans excéder cependant la somme de \$151,927 seront payés sur la Caisse des passages à niveau, \$15,000 seront payés par la Compagnie de chemin de fer du Pacifique-Canadien, et le reliquat dudit coût, de même que les frais d'entretien dudit passage supérieur, seront à la charge du ministère de la Voirie de la province de Québec.

*Le Commissaire en chef,*

**ROD KERR**

*La Commission des Transports du Canada*

## GENERAL ORDER No. 838

*In the matter of air pollution and smoke control regulations:*

Case No. 3023

MONDAY, the 2nd day of February, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

L. J. KNOWLES, *Commissioner.*

*It is hereby ordered as follows:*

1. General Order No. 18 (Order No. 5678) dated November 25, 1908, and Order No. 70714, dated June 2, 1948, are rescinded.

2. The following regulations entitled "Air Pollution and Smoke Control Regulations" are made, established and prescribed in substitution for the regulations hereby rescinded.

3. This Order and the regulations made thereunder shall come into force on the 1st day of April, 1959.

#### AIR POLLUTION AND SMOKE CONTROL REGULATIONS

1. These Regulations may be cited as the "Air Pollution and Smoke Control Regulations."

2. In these Regulations,

- (a) "smoke" includes exhaust emissions from buildings, incinerators and fuel burning equipment;
- (b) "density" means the shade of smoke at the point of emission to the outdoor atmosphere;
- (c) "municipal officer" means a duly appointed officer of a municipal smoke abatement bureau or like department of a municipality and in a municipality where no smoke abatement bureau or like department exists means a person duly appointed by the municipality for purposes of smoke control;
- (d) "grade" means an incline where the distance is over one-half of a mile and the average gradient is in excess of 1%.

3. These Regulations apply to all railway companies subject to the jurisdiction of the Board but they apply only in municipalities that have passed, or may hereafter pass, by-laws for the regulation, control or prohibition of smoke or other air pollutants, and that have, or may hereafter have, a municipal officer.

4. Every such railway company shall operate incinerators, open fires and fuel burning equipment in such a manner as to comply with these Regulations.

5. The density of smoke shall be determined by means of a chart commonly known as the Ringelmann Chart, or Micro-Ringelmann Chart, or by a comparable chart having black lines or dots upon a white ground, so as to produce:

- No. 1—approximately 20% black with approximately 80% of the ground white.

No. 2—approximately 40% black with approximately 60% of the ground white.

No. 3—approximately 60% black with approximately 40% of the ground white.

No. 4—approximately 80% black with approximately 20% of the ground white.

or by a glass comparator having comparable shades of grey.

6. Companies shall not allow, from coal fired equipment, the emission of smoke of a density greater than:

- (a) No. 1 from equipment other than locomotives, except a density equal to but not greater than No. 2 will be allowed for a period or periods aggregating not more than 4 minutes in any one half hour. When lighting fires, a density not greater than No. 3 will be allowed for a period or periods aggregating not more than 3 minutes in any one half hour.
- (b) No. 2 from locomotives in service or ready for service, except a density equal to but not greater than No. 3 will be allowed for a period or periods aggregating not more than 90 seconds in any one 10 minute period.
- (c) No. 2 from locomotives standing on outside tracks or sidings at the time fires are being lighted or cleaned, except a density equal to but not greater than No. 3 will be allowed for a period or periods aggregating not more than 4 minutes in any one half hour.
- (d) No. 2, from any single stack or other outlet used to conduct smoke from an engine house, in which locomotives are repaired, serviced, cleaned or housed, or from any single locomotive stack through which smoke is conducted from one locomotive into a common stack except a density equal to but not greater than No. 3 will be allowed for a period or periods aggregating not more than 4 minutes in any one half hour.
- (e) No. 3, from any locomotive while ascending a grade, except a density equal to but not greater than No. 4 will be allowed for a period or periods aggregating not more than 2 minutes in any one 10 minute period.

7. Companies shall not allow, from internal combustion engines or oil fired equipment, the emission of smoke of a density greater than:

- (a) No. 1, from equipment other than locomotives, except a density equal to but not greater than No. 2 will be allowed for a period or periods aggregating not more than 4 minutes in any one half hour.
- (b) No. 1, from locomotives in service or ready for service, except a density equal to but not greater than No. 2 will be allowed for a period or periods aggregating not more than 90 seconds in any one 10 minute period.
- (c) No. 2, from locomotives while ascending a grade, except a density equal to but not greater than No. 3 will be allowed for a period or periods aggregating not more than 2 minutes in any one 10 minute period.

8. Companies shall not allow the emission of smoke of a density greater than:

No. 1, from incinerators or open fires, except a density equal to but not greater than No. 2 will be allowed for a period or periods aggregating not more than 4 minutes in any one half hour.

9. Upon proper notification to the official in charge, companies shall permit entry to any railway or railway property, at reasonable hours or times, by any municipal officer for the purpose of making such observations as he may consider necessary to ensure compliance with these Regulations.

10. Companies shall, upon request by a municipal officer, make available to him any or all records, reports or data kept by the company that relate to the production of smoke and its control within the municipality in question.

11. The applicable provisions of the Railway Act respecting offences and penalties shall apply to these Regulations.

ROD KERR,

*Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

## GENERAL ORDER No. 839

*In the matter of the Canadian Freight Classification and the Express Classification for Canada, and Sections 325 and 365 of the Railway Act:*

*And in the matter of General Order No. 695, dated November 14, 1946:*

File No. 25639

MONDAY, the 9th day of February, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

General Order No. 695, dated November 14, 1946, is amended by striking out the words "Fredericton, N.B." in paragraph numbered 5 of the said Order.

ROD KERR,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

## ORDER No. 97258

In the matter of the application of the Yellowknife Transportation Company, hereinafter called the "Applicant Company", for a licence under section 10 of the Transport Act:

File No. 42076.31

MONDAY, the 2nd day of March, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*H. B. CHASE, C.B.E., *Commissioner.*

It is hereby ordered as follows:

Licence No. C.T.C.(W.T.) No. 352 is issued to the Applicant Company licensing for the period of one year commencing February 9, 1959, the following ships to transport goods by water between all ports and places in Canada accessible by navigation to the vessels set out below, on the Mackenzie River, Great Slave Lake and Slave River, Fort Smith, N.W.T., and North thereof, and the Liard River from Fort Simpson upstream for a distance of 80 miles:

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Yellowknife Expeditoer .....	192050	260.00
Richard E. ....	179446	105.10
Marjory H II .....	188349	85.70
Saline .....	192902	22.20
Grandy II .....	197357	14.07
Arctic .....	311166	797.92
Y-Tee Husky .....	Not Registered	165 (est)
Y-Tee Scamp .....	Not Registered	25 (est)
Y.T.C. No. 12 .....	Not Registered	103.00
Y.T.C. No. 15 .....	Not Registered	250.00
Y.T.C. No. 16 .....	Not Registered	250.00
Y.T.C. No. 17 .....	Not Registered	250.00
Y.T.C. No. 18 .....	Not Registered	250.00
Y.T.C. No. 19 .....	Not Registered	250.00
Y.T.C. No. 20 .....	Not Registered	250.00
Y.T.C. No. 21 .....	Not Registered	250.00
Y.T.C. 101 .....	177761	233.76
Y.T.C. 102 .....	177762	233.76
Y.T.C. No. 104 .....	190800	233.06
Y.T.C. No. 106 .....	156749	195.49
Y.T.C. 107 .....	188348	292.87
Y.T.C. 108 .....	189297	460.98
Y.T.C. 110 .....	Not Registered	460 (est)
HBC Barge 250 .....	171635	200
YTC No. 105 .....	Not Registered	189.07
YTC No. 109 .....	Not Registered	460 (est)

H. H. GRIFFIN,

*Assistant Chief Commissioner,**The Board of Transport Commissioners for Canada.*

## ORDER No. 97268

*In the matter of the application of The Bell Telephone Company of Canada, hereinafter called the "Applicant", dated February 11, 1959, under the provisions of Chapter 39 of the Statutes of Canada, 6 Elizabeth II, for an Order approving the terms and conditions of the issue, sale or other disposition of not more than 2,625,000 shares of the capital stock of the Applicant:*

File No. 36730.2

TUESDAY, the 3rd day of March, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

Upon hearing the application at the sittings of the Board held at Ottawa on the 3rd day of March, 1959, in the presence of Counsel for the Applicant, no other person appearing; and upon hearing what was alleged; and upon reading what has been filed in support of the application, public notice of such application having been published in the Canada Gazette in conformity with the requirements of the Board's Rules of Practice, and it appearing that the proposed issue is necessary for the purposes of acquiring and constructing additions to, or the completion, betterment, improvement or replacement of its lines, plant, facilities, buildings and system; acquiring systems, lines and properties necessary or useful in carrying on its business and undertaking and for the general purposes of carrying on its operations—

*It is ordered* that approval be, and it is hereby, given to the issue and sale of not more than two million six hundred and twenty-five thousand shares of the capital stock of the Applicant, as and when the Directors of the Applicant may in their discretion decide, at a price not less than Thirty-three dollars per share, upon the following conditions:

(1) That such shares be first offered to the Applicant's shareholders pro rata in the ratio of one share for each seven shares held by them on a date of record to be determined by the Applicant's Board of Directors, for the purposes of such issue: Provided, however, that as the said issue is not to be registered under the United States "Securities Act of 1933" and amendments thereto, such offering may stipulate that no subscription will be accepted from any shareholder or person or his agent who appears to be, or the Applicant has reason to believe is, a resident of the United States of America or any territory or possession thereof.

(2) That any shares not taken up by the Applicant's shareholders may be disposed of in such other manner as the Applicant's Directors may determine at or above the aforesaid price of Thirty-three dollars per share.

H. H. GRIFFIN,

*Assistant Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

## ORDER No. 97269

*In the matter of section 270 of the Railway Act respecting signboards and the marking of such signboards with reflective material, at certain highway crossings of the following railways: Canadian National Railways, Canadian Pacific Railway Company, Sydney & Louisburg Railway Company, New York Central Railroad Company, Nipissing Central Railway Company, Napierville Junction Railway Company, Algoma Central and Hudson Bay Railway Company, London and Port Stanley Railway Company, Toronto, Hamilton and Buffalo Railway Company, Essex Terminal Railway Company, Chesapeake & Ohio Railway Company, Midland Railway Company of Manitoba, Northern Alberta Railways Company, British Columbia Electric Railway Company Limited and the Great Northern Railway Company:*

File No. 27214.43

TUESDAY, the 3rd day of March, A.D., 1959

ROD KERR, Q.C., *Chief Commissioner.*

H. H. GRIFFIN, *Assistant Chief Commissioner.*

*It is hereby ordered as follows:*

1. Each of the said railway companies shall erect and mark, not later than the 31st day of December, 1959, and shall thereafter maintain, signboards at the crossings listed under its name in Appendix "A" to this Order and auxiliary signboards at such crossings where there is more than one railway track, such work to be performed as hereinafter set forth.
2. At every crossing listed in the said Appendix "A" to this Order there shall be erected two signboards, one on each approach, but where at any such crossing one such signboard is already erected on one of such approaches only one additional such signboard shall be erected on the other approach.
3. The words "Railway Crossing" (and, in the Province of Quebec, the words "Traverse de Chemin de Fer" also) on signboards at all such crossings, and the digits prescribed in paragraph 4 on auxiliary signboards, shall be marked in black over a white background, or a background as nearly white as possible, of reflective material of Scotchlite type, or of such other reflective material as is satisfactory to the Board, and so as to face oncoming highway traffic.
4. At each such crossing where there is more than one railway track, an auxiliary signboard, on which the number of tracks shall be shown in digits, shall be placed on the supporting post of each signboard.
5. The said signboards and auxiliary signboards shall be erected and maintained in compliance with the Railway Act and orders and regulations of the Board.
6. Eighty per cent of the cost to each railway company of erecting and marking the signboards and auxiliary signboards shall be paid from The Rail-

way Grade Crossing Fund, not exceeding, however, in the case of any railway company, the amount shown opposite its name hereinunder:

(a) Canadian National Railways .....	\$104,240.00
(b) Canadian Pacific Railway Company .....	84,400.00
(c) Sydney and Louisburg Railway Company .....	560.00
(d) New York Central Railroad Company .....	2,720.00
(e) Nipissing Central Railway Company .....	400.00
(f) Napierville Junction Railway Company .....	240.00
(g) Algoma Central and Hudson Bay Railway Company ..	640.00
(h) London and Port Stanley Railway Company .....	800.00
(i) Toronto, Hamilton and Buffalo Railway Company ..	1,440.00
(j) Essex Terminal Railway Company .....	320.00
(k) Chesapeake & Ohio Railway Company .....	1,920.00
(l) Midland Railway Company of Manitoba .....	560.00
(m) Northern Alberta Railways Company .....	2,480.00
(n) British Columbia Electric Railway Company Limited	560.00
(o) Great Northern Railway Company .....	800.00

and the balance of such cost and the cost of future maintenance shall be paid by the railway company that does the work.

ROD KERR,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

## APPENDIX "A" TO ORDER No. 97269

LIST OF UNPROTECTED CROSSINGS AT WHICH REFLECTIVE MATERIAL  
IS TO BE PLACED ON RAILWAY CROSSING SIGNS.

## CANADIAN NATIONAL RAILWAYS

PROVINCE OF NEWFOUNDLAND		PROVINCE OF NOVA SCOTIA (Cont'd)		PROVINCE OF NEW BRUNSWICK	
Subdivision	Mileage	Subdivision	Mileage	Subdivision	Mileage
Bishops Falls	276.28	Bedford	51.20	Albert	21.81
	278.19		53.57		32.87
	280.28		59.70	Bathurst	71.97
	294.30		63.82		78.10
	399.36	Dartmouth	32.07		82.29
Bonavista	.82		81.53		106.31
	18.06	Hopewell	1.52	Caraquet	1.81
Carbonear	11.20		3.04		72.95
	24.00		20.61	Connor	12.75
Clarenville	213.52	Inverness	39.60	Centreville	7.20
	230.35		44.60		69.80
	255.37		60.12		101.70
Port Basque	407.79	Middleton	1.83		148.70
	453.80		15.04	Chester	80.15
	523.19		52.80	Dalhousie	2.60
	546.06		66.42	Franklin	.50
St. Johns	.3		43.66	Glendyne	13.18
	.44	Mulgrave	73.76		27.63
	2.91		121.10	Grand Falls	75.22
	3.37		32.85		96.88
	17.44	Oxford	41.68	Harcourt	13.38
	23.69		45.94		38.36
	49.76		47.48		61.82
			49.01		70.05
			56.3	Havelock	11.94
			2.45	Loggieville	10.68
			6.22		11.67
			.41	Nashwaak	5.78
			1.35		16.48
			23.02		31.68
			33.27		109.18
			42.53	Point Chene	108.10
			76.80	Springhill	8.59
			34.09	Sussex	124.72
			40.01		6.44
			51.50		12.06
			80.05		13.11
			81.55		20.77
			87.02		45.92
			87.17		84.20
			90.01	St. Quentin	85.02
			95.58		.9
			98.00		3.53
			101.69		36.77
			.14		43.71
			1.16		48.30
			2.60		63.84
			12.42		102.67
			50.70		105.39
			133.36	Temiscouata	81.08
			.82	Tormentine	19.87
					19.62

PROVINCE OF QUEBEC		PROVINCE OF QUEBEC (Cont'd)		PROVINCE OF QUEBEC (Cont'd)	
<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
Armagh	43.93	Glendyne	116.55	Massena	10.94
	54.60	Granby	6.28		18.52
	79.49		13.97		17.29
	82.15		45.69		35.62
	97.93		46.23		56.61
Aston	.40	Grand'Mere	.14	Matapedia	45.54
	30.94		9.50		75.93
Alexandria	35.76		21.76	Montfort	20.27
	46.86		24.35		31.17
	50.45		25.29		35.36
	52.78		48.53		40.37
	56.52		62.33		54.94
Beachburg	59.30		63.47	Montmagny	16.34
			66.80		35.08
Beaucharnois	.13		78.77		64.60
Batiscan	2.30		86.90		71.57
	5.22		95.68		83.01
	8.41	Hemmingford	19.43		112.38
	16.60	Jonquiere	70.08	Montmorency	4.15
	22.75		79.33		9.53
Cascapedia	11.68		109.00		17.01
	13.02		110.44		20.52
	24.18		114.10	Murray Bay	28.94
	43.45		114.54		48.94
	44.69		114.70		59.58
	51.73		114.80		59.82
	89.49		115.00		86.49
Chandler	3.69		115.20	Nicolet	8.18
	11.07	Jonquiere Spur	.3	Oskelaneo	137.00
	47.49	Lachine Spur	.36	Rawdon	9.06
	52.81	L'Assomption	1.15	Rimouski	41.12
	54.46		1.50		47.77
	57.48		4.14		56.39
Cornwall	11.30		22.36		69.76
	12.74		33.00	Roberval	43.90
	23.90	La Tuque	29.75		44.83
	29.20		73.60		57.43
	43.64		122.17	Rouses Point	22.58
Danville	27.72		122.29		24.76
	46.35	Lemoyne	.12		24.99
	49.25		.67		31.77
	78.29	Longue Pte.	.65		38.05
	87.04		2.63		40.06
Deschailions	10.40		2.90		41.48
Diamond	12.93		5.08	Rouyn	24.53
Dobell Ave. Spur	1.19		5.92	Sherbrooke	24.99
Drummondville	1.60		6.39		25.59
	8.69		6.62		37.19
	33.65		8.33		43.96
	58.92		8.87		70.45
	64.03		8.93		70.67
	72.03		8.98	Sorel	.96
	75.64		9.29		2.25
	84.95		21.95		2.43
	91.77	Macamic	25.88		2.55
	102.72		33.14		2.62
	177.22		40.27		2.79
	118.90				2.84

PROVINCE OF QUEBEC (Cont'd)		PROVINCE OF ONTARIO (Cont'd)		PROVINCE OF ONTARIO (Cont'd)	
Subdivision	Mileage	Subdivision	Mileage	Subdivision	Mileage
Sorel Cont'd	8.83	Alexandria	79.34	Campbellford Cont'd	32.37
	14.44		104.61		62.54
	42.40		106.30		62.76
	43.69	Alliston	18.60		62.84
	44.43		37.50		63.02
	45.45		38.60		63.10
St. Hyacinthe	7.32		39.30		63.19
	14.43	Alvinston	10.56		64.24
	22.10	Bala	16.92		64.49
	22.39		19.46		76.80
	28.41		23.65		76.86
	36.15		32.05		85.20
	38.53		32.94	Cayuga	5.60
	43.26		33.80		11.58
	47.40		35.44		32.94
	59.03		41.06		74.27
	59.36		45.18		84.44
St. Jules	8.15		54.63		91.95
St. Stanislas	15.22		62.85		104.86
Temiscouata	42.81		63.84		118.46
	60.25		72.40		118.87
Val d'Or	36.81		78.50		118.99
	53.30		81.50	Chatham	12.15
	100.48	Beach	1.63		22.01
West Shefford	13.50		2.03		60.37
	28.36		6.15		79.61
Yamaska	5.53	Beachburg	11.40		73.97
	9.75		13.70		84.50
	11.47		73.20		88.81
	15.44		76.60		95.83
	32.14		78.85		98.42
	32.39		88.80	Coboconk	1.08
		Burford	.42		4.17
Central Vermont Railway			.69		23.70
			1.12	Cornwall	73.74
St. Armand	155.85		1.22		80.21
	157.86		1.64		114.04
	171.95		5.42		116.57
			6.09		120.49
Montreal and Southern Counties			10.47		124.86
			33.11	Cross Mission	.56
Granby	7.95	Brampton	21.39	Deseronto	6.42
	15.80		24.06	Dorion	20.10
	21.55		33.54		20.80
	23.10		36.20		82.42
	31.29		49.09	Dundas	15.80
	35.95		50.24		42.27
	45.43		54.37		59.51
	45.69		71.33		76.45
	46.31		72.50	Dunnville	
	46.55		87.95		8.88
			110.27		18.84
			206.24		18.99
PROVINCE OF ONTARIO		Campbellford	2.46		19.11
Alderdale	76.99		2.81		19.35
	97.80		3.61		19.40
	102.83		4.51		21.90
	144.30		16.81		26.97

PROVINCE OF ONTARIO (Cont'd)		PROVINCE OF ONTARIO (Cont'd)		PROVINCE OF ONTARIO (Cont'd)	
Subdivision	Mileage	Subdivision	Mileage	Subdivision	Mileage
Dunnville Cont'd	37.77	Grimsby Cont'd	34.84	Kapuskasing	17.47
	38.09		35.87		68.44
	47.78		36.97		70.07
	61.52		44.24		127.40
	63.05		45.85	Kashabowie	1.24
	67.68		46.53		2.77
	74.51		46.71		2.81
Drumbo	7.29		47.01		3.00
	15.76		47.35		4.41
Durham	3.25	Gananoque	137.19		4.48
	5.07		168.21		4.49
Exeter	12.37		175.90		4.50
	23.86		178.05		4.51
	27.04		180.10		5.25
	37.84		184.01		5.38
Fergus	.08		196.76		5.92
	14.92		198.72		5.93
	15.02		199.50		7.80
	15.53		204.27		7.84
	16.14		218.18		7.86
	18.22		220.06		12.34
	18.58	Goderich	.6		33.65
	19.56		.69	Kincardine	1.49
	30.45		.91		21.72
	30.48		6.94		29.70
	30.75		14.57		30.07
	30.63		18.39		49.59
	46.46	Grenville	31.79	Lakefield	.04
	49.99		32.32		11.94
	58.05	Hagersville	7.98		12.56
	62.81		17.19		13.57
	69.10		26.27		13.98
Forest	9.39		28.47		14.59
	22.42	Haliburton	.17		14.93
	25.99		.27		22.92
	38.76		.45		29.80
	46.76		.96	Locksley	.31
	56.71		1.12		14.29
	68.48		7.32		17.34
Ft. Frances	47.43		17.70	Longwood	11.39
	88.94	Hamilton Yard	2.00	Maynooth	.42
	90.05	Hickson	1.17		.96
	109.05		1.26		24.46
	116.00		2.11		22.80
	117.06		.07		79.08
	123.55	Humberstone	4.31		85.65
	128.75		30.3	Meaford	101.96
Grimsby	.34	Huntsville	.15		.32
	.55		30.10		12.10
	3.35		43.40		13.50
	1.85		54.80		16.20
	9.24		71.25		19.40
	12.84		88.01		31.43
	16.65		1.63		32.45
	18.65	Hurdman	4.49		35.30
	20.28		4.75		44.11
	29.35		5.48		45.70
	31.67		6.69		52.11
	34.29				57.88

PROVINCE OF ONTARIO (Cont'd)		PROVINCE OF ONTARIO (Cont'd)		PROVINCE OF ONTARIO (Cont'd)					
Subdivision	Mileage	Subdivision	Mileage	Subdivision	Mileage				
Midland	.11	Oshawa Cont'd	311.99	Strathroy	19.50				
	.51		314.11		50.97				
	37.16		320.41		Sudbury	5.42			
	37.93		323.10			110.39			
	39.67		388.84			116.00			
	43.30		Owen Sound			5.77	123.30		
	56.25					17.94	124.40		
	74.40					29.64	128.51		
	Milton					31.00	32.16	Sudbury Term.	4.96
						40.03	32.32		5.15
42.81		35.97		5.51					
58.72		37.48		6.02					
68.31		49.48		6.03					
82.28		54.37		6.07					
Newmarket		10.37		57.56	Thorndale	6.70			
		12.91	59.60	.29					
		15.50	62.01	.41					
		19.38	68.01	.45					
	37.78	Pagwa	.91	1.33					
	37.97		Picton	19.10		4.97			
	38.43			25.96		8.01			
	39.33			30.38		24.18			
	39.66			Pt. Edward		2.01	28.96		
	40.93					2.04	29.27		
51.89	2.40				29.96				
55.46	4.08				30.19				
64.00	Quibell				12.50	Thousand Isl.	4.28		
66.20					74.62		Uxbridge	.78	
70.50		Renfrew			1.24			7.52	
86.92			2.42		11.38				
93.76			2.90		13.28				
96.52			6.16		22.59				
101.16			37.71	28.12					
111.95			37.85	35.19					
Newton			.60	38.40	38.94				
			18.24	49.70	44.94				
	26.40		74.96	50.12					
	27.05		76.43	51.48					
	29.24	78.62	54.45						
	29.38	93.29	55.17						
	36.54	97.45	Vankleek	13.77					
	Oakville	3.31		107.75	18.12				
		13.69		Simcoe	1.33	Waterloo Elm	1.23		
		18.79			6.82		1.40		
21.52		6.95			Walkley Line		1.91		
26.97		7.26					4.50		
28.25		7.51					Welland	3.87	
29.53		7.64						4.02	
33.02		7.72						7.66	
Oba		147.50						Smiths Falls	3.28
		221.14	34.84						10.48
	224.08	35.11	15.77						
	230.64	Southampton	9.99	Westport		8.60			
	231.57		23.05			20.00			
	263.25		29.67						
	264.41		37.97						
	271.03		48.97						
	299.32								

PROVINCE OF ONTARIO (Cont'd)		PROVINCE OF MANITOBA (Cont'd)		PROVINCE OF MANITOBA (Cont'd)	
Subdivision	Mileage	Subdivision	Mileage	Subdivision	Mileage
Niagara, St. Catharines and Toronto Railway		Gladstone Cont'd	92.28	Rosburn	19.20
Grantham	4.54		105.32		20.01
	3.29		106.35		78.37
Welland	.29		145.95		65.44
	.35		156.41		86.94
	.43	Hartney	176.90	Sprague	1.18
	.69		22.89		49.56
	1.62		30.02		68.60
	2.08		31.10		128.50
	5.40	Harte	91.23		149.64
	5.57		.19		150.97
	9.77		.26	St. Boniface Spur	.28
	11.87		.40	St. Rose	37.30
	11.88		2.01	Togo	.54
	12.33		2.11		.59
	13.62		3.29		5.15
	15.00		3.43		19.92
	15.77		9.40		29.13
	17.22		37.40		29.47
	19.12		52.00		29.58
	21.67		54.39		31.82
	22.46		58.20		62.45
			62.30		62.61
			73.60		99.98
Oshawa Railway			76.60	Turnberry	.22
Main Line	.19		142.00		86.02
	.36	Inwood	7.94	Victoria Beach	4.74
	.69		57.67		7.35
	.99	Letellier	.46		18.50
	2.06		1.65		23.79
	2.16		3.76		31.88
	3.18		6.31		55.68
	4.26		12.40	Wakopa	33.08
Oshawa	5.04		20.40		55.87
	2.06		37.47	Wawanesa	4.20
			42.95		32.21
Thousand Islands Railway		Minaki	119.47		
Thousand Island	1.88		121.00	PROVINCE OF SASKATCHEWAN	
		Neepawa	32.95	Aberdeen	18.50
PROVINCE OF MANITOBA			62.55		39.60
Carberry	8.35	Oakland	33.70		52.50
Carman	58.84		38.80	Arborfield	1.50
	102.76	Oak Point	1.20		19.30
Craik	2.35		1.68	Asquith	.90
Cromer	.45		3.39		13.00
	.64		86.05		20.80
	.93		87.18		50.50
Erwood	9.58		111.15		58.20
	13.16		119.03		98.80
Flin Flon	83.45	Pleasant Pt.	8.61		104.00
Gladstone	25.08		79.03		105.00
	30.56	Preeceville	19.10	Assiniboine	1.05
	31.09				6.98
	41.80	Rapid City	.45		24.01
	45.94		12.10		31.80
	90.97	Ridgeville	51.75		39.58
	92.21		71.78		44.48

PROVINCE OF SASKATCHEWAN (Cont'd)		PROVINCE OF SASKATCHEWAN (Cont'd)		PROVINCE OF SASKATCHEWAN (Cont'd)	
Subdivision	Mileage	Subdivision	Mileage	Subdivision	Mileage
Avonlea	87.85	Langham	.30	Tonkin	73.55
	88.20		38.50	Touchwood	18.50
	89.01		46.90		34.30
	91.65		80.50		47.40
Blackfoot	34.70		82.04		48.30
	82.20	Lewvan	115.40		49.10
Blaine Lake	.20		116.00		58.20
	.27	Margo	21.66		82.20
	.60		23.78		93.85
	40.10		33.43		106.00
	73.40		38.44		128.10
	95.30		51.96	Turtleford	55.50
Bolney	4.20		77.03	Unity	16.40
Brooksby	23.10		120.42		18.50
Craik	12.20		139.19		35.70
	45.20				36.40
	62.30	Miniota	62.10	Weyburn	11.10
	160.01		80.90		38.10
	160.02		111.30	Yorkton	20.45
	160.05		113.50		25.76
	160.09		123.40		35.16
Central Butte	.79	Meskanaw	55.70		42.28
	1.00		56.23		49.41
	1.20	Northgate	19.20		53.72
Conquest	22.60	Oyen	.90		
	33.40		22.40		
	39.69	Paddockwood	7.40		
Cudworth	66.10	Preeceville	26.41	Alliance	13.70
	86.69		38.27		54.20
	105.40		39.62	Athabaska	72.62
Chelan	29.65		45.71		92.88
	60.00		55.91	Brule	94.48
Cromer	115.24		58.09	Blackfoot	84.30
Doddsland	47.10		79.05		99.80
	82.40		99.75	Bonnyville	17.80
Duck Lake	84.05	Qu'Appelle	46.50		18.80
	84.30		62.00		23.00
	84.60		91.30	Brazeau	18.50
	84.80		93.00		50.60
	85.05	Rhein	21.67		51.90
Elrose	113.30	Robinhood	22.50		57.40
Erwood	74.71		69.75		61.68
Glen Avon	54.30	Rosetown	.80		98.80
	92.02		31.30	Camrose	2.30
	92.08		48.50		4.30
	92.12		51.70		8.70
Govel	.05		57.70		11.80
	.56	Tisdale	38.05		17.42
	1.21		41.10		24.30
	6.17		72.60		42.60
	6.20		84.80		44.90
Gravelbourg	48.40		98.20		47.10
	75.80		100.70		48.10
Hatherley	.30		128.80	Coronado	2.60
Lampman	29.80		136.10		15.54
	36.70		140.20		29.30
	84.20		160.50		29.51
	85.30	Togo	94.46		79.90
	93.01		99.98		85.76

## PROVINCE OF ALBERTA

PROVINCE OF ALBERTA (Cont'd)		PROVINCE OF ALBERTA (Cont'd)		PROVINCE OF BRITISH COLUMBIA	
Subdivision	Mileage	Subdivision	Mileage	Subdivision	Mileage
Coronado Cont'd	89.60	Vegreville Cont'd	123.45	Albreda	74.60
	120.67		125.06	Bulkley	8.83
	121.40		125.50		48.54
	123.40		127.02	Clearwater	24.54
	136.60		127.06	Cowichan	7.30
	139.69		127.05		11.45
Drumheller	.71		127.08		14.96
	40.37		127.23		73.38
	49.90		127.32	Fraser	.10
	50.40		127.34		141.60
	51.20		130.27		145.30
	52.10		131.58		145.55
	52.20		133.04		145.70
	131.47		137.36	Lulu Isld.	12.25
	137.04		138.80	Lumby	11.86
Endiang	27.70	Viking	.80	Nechako	1.05
	51.80		17.90		1.06
	70.50		24.10		69.28
Kingman	.50		33.00		97.20
Oyen	50.80		65.80	Okanagan	3.29
Red Deer	8.90		75.10		14.88
Sangudo	12.70		85.70		100.59
	18.20		86.20		118.00
	30.64		114.70		118.44
	36.20		119.10		118.58
	64.80		121.40	Skeena	25.93
Stettler	31.20		122.35		28.26
	32.50		122.50		44.77
	50.59	Wabamun	.09	Tidewater	2.60
	52.00		4.71	Telkwa	34.78
	75.50		4.73	Yale	40.05
Three Hills	20.10		4.75		40.43
	114.32		4.76		56.60
	125.90		4.84		64.50
Unity	109.20		4.89		65.32
	112.10		7.09		67.35
	121.30		12.80		71.13
Vegreville	.01		24.10		71.94
	.10		57.96		88.15
	51.60		73.50		90.35
	57.10		78.20		96.07
	57.12		82.30		100.50
	70.60		109.70		102.98
	92.80		116.20		107.86
	112.70		120.70		109.90
	118.85				116.75
					121.01
					121.06

LIST OF UNPROTECTED CROSSINGS AT WHICH REFLECTIVE MATERIAL  
IS TO BE PLACED ON RAILWAY CROSSING SIGNS.

CANADIAN PACIFIC RAILWAYS

PROVINCE OF NOVA SCOTIA		PROVINCE OF NEW BRUNSWICK (Cont'd)		PROVINCE OF QUEBEC (Cont'd)	
Subdivision	Mileage	Subdivision	Mileage	Subdivision	Mileage
<i>Dominion-Atlantic Railway</i>		Tobique	3.90	Lachute Cont'd	100.48
Halifax	8.30		19.58		111.40
	23.29	W. Saint John	.10		114.46
	44.23		.20	LaSalle Loop	.42
	56.59		2.33		4.31
Kentville	.40			Maniwaki	22.92
	5.22	PROVINCE OF QUEBEC			28.85
	23.64	Adirondack	5.05	Megantic	57.89
	34.39		6.35		.28
	35.14		6.39		.82
Kingsport	4.78		6.88		1.44
Truro	55.19		12.68		2.27
	56.97		16.32		2.90
Weston	12.18		19.88		14.82
Yarmouth	8.35		19.95		24.68
	14.92		20.05		41.63
	20.20		20.17		54.76
	20.33		21.97		55.33
	51.42		25.13	Montreal-Ottawa	60.22
	85.11		34.58		6.35
	85.66		43.40		7.71
		Cap de la Madeleine	2.18	Newport	18.89
		Drummondville	.7		4.88
			.30		5.78
Edmundston	18.60		16.03		14.77
	18.78		16.30		17.41
	56.20		16.43		18.07
Fredericton	20.69		28.51		18.82
Gibson	58.37		35.91		19.18
Minto	33.10		41.57	Park Avenue	11.00
	33.44		41.67		13.78
	40.78		58.29	Piles	20.94
	45.20		58.37	Quebec	125.07
	51.65		58.58		129.52
	70.05				135.32
St. Stephen	33.33				145.21
Saint John	2.09	Lachute	20.03		158.48
	9.94		22.38	Roundhouse Lead	.33
	11.04		23.82		.48
	18.22		24.50		.63
	34.13		27.42	Sherbrooke	68.50
	47.77		32.48		70.39
	70.97		35.15		74.00
Shore Line	1.49		44.52		75.18
	18.56		45.11		77.70
	23.45		47.50		79.00
	36.63		48.65		86.82
	43.35		56.74		88.24
Shogomoc	21.93		58.82	South Bank Br.	.40
	33.03		59.03		.79
	42.20		63.39	Ste. Agathe	1.99
	50.04		66.67		16.03
	77.62		74.89		13.31
	91.77		90.46		13.38

PROVINCE OF QUEBEC (Cont'd)		PROVINCE OF ONTARIO		PROVINCE OF ONTARIO (Cont'd)	
Subdivision	Mileage	Subdivision	Mileage	Subdivision	Mileage
Ste. Agathe Cont'd	33.80	Brockville	1.56	Chalk River Cont'd	93.59
	42.12		21.17		94.88
	44.36	26.55	99.96		
	57.10	Belleville	1.43		101.39
	65.08		11.72		103.61
137.70	12.97		105.00		
Ste. Gabriel	138.05		19.32	Cornwall	12.81
	11.51		79.24		26.87
St. Guillaume	15.15		82.54	Elora	4.60
	1.04		83.83		27.04
St. Lin	24.93		88.79	Galt	14.73
	46.87		91.82		17.35
St. Luc Branch	14.90		91.89		19.25
	2.21		91.96		27.57
St. Maur. Valley	1.53		100.30		28.43
	9.86	Bobcaygeon	15.59		31.85
Timiskaming	100.60		18.00		32.81
Trois Rivieres	106.34		19.24		33.47
	1.78		26.86		55.17
	14.78	Canpa	91.39		57.10
	36.30		Carleton Place	.1	
	44.52		.32		80.70
	57.51		.57		81.32
	62.08		6.25		83.66
	72.59	Cartier	.93		86.48
Trois Riv. Loop	.84		1.09		87.89
Waltham	7.29		1.84		87.99
	66.70		1.87		88.05
	77.50		23.28		93.12
	5.95		23.48		95.66
Winchester	16.62		23.78		100.44
	30.02		28.46		101.31
	36.51		33.82		102.17
	157.01		72.74		108.26
Quebec Central Railway			74.31		110.62
			77.25		111.39
Chaudiere	18.92		79.07	Goderich	7.63
	50.50		83.82		21.18
Quebec	26.24		87.91		30.74
	36.87		90.95		30.81
	44.89		96.97		30.91
	63.57		105.20		33.49
	64.46	Chalk River	7.09		37.81
	68.17		17.70		50.23
	72.90		18.48		59.85
	73.61		28.58		66.55
	75.27		36.63		67.84
	80.98		40.91		69.22
	83.64		41.10		74.98
	90.48		41.22		87.66
	103.54		46.07		107.48
	104.62		51.05	Havelock	32.87
120.57		55.86	60.48		
	129.58		57.76		79.03
			59.05		81.72
Levis	17.16		61.44		90.70
Megantic	31.42		67.73		90.70
Newport	34.91		79.35		93.10

PROVINCE OF ONTARIO (Cont'd)		PROVINCE OF ONTARIO (Cont'd)		PROVINCE OF ONTARIO (Cont'd)		
Subdivision	Mileage	Subdivision	Mileage	Subdivision	Mileage	
Ignace	49.75	Orangeville Cont'd	30.91	Sussex Street Cont'd	3.55	
	78.32		32.16		4.74	
	85.03	Oshawa	10.31		5.64	
144.84	30.50		Teeswater	8.09		
Kaministiquia	2.85		31.84		35.44	
	81.80		55.59		44.98	
	104.57		73.12	Thessalon	.18	
Keewatin	117.03		75.79		17.83	
	.1		94.48		101.13	
	.2		96.67		112.27	
	3.85		104.62		116.13	
Kingston	4.00	Owen Sound	.40		128.24	
	11.42		7.38		129.62	
	96.80		27.21		130.87	
	98.33		29.15		131.57	
	102.05		39.25		132.10	
	102.10		68.21		132.62	
Little Current	103.20		68.78		132.85	
	2.36		70.49		132.96	
Montreal-Ottawa	9.89		71.28		133.07	
	28.13		71.63	Timiskaming	.1	
	36.44		72.43	Walkerton	16.60	
	46.17	Parry Sound	13.64		26.80	
	52.34		107.31		28.38	
	54.30	Peterboro	5.94	Webbwood	1.61	
MacTier	64.45		11.16		2.65	
	74.97		14.66		28.04	
	9.54		18.72		29.46	
	20.48		23.59		32.86	
	22.85		24.50		34.50	
	31.31		24.62	Winchester	62.25	
	40.05		25.40		63.77	
	45.84		26.65		65.27	
	56.03		31.11		74.35	
	77.30		33.80		77.00	
	88.50		75.84		83.42	
Nickel	91.43		83.86		89.48	
	93.42	Port Burwell	.26		91.26	
	114.47		5.88		93.55	
	1.08		10.19		114.80	
	85.12		11.04		118.90	
Nipigon	89.08		15.37	Windsor	.17	
	102.00		17.09		12.09	
	126.46		19.29		25.74	
	127.06		21.90		37.25	
	127.34	Port McNicholl	.30		46.70	
	128.02	Prescott	1.04		50.15	
	128.83		1.10		59.31	
	129.82		5.60		62.09	
	North Bay	.20		20.86		71.44
		22.36		28.93		73.76
		98.34		29.16		79.57
107.90			42.50		79.84	
111.99			49.73		83.64	
113.30		St. Thomas	8.75		101.03	
Orangeville	2.11		18.88		101.23	
	7.81	Sussex Street	2.09		102.38	
	30.08		2.39		104.71	
					106.31	

PROVINCE OF ONTARIO (Cont'd)		PROVINCE OF MANITOBA (Cont'd)		PROVINCE OF MANITOBA (Cont'd)	
Subdivision	Mileage	Subdivision	Mileage	Subdivision	Mileage
<i>Grand River Railway</i>		Carberry	.35	Lac Du Bonnet	58.59
Hespeler	1.34		.73	<i>Cont'd</i>	60.84
	2.50		3.04		61.92
Waterloo	.01		3.62		63.44
	.82		4.74		63.94
	3.25		22.42	Lariviere	1.21
	3.42		29.04		3.42
	3.66		37.14		3.65
	3.90		41.03		14.69
	7.64		44.27		21.93
	9.50		44.77		59.39
	10.09		55.80		74.79
	10.72		77.23		78.88
	11.01		77.73		79.91
	11.40		79.28		80.35
	12.02		85.00	Lyleton	1.35
	12.30		105.36	Minnedosa	.64
	12.57		105.67		9.11
	14.10	Carman	11.16		17.04
			13.80		61.55
<i>Lake Erie &amp; Northern Railway</i>			37.49		70.31
		Emerson	31.20		71.82
Main Line	1.05		38.03		78.19
	16.45		61.85		78.47
	17.60	Estevan	16.10	Neudorf	1.00
	17.78		24.30		4.79
	20.26		58.60		5.50
	20.33		62.90		13.80
	22.17	Glenboro	9.65	Rapid City	14.49
	38.29		12.45		30.42
	45.55		30.73	Russell	11.20
	46.63		41.60	Winnipeg Beach	.41
	48.07		42.20		.68
	50.04		50.65		.84
			57.52		1.09
			60.59		1.43
			64.69		1.56
PROVINCE OF MANITOBA			67.77		1.72
Arborg	12.71		73.40		1.82
	27.86		81.94		2.22
	32.74		103.33		2.92
	74.17		135.07		9.30
Arcola	13.50		69.31		13.96
	31.96	Keewatin	72.50		14.85
Bredenbury	9.60		106.60		21.08
	18.30		108.20		22.50
	27.28		112.37		36.94
	36.20		114.47		42.38
	51.30		116.57		46.89
	65.50		119.75		57.08
	74.10		122.51		59.11
Broadview	2.50		124.02		
	47.50		124.19	PROVINCE OF SASKATCHEWAN	
	48.00	Lac Du Bonnet	.60	Altawan	.70
	50.50		40.33		49.34
	55.17		49.38	Arcola	59.80
	64.50		35.10		60.15
	71.20		37.17		96.70

PROVINCE OF SASKATCHEWAN (Cont'd)		PROVINCE OF SASKATCHEWAN (Cont'd)		PROVINCE OF SASKATCHEWAN (Cont'd)	
Subdivision	Mileage	Subdivision	Mileage	Subdivision	Mileage
Asquith	32.95	Macklin	.91	Wilkie Cont'd	28.27
Assiniboia	16.10	Maple Creek	1.72		34.21
	36.30		7.18	Wynyard	2.61
	38.30		24.68		14.21
	66.50		27.10		18.27
Bredenbury	101.80		35.62		22.29
	111.10		44.26		25.67
Broadview	78.10		84.18		26.07
	86.20		84.83		26.43
	86.30	Meadow Lake	34.22		34.17
	86.90	Melfort	9.23		68.78
	93.51		71.29		91.66
	102.45		60.85		113.45
	110.20		82.89		
	116.53		96.03		
	117.30	Neudorf	82.50		
	121.70		89.50	PROVINCE OF ALBERTA	
	129.80		107.70	Alberta Central	18.10
Bulyea	24.60		108.80		45.57
Cutknife	46.40	Outlook	60.32	Aldersyde	19.80
Empress	8.45		107.08		29.45
	23.17		117.99		50.84
	50.56	Prince Albert	27.25		79.89
	63.63		38.87	Bassano	64.44
	68.04		44.42	Brooks	88.22
Estevan	12.06		49.46		3.14
	81.70		94.44		5.42
	97.30	Reford	25.52		9.43
	107.60	Shamrock	31.78		24.55
	114.80		70.31		53.57
	121.46	Stewart Valley	19.56		63.40
	148.00	Sutherland	65.33		74.02
Expanse	25.89		70.04		116.22
Furness	2.95		77.98		145.57
Hardisty	20.95		104.56		169.88
	35.65		109.78		172.10
Indian Head	2.00	Shaunavon	8.85	Cardston	6.44
	17.50		28.21	Coutts	16.35
	31.20	Swift Current	3.10		.59
	39.60		7.82		4.99
	80.51		10.84		23.23
	82.51		25.94		45.22
	84.60		44.50	Crowsnest	13.78
	92.40		45.04		30.72
	101.10		99.00		33.02
	103.80		104.18		54.76
	109.30		109.82		56.97
Kerrobert	9.61	Tisdale	53.93		73.31
	27.76	Tyvan	86.60		74.85
	29.68	Vanguard	71.82		84.46
	44.02	White Fox	8.64		87.88
	45.01		9.57		88.28
	96.37	Wilkie	.14		89.17
Kisbey	23.80		.20	Hardisty	91.56
Lanigan	2.00		.38		76.03
	9.60		.98		76.50
	56.50		1.18	Hoadley	111.75
	62.60		2.40		16.90
	90.20				31.20
					101.53

PROVINCE OF ALBERTA (Cont'd)		PROVINCE OF ALBERTA (Cont'd)		PROVINCE OF BRITISH COLUMBIA	
Subdivision	Mileage	Subdivision	Mileage	Subdivision	Mileage
Lacombe	.30	Maple Creek	125.87	Boundary	93.40
	93.50		146.83		95.28
Laggan	.37		147.40	Carmi	11.90
	1.47	Red Deer	.76		129.30
	22.63		1.45		132.70
	82.04		2.32		132.90
Langdon	5.98		4.77		133.00
	18.30		13.50		133.60
	58.07		21.10	Cascade	26.70
	85.63		25.88		26.90
	92.16		28.05		82.36
Leduc	.35		29.12		93.80
	.60		39.18		99.76
	3.34		39.52		101.40
	11.35		46.22		105.32
	34.53		46.50		109.42
	35.06		70.81		112.20
	57.02		72.86		112.80
	58.47		75.37		115.25
	66.70		84.26		126.85
	75.96	Stirling	100.76		127.74
	78.75	Strathmore	34.91		127.96
	79.03		20.02	Coquihalla	129.07
	82.08		22.68		54.25
	84.18	Taber	55.69		55.20
	85.20		76.72	Cranbrook	15.20
	86.26		76.90		96.70
	92.59		77.77		98.10
	94.95		81.99		99.10
	95.76		84.05	Kaslo	5.16
	97.02		87.09		21.13
	97.09		98.54	Kimberley	18.75
	97.17		107.27	Laggan	124.52
	97.28		18.72	Lake Windermere	64.12
	97.41	Turin	20.60	Merritt	29.10
	97.54	Willington	22.10	Mission City	6.04
	97.60		22.52	Nelson	22.20
	97.66		37.30		41.10
	99.13		87.70		63.90
	99.30		103.80		66.80
MacLeod	.34		106.00		69.40
	1.10		141.00		73.80
	2.01		162.50	New Westminster	.40
	3.32		165.20		1.50
	4.42		169.70		4.90
	7.88		170.30		5.90
	30.96		172.73		8.41
	32.05		11.43	Okanagan	8.87
	37.73	Wetaskiwin	43.62		17.25
	38.82		53.41		22.71
	47.48		70.28		23.00
	51.64		72.33		32.05
	51.78		73.35		34.95
	56.92		94.66		40.65
	71.63				43.62
	80.72				46.00
	91.82				46.15
	98.55				46.47

PROVINCE OF BRITISH COLUMBIA (Cont'd)		PROVINCE OF BRITISH COLUMBIA (Cont'd)		PROVINCE OF BRITISH COLUMBIA (Cont'd)	
Subdivision	Mileage	Subdivision	Mileage	Subdivision	Mileage
Osoyoos	30.50	Esquimalt & Nanaimo		Victoria Cont'd	67.00
Rossland	1.80	Railway			72.20
	6.00	Lake Cowichan	2.70		72.24
	18.70		17.50		72.30
	20.75		17.70		72.60
	29.20	Port Alberni	.10		72.70
Shuswap	.73		36.90		72.80
	38.58		37.40		76.56
	63.80		37.90	Vancouver & Lulu Island	
	90.06	Victoria	2.53	Railway	
	93.46		8.54		
	124.96		38.00	Marpole	1.71
	128.41		41.70		2.00
Thompson	.10		44.30		2.80
	1.10		46.90		4.17
	2.07		48.80	Steveston	1.08
	87.18		50.00		2.67
	94.48		58.80		7.90

LIST OF UNPROTECTED CROSSINGS AT WHICH REFLECTIVE MATERIAL  
IS TO BE PLACED ON RAILWAY CROSSING SIGNS

PROVINCE OF NOVA SCOTIA			PROVINCE OF ONTARIO (Cont'd)		
Railway	Subdivision	Mileage	Railway	Subdivision	Mileage
Sydney and Louisburg	Main Line	.02	Toronto, Hamilton and Buffalo		22.76
		.75			25.51
		8.00			32.52
		12.75	Cont'd		40.49
		16.00			62.20
	Waterford	6.00			62.57
		6.50			63.29
					64.02
					72.87
					76.30
					79.90
					84.57
					87.31
					113.11
					117.33
					142.80
					161.39
					163.11
					173.15
					179.55
					184.61
					191.08
					212.23
					213.71
					217.52
					25.52
					4.73
					.08
					.22
					.23
					.28
					10.90
					13.90
					17.50
					18.30
					30.10
					31.00
					50.50
					56.40
					64.50
					125.80
					126.30
					126.40
					17.40
					17.50
					25.50
					30.20

## PROVINCE OF ONTARIO (Cont'd)

Railway	Subdivision	Mileage
Chesapeake and Ohio Cont'd		41.70
		42.10
		49.20
		52.50
		59.00
		60.90
		61.50
	70.90	
Nipissing Central	Main Line	.30 33.50

## PROVINCE OF MANITOBA

Midland Railway of Manitoba	Main Line	.12 .14 .20 .40 2.00 4.00 5.00
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## PROVINCE OF ALBERTA

Northern Alberta	Barrhead	.10
	Edmonton	7.20
		17.30
		20.10
		130.50
		2.60
	Grande Prairie	13.00
		15.70
		49.30
		50.10
		52.00
		135.20

## PROVINCE OF ALBERTA (Cont'd)

Railway	Subdivision	Mileage	
Northern Alberta (Cont'd)	Lac La Biche	32.40	
		45.80	
		69.60	
		112.80	
	Peace River	97.70	
		Slave Lake	177.20
			195.40
		234.00	
		235.30	
	Smoky	267.00	
270.10			
298.50			
	310.40		
	335.50		

## PROVINCE OF BRITISH COLUMBIA

Northern Alberta	Grande Prairie	132.40
		136.60
		137.10
		137.80
		138.70
British Columbia Electric	B.C.E.	2.76
		3.28
	Marpole New Westminster	1.53
		.10
		2.40
		4.45
		7.59
Great Northern	Cascade	119.70
		130.90
		144.03
		144.50
		153.30
	Vancouver	.19
		.21
		.23
		.25
		.27

## ORDER No. 97316

*In the matter of increased commutation fares filed with the Board to become effective March 15, 1959:*

File No. 29984.18

MONDAY, the 9th day of March, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

H. H. GRIFFIN, *Assistant Chief Commissioner.*

Upon consideration of objections submitted to the Board—

*It is hereby ordered:*

1. That the following tariff schedules be, and they are hereby, suspended until further Order of the Board:

CANADIAN NATIONAL RAILWAYS:

Tariff C.T.C. No. E. 5444

Supplement No. 1, to tariff C.T.C. No. E. 5192

Supplement No. 2, to tariff C.T.C. No. W. 3328

Supplement No. 5, to tariff C.T.C. No. W. 3329

CANADIAN PACIFIC RAILWAY COMPANY:

Tariff C.T.C. No. EE. 2765

Supplement No. 7 to tariff C.T.C. No. WW. 1454

NORTHERN ALBERTA RAILWAYS:

Supplement No. 1, to tariff C.T.C. No. 652.

2. That notice is hereby given that the Board, as soon after April 27, 1959, as can be arranged, will commence hearings at Montreal, and elsewhere thereafter if deemed necessary, to receive evidence in justification of the increased fares and in opposition thereto.

3. That, on or before April 7, 1959, the railway companies involved shall file with the Board ten copies of precis of the evidence to be offered by them in justification of the tariff schedules herein stated, and shall concurrently deliver two copies of such precis to each of the interested cities, towns and municipalities that were represented at the hearings respecting commutation fares at Toronto in June, 1954, and at Montreal and Ottawa in November and December, 1954, and to the City of Toronto and the Toronto Board of Trade.

4. That upon request of Counsel representing any body of persons affected by the change in commutation fares, or upon request of any Association thereof, the railway companies shall furnish two copies of such precis of evidence.

5. Cities, towns and municipalities, and Counsel and Associations mentioned in paragraph 4, that intend to oppose the changes in fares shall, on or before April 21, 1959, file with the Board ten copies of a clear statement of the grounds of their objection to the changes and concurrently mail two copies of the statement to Mr. J. W. G. Macdougall, Q.C., Commission Counsel for Canadian National Railways, Montreal, and two copies to Mr. K. D. M. Spence, Q.C., Commission Counsel, Canadian Pacific Railway Company, Montreal.

6. That further notice of the date and place of hearings will be announced later.

ROD KERR,

*Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

## ORDER No. 97325

*In the matter of the application of Northwest Steamships Limited for a licence under section 10 of the Transport Act:*

File No. 42076.2

TUESDAY, the 10th day of March, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

H. H. GRIFFIN, *Assistant Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

Licence No. C.T.C. (W.T.) 353 is issued to Northwest Steamships Limited for the period of one year commencing January 15, 1959, licensing the following ships:

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
A. A. Hudson .....	148089	2,222
Superior .....	154471	1,801

to transport goods by water between all ports or places in Canada, on Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans.

ROD KERR,

*Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
JANUARY, 1959.

Railway Accidents .....	210	Killed	4	Injured	271
Level Crossing Accidents ...	79	Killed	16	Injured	122
			20		393
Total .....	289		20		393

	<i>Killed</i>	<i>Injured</i>
Passengers .....	—	91
Employees .....	2	175
Others .....	18	127
	20	393
Total .....	20	393

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

NOVA SCOTIA

- 1 — Auto truck struck by train. Licence: N.S. C-5-23-73.
- 1 Auto truck struck by train. Licence: N.S. C-3-9379.
- 1 Auto truck struck by train. Licence: N.S. 3-81-28.
- 1 — Automobile struck by rail diesel car. Licence: N.S. 7-66-34.

NEW BRUNSWICK

- 1 Auto bus ran into side of train. Licence: N.B. PC-1115.
- 3 Auto truck struck by train. Licence: N.B. C-14-122.
- 1 Auto truck struck by train. Licence: N.B. C-16-826.

QUEBEC

- 1 Automobile ran into side of train. Licence: Que. T-14330.
- 2 Auto bus struck by train. Licence: Que. A-1981.
- 1 Auto truck struck by train. Licence: Que. FP-5445.
- 1 Auto truck struck by train. Licence: Que. FL-7184.
- 1 Station wagon ran into side of train. Licence: Que. ET-5609.
- 1 Automobile struck by train. Licence: Que. FG-6513.
- 4 Automobile struck by train. Licence: Que. T-9797.
- 4 Automobile struck by train. Licence: Que. 461-704.
- 1 Automobile struck by train. Licence: Que. 430-231.
- 1 Auto truck struck by train. Licence: Que. FA-8175.
- 3 Track motor car struck by automobile. Licence: Que. 486-288.
- 1 Automobile struck by train. Licence: Que. 749-892.
- 5 Auto truck struck by train. Licence: Que. 604-609.
- 1 Station wagon ran into side of train. Licence: Que. 709-478.
- 1 Automobile ran into side of train. Licence: Que. 371-375.
- 3 Automobile ran into side of Rail Diesel Car. Licence: Que. N-11292.
- 1 Automobile struck by Rail Diesel Car. Licence: Que. 304-506.
- 1 Automobile ran into side of train. Licence: Que. 667-890.
- 1 Automobile struck by Rail Diesel Car. Licence: Que. 427-416.

ONTARIO

- 1 1 Automobile struck by train. Licence: Ont. 236-135.
- 1 Automobile ran into side of train. Licence: Ont. 221-388.
- 1 Auto truck struck by train. Licence: Ont. 82414-B.
- 2 Automobile ran into side of train. Licence: Ont. 455-024.
- 4 Automobile struck by train. Licence: Ont. 443-944.
- 1 Auto truck ran into side of train. Licence: Ont. 83-319-B.

## Killed Injured

## ONTARIO—(Cont'd)

4	—	Auto truck struck by train. Licence: Ont. 89486-B.
1	—	Auto truck ran into side of train. Licence: Ont. 2239-C.
—	1	Auto truck ran into side of train. Licence: Ont. 815-902.
—	1	Automobile ran into side of snowplow. Licence: Ont. 545067.
—	3	Automobile ran into side of train. Licence: Ont. 612-290.
—	3	Auto truck ran into side of train. Licence: Ont. 35879-D.
—	1	Automobile ran into side of train. Licence: Ont. C-56121.
—	2	Automobile ran into side of train. Licence: Ont. 296-369.
—	1	Automobile ran into side of train. Licence: Ont. H-84582.
—	3	Auto truck struck by train. Licence: Ont. 31506-B.
2	—	Automobile struck by train. Licence not given.
—	1	Automobile struck by train. Licence: Ont. 217153.
—	1	Automobile ran into side of train. Licence: Ont. 127-667.
—	4	Automobile struck by train. Licence not given.
—	1	Automobile struck by train. Licence: Ont. 932220.
—	1	Automobile ran into side of train. Licence: Ont. B-39707.
—	3	Automobile struck by train. Licence: Ont. B-59511.
—	4	Automobile struck by train. Licence: Ont. 113-580.
—	1	Automobile struck by train. Licence: Ont. 934-950.
—	1	Automobile struck by train. Licence not given.
—	1	Automobile struck by train. Licence not given.
—	1	Automobile struck by train. Licence: Ont. B-49060.
—	1	Automobile struck by train. Licence not given.
—	1	Transport truck ran into side of train. Licence: Ont. 26041-A.
—	2	Automobile ran into side of train. Licence: Ont. 953-394.
—	2	Automobile ran into side of train. Licence: Ont. 534648.

## MANITOBA

2	3	Automobile struck by train. Licence: Man. 3-W-608.
—	1	Auto truck struck by train. Licence: Man. F-57949.
—	1	Automobile ran into side of train. Licence: Man. 29-B-79.
—	2	Auto truck ran into side of train. Licence: Man. T-21632.
—	3	Auto bus struck by train. Licence: Man. 1774.
—	4	Automobile struck by train. Licence: Man. 7-F-625.
—	1	Auto truck struck by train. Licence: Man. T-6511.

## SASKATCHEWAN

—	1	Automobile ran into side of train. Licence: Sask. 33-355.
—	1	Auto truck ran into side of train. Licence: Sask. F-48955.
—	1	Auto truck struck by train. Licence: Sask. F-91832.
—	1	Track motor car struck by auto truck. Licence: Sask. F-80161.

## ALBERTA

—	1	Auto truck struck by train. Licence not given.
—	1	Automobile struck by train. Licence not given.
2	—	Automobile struck by train. Licence: Alta. AV-103.
—	2	Auto truck ran into side of train. Licence: Alta. PS-22616.
—	2	Auto truck struck by train. Licence: Alta. 264-789.
—	1	Automobile ran into side of train. Licence: B.C. 372-679.
1	3	Automobile struck by train. Licence: Alta. EF-673.

## BRITISH COLUMBIA

—	1	Automobile ran into side of train. Licence: B.C. C-75-919.
1	—	Auto truck struck by train. Licence: B.C. CA-605.
—	1	Automobile struck by train. Licence: B.C. 237184.

Of the 79 accidents at highway crossings, 64 occurred at unprotected crossings, 15 at protected crossings, 33 occurred after sunrise and 46 after sunset.

OTTAWA, Ontario, March 13, 1959.

## ERRATA

Referring to J.O.R. & R. No. 22, dated February 16, 1959, Summary of Orders, page 553, Order No. 96877 should read 96878, and Order No. 96877 has been omitted and should read as follows:

96877 Jan. 19—Approving proposed flammable liquid storage facilities of Shell Oil Co. of Canada, Ltd., at Schefferville, Que. (Q.N.S. & L. Rly. Co.).

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 97212 Feb. 24—Amending Order 92958 re apportionment of cost of improving the approaches to the crossing of the C.N.R. and Stavebank Road, Twp. of Toronto, Co. of Peel, Ont.
- 97213 Feb. 24—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Mary St. north of Wingham, Ont., Mileage 30.67 Kincardine Subd.
- 97214 Feb. 24—Authorizing the C.N.R. to remove the caretaker at Blackfoot, Alta.
- 97215 Feb. 24—Amending Order No. 95755 re apportionment of cost of improving the sight lines where the Twp. road crosses the C.P.R. at Mileage 21.64 Peterboro Subd., Ont.
- 97216 Feb. 24—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 43.45 Cascapedia Subd., P.Q.
- 97217 Feb. 24—Approving Traffic Agreement between The Bell Telephone Company of Canada and The Northern Telephone Company Limited (Nakina, Ont.).
- 97218 Feb. 25—Approving proposed flammable liquid bulk storage facilities of North Star Oil Limited at Bentley, Alta.
- 97219 Feb. 25—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 97220 Feb. 25—Authorizing the City of Peterborough to construct Hawley Ave. over the C.N.R. at Mileage 11.25 Lakefield Subd., Twp. of Monaghan, Ont.
- 97221 Feb. 25—Authorizing the Quebec Dept. of Roads to widen its Waterloo-Shefford Highway where it crosses the C.N.R. at Mileage 55.3 Granby, P.Q.
- 97222 Feb. 26—Authorizing the B.C. Electric Company Limited to construct an 8" gas main over the pipe line of Trans Mountain Oil Pipe Line Company at Vedder Road, at Sardis Twp. of Chilliwack, B.C.
- 97223 Feb. 26—Authorizing the C.N.R. to construct a siding across Moffat St. at Birch River, Man., Mileage 21.86 Erwood Subd.
- 97224 Feb. 26—Authorizing the Manitoba Dept. of Public Works to widen the highway over the C.P.R. at Mileage 54.43 Emerson Subd., Man.
- 97225 Feb. 26—Authorizing the C.P.R. to render the swing span fixed in its bridge over the Red River, City of Winnipeg, Man., Mileage 124.6 Keewatin Subd.
- 97226 Feb. 26—Authorizing the removal of the speed limitation at the crossing of Highway No. 59 and the C.N.R., being the first crossing east of Birds Hill spur, Man., Mileage 7.9 Victoria Beach Subd.
- 97227 Feb. 26—Requiring the New York Central Railroad Co. to install automatic protection at the crossing of Highway No. 4 and its railway one mile south of the station at Huntingdon, P.Q.
- 97228 Feb. 26—Amending Order No. 88402 re apportionment of cost of constructing County Road over the C.N.R. by means of an overhead bridge at Mileage 36.17 Campbellford Subd., Twp. of Percy, United Counties of Northumberland and Durham, Ont.
- 97229 Feb. 26—In the matter of apportionment of cost of constructing the subway under the C.P.R. at Cremazie Blvd. (Metropolitan Boulevard), City of Montreal, P.Q.

- 97230 Feb. 26—Authorizing the Village of Endeavour, Sask., to relocate the highway where it crosses the C.N.R. in the Rural Munic. of Preeceville, Mileage 39.54 Assiniboine Subd.
- 97231 Feb. 26—Authorizing the C.P.R. to remove the caretaker at Edrans, Manitoba.
- 97232 Feb. 26—Relieving the C.P.R. from erecting right of way fencing on the west side of its Hoadley Subd., at Mileages 85.1 and 89.7, Alta.
- 97233 Feb. 26—Relieving the C.P.R. from erecting right of way fencing at certain mileages on its Kerrobert Subd., Sask.
- 97234 Feb. 26—Authorizing the C.N.R. to remove the caretaker at Oak Point, Man.
- 97235 Feb. 26—Authorizing the C.P.R. to operate under the overhead bridge in Lot 24, Con. 1, Twp. of Clark, Ont., Mileage 54.45 Oshawa Subd.
- 97236 Feb. 26—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Aird Ave. in the City of Montreal, P.Q., Mileage 9.04 Longue Pointe Subd.
- 97237 Feb. 26—Authorizing The Chesapeake & Ohio Railway Company to construct its siding along Cathcart St. and across Hall St. in the Town of Blenheim, Ont.
- 97238 Feb. 26—Requiring the C.P.R. to install automatic protection at the crossing of its railway and the first and second public crossings west of the station at Maskinonge, P.Q., Mileages 57.41 and 57.51 Trois Rivieres Subd.
- 97239 Feb. 26—In the matter of apportionment of cost of construction of overhead bridge at intersection of the C.P.R. and Highway 11 in the Town of Ste. Agathe, P.Q.
- 97240 Feb. 26—Approving tariffs filed by The Bell Telephone Company of Canada.
- 97241 Feb. 26—Rescinding Orders 63284 and 66014 which approved facilities of Imperial Oil Limited at Downsview, Ont.
- 97242 Feb. 26—Approving application of the C.N.R. for approval of clearances on the siding serving Colgate Palmolive Limited in the City of Toronto, Ont.
- 97243 Feb. 26—Authorizing the Sask. Dept. of Highways and Transportation to widen Highway No. 16 where it crosses the C.P.R. near Peebles, Sask., Mileage 98.55 Reston Subd.
- 97244 Feb. 26—Requiring the C.N.R. to install automatic protection at the crossing of their railway and County Road No. 27 west of Stamford, Ont., Mileage 3.87 Welland Subd.
- 97245 Feb. 26—Requiring the C.N.R. to install automatic protection at the crossing of their railway and County Road No. 18, Ont., Mileage 7.56 Welland Subd.
- 97246 Feb. 26—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Boyne (Alexander) St., Village of Treherne, Man., Mileage 73.35 Glenboro Subd.
- 97247 Feb. 27—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Talon, P.Q., Mileage 114.46 Lachute Subd.
- 97248 Feb. 27—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Chesterville, Ont., Mileage 82.04 Winchester Subd.
- 97249 Feb. 27—Exempting the C.P.R. from erecting right of way fencing between certain mileages on its McMorrان Subd., Sask.
- 97250 Feb. 27—Requiring the C.N.R. to install automatic protection at the crossing of its railway and the highway at Red Rock, Ont., Mileage 82.42 Dorion Subd.
- 97251 Feb. 27—Approving plan showing the protection as installed at crossing of the C.N.R. Longue Pointe Subd. and Bennett Ave., at Maisonneuve, in the City of Montreal, P.Q.

- 97252 Feb. 27—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 123.4 Vegreville Subd., Alta.
- 97253 Feb. 27—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at Mossbank, Sask.
- 97254 Mar. 2—Approving the C.P.R. Company's proposed liquefied petroleum gas fired switch heater at Mileage 3.12 Winchester Subd.
- 97255 Mar. 2—Dismissing application of the C.N.R. for authority to close the agency at Lancaster, Ont.
- 97256 Mar. 2—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. in Morin Heights, P.Q., Mileage 49.41 Montford Subd.
- 97257 Mar. 2—Authorizing the Trans-Northern Pipe Line Company to relocate its company pipe line at certain locations in the City of Hamilton, Ont.
- 97258 Mar. 2—Granting a licence to the Yellowknife Transportation Company under section 10 of the Transport Act.
- 97259 Mar. 2—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Main Street, City of Welland, Ont., Mileage 13.61 Welland Subd.
- 97260 Mar. 2—Authorizing the removal of the speed limitation at the crossing of the Northern Alberta Railways Company and Provincial Highway No. 2 at Smith, Alta., Mileage 129.08 Edmonton Subd.
- 97261 Mar. 2—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at St. Lazare, P.Q., Mileage 23.75 Winchester Subd.
- 97262 Mar. 2—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. being the fourth crossing west of station at Sudbury Junction, Ont., Mileage 1.2 Sudbury Terminal Subd.
- 97263 Mar. 2—Approving tariffs filed by British Columbia Telephone Company.
- 97264 Mar. 2—In the matter of construction of a subway at the crossing of the C.N.R. and St. Joseph Boulevard in the City of Drummondville, P.Q.
- 97265 Mar. 3—Approving tolls published in tariffs filed by the C.P.R. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 97266 Mar. 3—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Letourneaux Ave., in Montreal, P.Q., Mileage 9.28 Longue Pointe Subd.
- 97267 Mar. 3—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 97268 Mar. 3—Approving application of The Bell Telephone Company of Canada covering the issue, sale, etc. of certain shares of capital stock of the Company.
- 97269 Mar. 3—In the matter of section 270 of the Railway Act respecting signboards and the making of such signboards with reflective material at certain highway-railway crossings.
- 97270 Mar. 3—In the matter of the Regulations for the Transportation of Dangerous Commodities by Rail.
- 97271 Mar. 3—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Steeles Ave. near Sherring, Ont., Mileage 83.86 Peterboro Subd.
- 97272 Mar. 3—Approving Agreement between The Bell Telephone Company of Canada and The North American Telegraph Company.
- 97273 Mar. 3—Approving flammable liquid storage facilities of Imperial Oil Limited at Kindersley, Sask.
- 97274 Mar. 3—Approving proposed additional flammable liquid storage facilities of The British American Oil Company Limited, at Swan River, Man.
- 97275 Mar. 3—Authorizing the C.P.R. to remove the station shelter at Brunet, P.Q.

- 97276 Mar. 3—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Clandonald, Alta.
- 97277 Mar. 3—Authorizing the C.N.R. to use and operate the bridge over the Cowichan River, B.C., Mileage 66.2 Cowichan Subd.
- 97278 Mar. 4—Authorizing the City of Quebec to construct 22nd Street across the C.N.R. in that City, at Mileage 1.63 Batiscan Subd.
- 97279 Mar. 4—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of The Maritime Freight Rates Act.
- 97280 Mar. 4—Approving tolls published in tariffs filed by the Canada and Gulf Terminal Railway Company under section 8 of the Maritime Freight Rates Act.
- 97281 Mar. 4—Approving tolls published in tariffs filed by the Cumberland Railway and Coal Company under section 8 of the Maritime Freight Rates Act.
- 97282 Mar. 4—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of The Maritime Freight Rates Act.
- 97283 Mar. 4—Approving tolls published in tariffs filed by the Canadian Freight Association under sections 3 and 8 of the Maritime Freight Rates Act.
- 97284 Mar. 4—Rescinding certain Orders which restricted the speed of trains over the crossing of the C.N.R. and Highway No. 540 in the Parish of Charlesbourg, P.Q., Mileage 3.34 Batiscan Subd.
- 97285 Mar. 4—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at Mileage 62.3 Glenavon Subd., Sask.
- 97286 Mar. 4—Authorizing the C.P.R. to remove the swing gates at the crossing of its railway and Dalhousie and Cumberland Sts. in the City of Ottawa, Ont.
- 97287 Mar. 5—Amending Order No. 54107 which authorized the C.P.R. to close certain crossings until required for the purpose of highway traffic on its Brooks Subd., Alta.
- 97288 Mar. 5—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Kipling Ave., Toronto, Ont., Mileage 9.38 Galt Subd.
- 97289 Mar. 5—Authorizing the removal of the speed limitation at the crossing of Prov. Highway No. 19 and the New York Central Railroad Co. one mile west of Tillsonburg, Ont., Mileage N.F. 91.57.
- 97290 Mar. 5—Approving application of the C.N.R. and C.P.R. for the approval of clearances at the new Customs and Immigration Passenger Terminal at Wolfe's Cove, P.Q.
- 97291 Mar. 5—Amending Order No. 96759 which approved the installation of automatic protection at crossing of the C.N.R. and Highway No. 99, 1.80 miles west of Lynden, Ont., Mileage 15.80 Dundas Subd.
- 97292 Mar. 5—Authorizing the City of St. Boniface, Man., to construct a subway under the C.P.R. at Archibald St.
- 97293 Mar. 5—Authorizing the N.B. Dept. of Public Works to construct the Trans-Canada Highway across the C.N.R. by means of an overhead bridge near Memramcook River, Parish of Dorchester, Co. of Westmorland, N.B., Mileage 108.9 Springhill Subd.
- 97294 Mar. 5—Authorizing Consumers' Gas Company to construct a 6-inch high-pressure natural gas pipe line across and under the trackage of The Toronto Harbour Commissioners on Queen's Quay, approx. 170 feet west of Cooper St., in the City of Toronto, Ont.
- 97295 Mar. 5—Rescinding Order No. 83770 which approved the location of cracking furnace and separator of The British American Oil Company near the C.P.R. at Moose Jaw, Sask.
- 97296 Mar. 5—Rescinding Order No. 57606 which approved facilities of McColl-Frontenac Oil Company Limited for the handling and storage of flammable liquids at Regina, Sask.

- 97297 Mar. 5—Rescinding Order No. 51336 which approved the location of facilities of Hi-Way Refineries, Limited for the handling and storage of flammable liquids at Regina, Sask.
- 97298 Mar. 5—Rescinding Order No. 80490 which approved the location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids at Bladworth, Sask.
- 97299 Mar. 5—Rescinding Order No. 63842 which approved the location of facilities of Shell Oil Company of Canada Limited at Davidson, Sask.
- 97300 Mar. 5—Approving proposed flammable liquid bulk storage facilities of Imperial Oil Limited at Slave Lake, Alta.
- 97301 Mar. 5—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 97302 Mar. 5—Authorizing the removal of the speed limitation at the crossing of St. Pierre Sud range road and the C.N.R. in the Parish of St. Constant, P.Q., Mileage 18.77 Massena Subd.
- 97303 Mar. 5—Authorizing the removal of the speed limitation at the crossing of Queen St. and the C.P.R. in Toronto, Ont., Mileage 0.91 Canpa subd.
- 97304 Mar. 6—Authorizing the City of Jonquiere, P.Q., to construct a pedestrian level crossing over the C.N.R. at St. Edmond St., Mileage 104.90 Jonquiere Subd.
- 97305 Mar. 6—Authorizing the Munic. District of Vermilion River to relocate and widen the crossing of the highway and the C.P.R. at Mileage 1.98 Willingdon Subd., Alta.
- 97306 Mar. 6—Authorizing the Public Utilities Commission of the Twp. of Toronto to construct a 20-inch water main across and under the Trans-Northern Pipe Line Company at Indian Road and at Indian Grove Ave., Lot 9, Range 2, Credit Indian Reserve, Twp. of Toronto, Ont.
- 97307 Mar. 6—Relieving the C.P.R. from erecting right of way fencing between certain mileages on its Lanigan Subd., Sask.
- 97308 Mar. 6—Requiring the C.N.R. to install improved protection at the crossing of their railway and Beaugrand St. in the City of Montreal, P.Q., Mileage 6.39 Longue Pointe Subd.
- 97309 Mar. 9—Authorizing The Bell Telephone Company of Canada to construct an eight duct underground conduit across and over the pipe line of Trans-Northern Pipe Line Company on St. Andrews Road, Cornwall, Ont.
- 97310 Mar. 9—Authorizing the N.B. Dept. of Public Works to construct the Trans-Canada Highway across the C.N.R. at Mileage 0.73 Buctouche Subd.
- 97311 Mar. 6—Authorizing The Bell Telephone Company of Canada to construct two underground telephone cables across and under the pipe line of Trans-Northern Pipe Line Company in Lot 14, Con. 1, Twp. of Augusta, Ont.
- 97312 Mar. 9—Authorizing the removal of the speed limitation at the crossing of Pageau Road and the C.N.R. being the fifth crossing south of the station at Loretteville, P.Q., Mileage 7.83 Batiscan Subd.
- 97313 Mar. 9—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 24.75 MacLeod Subd., Alta.
- 97314 Mar. 9—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 43.37 MacLeod Subd., Alta.
- 97315 Mar. 9—Authorizing the removal of the speed limitation at the crossing of McLaughlin Road and the New York Central Railroad Company at Mileage N.F. 31.1 Main Line Subd., Ont.
- 97316 Mar. 9—In the matter of increased commutation fares filed with the Board to become effective March 15, 1959.
- 97317 Mar. 9—Approving tariffs filed by The Bell Telephone Company of Canada.
- 97318 Mar. 9—Authorizing the removal of the speed limitation at the crossing of St. Valerien Road and the C.N.R. in the Parish of St. Ephrem d'Upton, P.Q., Mileage 28.18 St. Hyacinthe Subd.

- 97319 Mar. 9—Authorizing the New York Central Railroad Company to remove the station agent at Highgate, Ont.
- 97320 Mar. 9—Authorizing the C.N.R. to remove the station agent at River Denys, N.S.
- 97321 Mar. 9—Authorizing the C.P.R. to remove the agent at Instow, Sask., provided a caretaker is appointed.
- 97322 Mar. 9—Approving proposed liquid bulk storage facilities of the British American Oil Company Limited at Kimberley, B.C.
- 97323 Mar. 9—Approving proposed flammable liquid bulk storage facilities of The British American Oil Company Limited at Chatham, N.B.
- 97324 Mar. 9—Rescinding Orders which approved facilities of Imperial Oil Limited for handling and storage of flammable liquids near the C.P.R. at Carmangay, Alta.
- 97325 Mar. 10—In the matter of the application of Northwest Steamships Limited for a licence under section 10 of the Transport Act.
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The Board of  
Transport Commissioners for Canada

Judgments, Orders, Regulations and Rulings

Vol. XLIX

OTTAWA, APRIL 15, 1959

No. 2

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*In the matter of the application of the Canadian National Railway Company for an order authorizing the discontinuance of the commuter service operated between Quebec City and St. Joachim, P.Q., on the Montmorency Subdivision, a distance of 25.1 miles.*

Before:

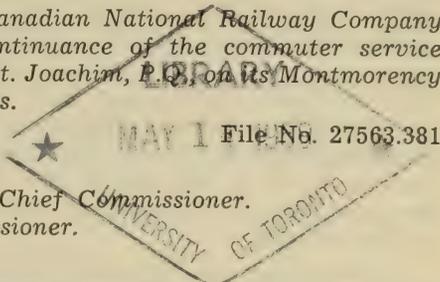
A. SYLVESTRE, Q.C., Deputy Chief Commissioner.  
H. B. CHASE, C.B.E., Commissioner.

Heard at:

City of Quebec, P.Q., on September 9 and 10, 1958.

Appearances:

J. W. G. MACDOUGALL, Q.C.,  
LIONEL COTE, Q.C., and  
GUSTAVE GARNEAU, Q.C., } for the Canadian National Railways.  
J. M. GUERARD, Q.C., for the Town of Montmorency.  
MAURICE HUOT, Q.C., for the County Council, Montmorency  
Division.  
ROBERT LAFRENIERE, M.P., Quebec-Montmorency.  
GABRIEL GAUDRY, Q.C., for the Municipality of Chateau-Richer.  
JOSEPH BOUDREAU, for the Village of Beupre.  
AMEDEE LAVOIE, for the Municipality of Giffard.  
LEONARD GOUIN, for the Village of Ste. Anne de Beupre.  
GERARD ST. HILAIRE, Q.C., for the Parish of Ste. Anne.  
BENOIT PELLETIER, Q.C., for the City of Quebec.  
GERARD TREMBLAY, for the Municipality of St. Joachim.  
J. G. McLEAN, Vice-President, National Legislative Representative,  
Brotherhood of Locomotive Firemen and Enginemen.  
PAUL E. BEAUREGARD, General Chairman, Brotherhood of Loco-  
motive Firemen and Enginemen.  
ROBERT CARON, General Chairman, The Order of Railroad Teleg-  
raphers.  
BENOIT PERRON, General Chairman, Brotherhood of Railroad  
Trainmen.  
HENRI PAUL TREMBLAY, Trolley-man.



## J U D G M E N T

CHASE, *Commissioner*:

This application was submitted to the Board under date of July 24, 1958, and the matter was heard in the City of Quebec on September 9 and 10, 1958.

In support of the application, among other things it was stated that, during the last ten years, traffic on the Montmorency Subdivision had fallen from an average monthly carrying of 203,388 passengers in 1945 to 35,216 in 1957, with annual system losses for the years 1955, 1956 and 1957 being as follows:

1955	1956	1957
\$177,840	\$203,151	\$226,429

The passenger equipment is old, in poor condition and would be required to be replaced by steel coaches if the operation is to continue.

The electrical equipment in use is reaching the end of its economic life and the power distribution system needs rehabilitation. If it is to continue in operation, capital expenditures conservatively estimated at \$200,000 will soon have to be made, i.e., \$24,000 for replacement of the turntable at St. Paul Street Station, and \$176,000 for renewal of the catenary system.

*BUS COMPETITION*

The Montmorency Subdivision is closely paralleled on both sides by first class highways as far as Ste. Anne de Beaupre with one paved highway continuing on to the end of the Murray Bay Subdivision. Convenient and frequent service is provided by three bus companies at lower rates than those of the railway.

Compagnie de Transport Montmorency operates between Quebec City and St. Joachim, making stops between L'Ange Gardien (10 miles) and St. Joachim (25 miles). Between St. Joachim and Quebec there are 10 trips eastward and 11 trips westward from 5:30 a.m. until 11:30 p.m., with reduced service on Sundays and holidays. Between St. Joachim and Chateau Richer there is frequent service from 7:00 a.m. to 12:30 a.m.

Transport Boischatel Limitee operates between Quebec City and Boischatel (8 miles). There are 50 trips in each direction between 5:45 a.m. until midnight with reduced service on Sundays and holidays.

Autobus W. Guimont operates between Quebec City and Montmorency (6 miles). There are 21 trips daily in each direction from 5:55 a.m. until midnight. Additional trips are made on Saturday with reduced service on Sundays.

In competition with all this bus service the railway operated an average of 19 trips per day through 1957.

Railway officials have contacted these Bus Operators who have advised that they are willing and able to carry all persons now using rail commuter services.

*OTHER TRAIN SERVICES*

The Montmorency Subdivision has a feeder value for freight traffic and is essential as a link with the Murray Bay Subdivision. The freight service is now carried on with electric and steam locomotives, but will soon be dieselized.

Besides the commuter and freight service, there is a through passenger service (steam) between Quebec City and La Malbaie. This service is designed for passengers travelling from west of St. Joachim on the Montmorency Subdivision to points east of St. Joachim on the Murray Bay Subdivision and vice versa.

The schedule is as follows:

Quebec to La Malbaie, Train 176, Daily ex. Sunday.

La Malbaie to Quebec, Train 173, Sunday only.

La Malbaie to Quebec, Train 175, Daily ex. Sunday and Monday.

These trains leave and arrive at Palais Station, Quebec City. During the month of July special excursion trains are run from Sydney, Halifax and Moncton to the Shrine of Ste. Anne de Beaupre. Occasionally there has been an excursion from the U.S. via Central Vermont Railway and Montreal. If the commuter service were abolished these services would not be restricted. Normal express and mail services will not be affected.

#### *DIESELIZATION OF THE MONTMORENCY SUBDIVISION*

Dieselization of the Montmorency and Murray Bay Subdivisions is scheduled for the near future. This means that all freight will eventually be moved by diesel locomotives because of more economical operation than either steam or electricity with overhead power system. Dieselization of the through passenger service between Quebec City and La Malbaie will follow. If the commuter service is to continue as an electrified service after dieselization, the whole cost of the electric operation will be charged to the commuter service. Dieselization of the commuter service with Rail Diesel Cars would save the costs of electric power, the overhead distribution system, etc., but these savings would be far outweighed by capital charges for the type of equipment required, diesel, fuel, etc.

#### *EFFECT OF ABANDONMENT ON EMPLOYEES*

The application stated that if the commuter service is abandoned there will be an immediate reduction in staff affecting those directly connected with the service as follows:

- 12 Motormen
- 23 Trainmen
- 10 Office Workers
- 5 Coach Cleaners
- 1 Carman
- 2 Despatchers
- 2 Ticket Sellers
- 3 Gatemen
- 3 Station Cleaners
- 1 Assistant Superintendent

This was corrected during the hearing as follows:

- 10 Motormen
- 18 Trainmen
- 2 Gatemen

The train crew personnel above is the maximum required but up to 8 additional miscellaneous car cleaners and helpers are required during the peak season. Three agencies would probably be closed along the line as well. All the employees affected by the staff reduction would be absorbed by the Company through the normal process of attrition due to retirements, etc.

A further correction was made during the hearing by deleting the second sentence in the paragraph immediately above, which is quoted from the application itself.

If the commuter service were abandoned there still would be 20 employees engaged in substation and other duties common to both commuter and freight electric service. This staff would be reduced when dieselization of the freight service went into effect and would not be the result of abandonment of the commuter service.

As above stated, hearing was held in the City of Quebec on September 9 and 10, 1958. On September 10, when it became apparent that the hearing could not be ended on that date, and as the Board had commitments in respect to hearings in Montreal on September 11, it was suggested to the applicant and the respondents that we adjourn on September 10 and meet again on September 12, it being further explained to those present that—due to other commitments of the Board—September 12 would be the only soon date for the continuation of the hearing.

As several of those present—particularly those representing the respondents—stated that they could not be present on September 12, it was agreed by all concerned that any additional evidence which the respondents desired to submit to the Board should be presented in writing not later than November 1, 1958. Subsequently, on request of Mr. Maurice Huot, Q.C., Counsel for some of the respondents, the Board extended the time for the filing of additional evidence and/or briefs until November 18, 1958.

The additional evidence and briefs having been duly filed and duly considered, and as the Board had so many commitments on hand—making it impossible to issue a judgment immediately—in order that all concerned might know that the Board had decided to grant the application, Order No. 96358, dated November 24, 1958, was issued, approving the application subject to paragraph 2 of the Order which reads in part:

“The discontinuance authorized in paragraph numbered one hereof shall not take effect before sixty days after public notice of such discontinuance has been given by the Applicant.”

Under date of December 29, 1958, the Railways advised the Board that it had been decided that discontinuation of the service should not take effect until March 16, 1959. The Board was also advised that a notice had been posted and published in the newspapers reading as follows:

“NOTICE

The commuter service at present provided between Quebec City and St. Joachim, Que., and all intermediate points on the said line will be discontinued effective one minute after two o'clock (2.01) a.m., Monday, March 16, 1959.

Canadian National Railways”

During the hearing evidence was submitted indicating that during the years 1953 and 1954 the average carryings of passengers on the commuter service was somewhat in excess of 100,000 persons per month.

Exhibit No. 2, reproduced below, shows the carryings per month for the years 1955, 1956 and 1957, and a computation of the carryings for the year 1957 shows the average to be 33,555 per month. An average of 4,490 were pass holders, leaving an average of 28,565 revenue passengers. To put it another way, from 1953 and 1954 to 1957 the carryings had decreased approximately two-thirds.

Exhibit No. 5, also reproduced below shows the annual system losses for the years 1955, 1956 and 1957 to be:

1955	1956	1957
\$177,840	\$203,151	\$226,429

A total for the three years of some \$607,400.

## CANADIAN NATIONAL RAILWAYS

Office of the District Passenger Agent

Quebec, Que., September 5, 1958.

RECORD OF PASSENGERS CARRIED ON MONTMORENCY SUBDIVISION  
YEARS 1955-1956-1957

	1955			1956			1957		
	Revenue Passengers	Passes	Total	Revenue Passengers	Passes	Total	Revenue Passengers	Passes	Total
Jan. . . .	96,518	5,573	102,091	56,011	5,494	61,505	32,197	4,688	36,885
Feb. . . .	94,337	5,507	99,844	54,028	5,189	59,217	32,157	4,247	36,404
Mar. . . .	100,840	5,670	106,510	54,626	4,991	59,617	34,762	4,543	39,305
Apr. . . .	84,168	4,826	88,994	50,293	4,251	54,544	30,716	4,075	34,791
May . . . .	78,604	4,924	83,528	47,271	4,688	51,959	30,246	4,302	34,548
June . . . .	72,345	5,199	77,544	48,225	4,416	52,641	27,458	4,540	31,998
July . . . .	86,830	5,977	92,807	64,713	6,027	70,740	39,641	5,337	44,978
Aug. . . .	78,227	5,512	88,739	55,940	5,637	61,577	35,546	5,242	40,788
Sept. . . .	80,445	5,344	85,789	44,016	5,084	49,100	29,285	4,589	33,874
Oct. . . .	61,403	5,119	66,522	35,793	4,917	40,710	26,236	4,133	30,369
Nov. . . .	54,719	4,763	59,482	33,393	5,166	38,559	24,175	3,951	28,126
Dec. . . .	58,785	5,419	64,204	32,725	5,519	38,244	26,296	4,233	30,529

Exhibit No. 2

## CANADIAN NATIONAL RAILWAYS

Operating Results—Commuter Service

Between

Quebec and St. Joachim, Que.

1955, 1956 and 1957

<i>System Revenues</i>	1955	1956	1957
Commutation Ticket Sales . . . . .	\$ 87,680	\$ 52,520	\$ 30,007
Other Ticket Sales . . . . .	63,127	57,782	53,601
Conductors Cash Sales . . . . .	38,233	33,776	31,522
Special Excursion Ticket Sales (Local) . . . . .	6,532	1,661	1,537
Express Attributed to Commuter Service . . . . .	12,241	14,464	13,898
	<u>\$207,813</u>	<u>\$160,203</u>	<u>\$130,565</u>
<i>Out-of-Pocket Expenses</i>			
Train Wages (Motormen, Conductors and Ticket Collectors) . . . . .	\$ 74,118	\$ 77,676	\$ 74,834
Power—Power Purchased . . . . .	22,275	22,103	22,359
Power Plants (Substation Staffs and Maintenance) . . . . .	30,785	28,593	30,643
Power Distribution System . . . . .	75,566	50,816	40,747
Maintenance of Equipment . . . . .	83,598	83,952	92,937
Marshalling of Equipment . . . . .	13,000	10,779	9,146
Train Supplies . . . . .	4,342	3,600	3,055
Maintenance of Way and Structures . . . . .	8,233	6,964	5,942
Station and Other Staff Expenses . . . . .	70,676	75,255	73,856
Off Line Expense . . . . .	3,060	3,616	3,475
	<u>\$385,653</u>	<u>\$363,354</u>	<u>\$356,994</u>
Annual System Loss . . . . .	\$177,840	\$203,151	\$226,429

Exhibit No. 5

Montreal, Sept. 2, 1958.

Taking into consideration the losses for the year 1957 and if one assumed that the service was to be kept in operation, it is reasonable to assume that the annual system loss would continue to be in the nature of a quarter of a million dollars per annum.

Mention should be made with respect to the maintenance of the electric rolling stock equipment. In connection with this, the Railways stressed the point that the maintenance was becoming more and more difficult, particularly for the reason that, as the equipment was old and out-of-date, it was practically impossible to secure new parts when replacements were needed. The general practice appears to be to take parts from one piece of equipment and put them on another piece.

Reference has been made herein to the bus competition and at this point it appears to me to be most desirable to quote from the evidence submitted and sworn to by Mr. Landerman, one of the witnesses for the Railways, who was interrogated in part by the Deputy Chief Commissioner and in part by Mr. Garneau, Counsel for the Railways.

The testimony is found commencing on page 6546 of the transcript, the English translation of which reads as follows:

*“Deputy Chief Commissioner:*

Q. Mr. Landerman, I am given to understand that there are three bus companies, is that not correct?

R. Yes, Sir, one from St-Joachim to Quebec City.

Q. One from Montmorency to Quebec City?

R. Yes, Sir.

Q. And the third one?

R. The one whose service is given in Boischatel.

*Mr. Garneau:*

Q. You have already stated that you have met the owners of these bus companies?

R. Yes, Sir.

Q. Can you tell us how many buses are owned by the Boischatel Transport?

R. The Boischatel Transport?

Q. Yes.

R. At the time of our conversation we were told they had 26 buses; fifteen new ones and eleven others which can carry a total of 852 passengers.

Q. Per day?

R. They can accommodate 852 passengers in their buses but they carry more than that per day.

Q. How many trips are made by this company?

R. Boischatel Transport Co. makes 50 trips in each direction on week days that is Monday to Friday inclusive from 5.45 a.m. to midnight.

Q. And Sundays and statutory holidays?

R. They have a somewhat reduced service on weekends.

Q. And this service is parallel to the railway?

R. It runs farther from the railway than the others as it runs on Royal Avenue which is at the top of the hill.

Q. North of the railway crossing?

R. North of the railway crossing.

Q. Have you enquired as to the approximate number of passengers this company can carry per day or per month?

R. 7,000 per day and well over 200,000 per month.

Q. How many buses has the Guimont Company?

R. Nine with a capacity of 333 passengers.

Q. How many trips per day?

R. They provide service between Montmorency and Quebec City and make 21 trips in each direction from 5:55 a.m. to midnight; their buses pass on the new Ste-Anne highway bordering the C.N.R. tracks.

Q. South of the railway?

R. Yes, Sir.

Q. How many passengers do they carry monthly?

R. An average of 53,000 are carried to Quebec City. About 15,700 passengers receive their services within the limits of the Town of Montmorency; this service is mainly for the employees of Dominion Textile.

Q. How do their rates compare with those of the railway?

R. 25 trips to Quebec City for \$2.50.

Q. From Quebec to Montmorency?

R. Yes, Sir.

Q. What are the railway rates?

R. 40 trips for \$8.80.

Q. Twice as much?

R. They give 25 trips; we give 40 trips; ours averages 22 cents a trip, theirs ten cents.

Q. The company with the longest route is the Montmorency Transport Co., is it not?

R. Yes, Sir.

Q. From Quebec City to St-Joachim?

R. Yes, Sir.

Q. Have you enquired as to the number of buses they have available?

R. At this time, they have fifteen.

Q. How many passengers can they accommodate?

R. From the St-Joachim to Quebec City during the week 28,500 passengers. On Sundays and holidays only the number of passengers is smaller.

Q. For St-Joachim?

R. There is a special rate for the workers—12 trips for \$10.10.

Q. Do they carry students tickets?

R. Yes, 12 trips for \$4.10.

Q. What is the railway fare for this same trip?

R. 40 trips for \$11.45.

Q. Compared to \$6.10?

R. \$6.10 is for six trips. I beg your pardon this was the 1950 rate. The fare has been increased, I am sorry the actual fare is 40 trips for \$23.85 by rail since the May 1957 increase.

Q. Does the C.N.R. sell students tickets also?

R. Yes, lately the students fare is cheaper than the bus rate. From Quebec City to St-Joachim—\$7.95.

Q. Have you made a study comparing the number of passengers catered to by the C.N.R. during the past three years?

R. Yes, I have here some statistics compiled by our research bureau. In January, 1955, the railway catered to 96,518 passengers.

Q. Am I given to understand that this is the statement to be found at page 4 of the application?

R. Rightly so.

Q. Is that not right?

R. Yes.

Q. You mean in January?

R. 55,955—15 coaches; in December of the same year 58,785. This in 1955. In Jan. 1957, the railway transported 32,197 passengers and in December 1957, 26,296.

Q. Are these paying passengers?

R. Only paying customers.

Q. What is the percentage of passengers with passes?

R. Around 20%.

Q. Would you file this statement as Exhibit No. 2?"

While dealing with the bus competition, mention should be made of the evidence given by Mr. Eugene Dupont, owner of the Montmorency Transport Company, which, as indicated herein, is the one company which operates over the entire distance from Quebec City to St. Joachim.

Mr. Dupont's sworn evidence commences on page 6582 of the transcript. The English translation reads in part as follows:

"EUGENE DUPONT, bus owner, living at 83 Royal Avenue, Beaupre, P.Q., age 52, being duly sworn:

Examined by Mr. Gustave Garneau.

Q. How is the company of which you are the owner called?

R. Montmorency Transport Company.

Q. How many years have you been in this business?

R. Since 1932.

Q. Will you tell the Board . . .

R. I started with one bus.

Q. Will you tell the Board about your bus route?

R. My buses run on both routes—on the boulevard and on the old road.

*Deputy Chief Commissioner:*

Q. Where?

R. From St-Joachim to Quebec City. I make twelve trips per day.

*Mr. Gustave Garneau:*

Q. You say that your buses run on both roads?

R. On both roads.

Q. On Royal Avenue and Ste-Anne Boulevard?

R. That's it.

Q. At which place do you enter Ste-Anne Boulevard?

R. When a bus is full, another is sent to the old road and we proceed on Ste-Anne Boulevard.

Q. How many buses do you have presently?

R. I have fifteen; the service is provided with twelve.

Q. There are always three available in case of emergency?

R. Yes, Sir.

Q. What is the seating capacity of these buses?

R. I have some which can accommodate 45 passengers; I have some which can accommodate from 37 to 45 passengers.

Q. How many buses have you got with a seating capacity of 40, 35 and 37?

R. I cannot say; I have quite a few with a 40 and 37 seating capacity.

*Deputy Chief Commissioner:*

Q. What do you mean?

R. Sitting, not counting the small seats; one is forbidden to seat people on the small seats. Besides, I have charged the same price for the last fifteen years.

Q. Are your prices regulated by the Provincial Transport Commission?

R. Rightly so, one cannot raise his prices without going through the Provincial Transport Commission, while proving to them that they are necessary.

Q. And you leave St-Joachim?

R. At the station.

Q. Right up to Quebec City?

R. Right up to Quebec City.

Q. Do you take up passengers all along your route?

R. No, just to the limits of Boischatel; I take some at St-Joachim, Beaupre, Ste-Anne, Chateau Richer, l'Ange-Gardien; on both roads.

Q. Then, at Boischatel, you go right on?

R. The doors are closed. We transported 44,000 passengers in August.

*Mr. Gustave Garneau:*

Q. How many passengers have you transported in August?

R. 44,000 in August, 1958.

Q. How do your rates of fare compare with those of the railways?

R. We charge more to students than the railways do but we still have students.

Q. For adults it is about the same?

R. I think it is about the same rate for adults.

*Deputy Chief Commissioner:*

Q. It is generally speaking somewhat cheaper on the bus.

R. I think that our rates are, as far as we are concerned, just as high as those of the railways; but before that the railways had much cheaper rates.

*Mr. Gustave Garneau:*

Q. How many trips are made per day?

R. 12 trips each day, both ways; I have another service running between Ste-Anne and St-Joachim.

Q. At what time is your first run in the morning and when is your last run at night?

R. From 7 a.m. for the Ste-Anne run and at 5:30 a.m. for the Quebec City run right on to 12:30 a.m.

*Deputy Chief Commissioner:*

Q. From St-Joachim to Quebec City?

R. Yes.

Q. But from Quebec City to St-Joachim?

R. The same thing.

Q. At the same hours?

R. Yes.

*Mr. Gustave Garneau:*

Q. What would happen if the train service is discontinued?

R. I can give the same service with but three additional buses.

Q. With three extra buses?

R. Yes, we could leave at the same time as the trains do to accommodate the passengers.

Q. This would mean three extra buses?

R. With the three 'spare' ones I already have it would mean six buses.

Q. It would mean six, then?

R. Our buses can turn around; we provide service to St-Joachim, we turn around and come back; it is not so with the trains; people do not travel at the same hours.

Q. Will you be able to accommodate the general public?

R. Certainly.

Q. How will you do it?

R. We will have the same timetable as the trains.

Q. As the trains timetable?

R. That's it.

Q. If other changes are called for, are you willing to make them?

R. We shall consult with the passengers and will try to please them.

Q. You plan to give excellent service?

R. That's right; I have given an excellent one to date and will just go on giving an excellent service.

*Deputy Chief Commissioner:*

Q. Is your bus service affected by the Winter months?

R. No, all the trips we had to make were made last Winter."

In addition to the above, the Board was advised, under date of January 21, 1959, that Mr. Dupont had placed an advertisement in the Quebec newspapers and following is a translated copy of the advertisement:

**TRANSLATION**

Published in "Le Soleil" and "L'Evenement-Journal", Friday, Jan. 16, and in "L'Action Catholique", Saturday, Jan. 17, 1959.

**BEAUPRE COAST BUS SERVICE**

With a view to providing an improved service to its clients The Montmorency Transport Company vehicles which make 11 round trips daily will increase the number of such daily round trips to 13, effective March 16, and will soon take delivery of three new 50-seat buses.

*Leave St. Joachim for Quebec City*

Daily	Ex. Sun.	Ex. Sun.	Daily	Daily	Daily
5.15 a.m.	6.00 a.m.	7.00 a.m.	7.30 a.m.	8.50 a.m.	11.30 a.m.
Daily	Daily	Daily	Daily	Daily	Daily
12.20 p.m.	2.00 p.m.	3.20 p.m.	4.45 p.m.	6.20 p.m.	10.20 p.m.

*Leave Quebec City for l'Ange-Gardien—Chateau Richer—Ste. Anne de Beauce—Beauce—St. Joachim*

Ex. Sun.	Sun. only	Daily	Daily	Sun. only	Ex. Sun.	Sat. only
6.40 a.m.	7.00 a.m.	7.30 a.m.	9.00 a.m.	10.30 a.m.	11.00 a.m.	12.00 noon
Sat. & Sun.	Daily	Daily	Daily	Daily	Ex. Sun.	Ex. Sun.
1.00 p.m.	1.45 p.m.	3.15 p.m.	4.10 p.m.	5.00 p.m.	5.30 p.m.	6.10 p.m.
	Daily 7.00 p.m.			Fri. & Sun. Only	10.15 p.m.	
	Daily 8.00 p.m.			Daily	11.59 p.m.	

**MONTMORENCY TRANSPORT COMPANY**

190 Notre-Dame-des-Anges

Quebec,  
Tel. LA 2-2303

Beauce, Tel. 102  
TEL. CO 3-3763

There are two other points in connection with this case which were referred to either during the hearing or in the submissions made by the respondents.

One relates to a letter addressed to the Board by the Quebec Board of Trade; the other to the freight service operated on the Montmorency Sub-division, which, it was contended, was very valuable.

It is true that, under date of August 22, 1958, the Board of Trade of the City of Quebec addressed a communication to the then Chief Commissioner, supporting the application of the Railways. The reasons given are of no interest whatsoever to the Board. Consequently, in reaching its decision to approve the application no weight was given to the letter from the Board of Trade.

As to the freight service: Under date of November 11, 1958, Mr. J. W. G. Macdougall, Q.C., Commission Counsel of the Railways, addressed a communication to the Board, with a statement attached, showing the number of freight trains operated daily in either direction from October 1 to November 9, 1958, wherein it was noted that the number of trains per day six days per week, excluding Sundays, varied from three to five, the average being 3.7 per week day for the period in question.

Turning now to the position taken by the respondents: Written submissions were submitted by Mr. Maurice Huot, Q.C., Counsel for the County Council for the Montmorency Division, Branch No. 1, comprising the Municipalities of Boischatel, Ange-Gardien, Chateau-Richer and St. Fereol; Mr. J. M. Guerard, Q.C., representing the Town of Montmorency; Mr. G. Gaudry, Q.C., representing Ste. Joachim, Ste. Anne de Beaupre and the Municipal Corporation of Chateau Richer; Mr. Benoit Perron, General Chairman, Brotherhood of Railroad Trainmen, Montmorency Subdivision; Mr. Robert Caron, President, Local 103, Order of Railway Telegraphers; and Mr. P. E. Beaugard, General Chairman, Brotherhood of Locomotive Firemen and Enginemen, Local 879.

In addition, the Board received a number of letters from what might be termed private individuals and students, including one from a gentleman who signs himself as "Mr. H. P. Tremblay" with an address shown as "310 Avenue Royale, Ste. Anne de Beaupre", together with a petition said to be signed by some 7,200 people. There was no date on this letter, nor does Mr. Tremblay identify himself—other than by his name and address. There is, however, good reason to believe that he is a trolleyman employed by the Railways.

In the above mentioned letter Mr. Tremblay states in part:

"I declare that in a public meeting attended by about 75 persons I spoke as follows . . . ."

"Within the space of two or three days over 7,200 citizens have duly signed a petition addressed to the Board of Transport Commissioners for Canada, Ottawa, Ontario, asking for an improvement in the schedules and rates and also stating their complete opposition to the request of the Canadian National Railways for the discontinuance of the commuter service between Quebec and St. Joachim."

The heading of the petition reads as follows:

"We, the undersigned, residents of the Parish of l'Ange-Gardien, County of Montmorency, are entirely opposed to the application of the Canadian National Railways, for the discontinuance of the suburban passenger service between Quebec and St. Joachim. We request an improvement in the schedules and rates."

In my opinion, there is no good reason for referring in detail to what was set forth in the various submissions. In brief, they definitely opposed the application of the Railways. They appear to be seriously concerned with respect to the employees of the Railways being deprived of their employment and apparently they disregard the view expressed by the Railways in their application to the effect that in due time other employment would be found for the employees affected.

They allege that when the former owners of the Railway were in charge the operation was profitable. No proof, however, was submitted.

They allege that the Railways have deliberately exhausted every available means to discourage patronage of the commuter service and that this was done by discontinuing some trains and operating others at times which were not convenient to the travelling public. Again, no proof has been submitted.

They also allege that the public will suffer great inconvenience and that there will be a loss in property values if the commuter service is discontinued.

They also complain with respect to the time limits and variety of commuter tickets, and they further contend that by increasing the fares the Railways themselves were responsible for the lack of patronage, and that if fares were reduced the service would again be patronized.

In addition, it is contended that the freight service of the Quebec-St. Joachim line earns considerable profit, part only of which covers the actual deficit from the operation of the passenger service, and that in determining the matter the Board should consider as a whole all of the profits of the service without dividing it into its various branches of operation.

The general view of the respondents is, I think, clearly set forth in the brief submitted by Mr. Maurice Huot, Q.C.

Under the headings, "Suggestions" and "Conclusions" he submitted the following:

#### "SUGGESTIONS

The Quebec-St. Joachim service can be operated in a profitable and suitable manner if the Petitioner would consent to normal improvements, a rearrangement of the schedules and frequency of trains, and reasonable rates.

(a) SCHEDULES: The electric trains should be operated as follows:

#### DAILY EASTBOUND TRAINS

<i>Dep. Quebec</i>	<i>Arr. Chutes Montmorency</i>	<i>Arr. St-Joachim</i>
12.05 A.M.		1.00 A.M.
6.20 A.M.		7.20 A.M.
8.00 A.M.	8.17 A.M.	
9.00 A.M.		10.00 A.M.
11.00 A.M.	11.20 A.M.	
11.30 A.M. Ex. Sat.		12.35 P.M.
12.00 P.M. Sam.		1.00 P.M.
12.15 P.M.	12.35 P.M.	
1.00 P.M.		2.00 P.M.
1.30 P.M.	1.50 P.M.	
2.50 P.M.	3.07 P.M.	
3.00 P.M. (176)		4.00 P.M.
3.15 P.M.		4.20 P.M.
4.15 P.M.		5.20 P.M.
4.25 P.M.	4.45 P.M.	
5.10 P.M. (direct)	(stop on signal)	5.55 P.M.

## DAILY EASTBOUND TRAINS—Conc.

<i>Dep. Quebec</i>	<i>Arr. Chutes Montmorency</i>	<i>Arr. St-Joachim</i>
5.30 P.M.		6.30 P.M.
6.00 P.M.	6.20 P.M.	
6.15 P.M.		7.15 P.M.
7.15 P.M.		8.15 P.M.
8.15 P.M.	8.32 P.M.	
9.15 P.M.	9.32 P.M.	
10.15 P.M.	10.32 P.M.	
11.15 P.M.	11.32 P.M.	

## DAILY WESTBOUND TRAINS

<i>Dep. St. Joachim</i>	<i>Dep. Chutes Montmorency</i>	<i>Arr. Quebec</i>
5.45 A.M.		6.40 A.M.
6.40 A.M.		7.40 A.M.
7.15 A.M.		8.15 A.M.
7.40 A.M.		8.40 A.M.
	8.57 A.M.	9.15 A.M.
9.10 A.M.		10.15 A.M.
10.40 A.M. (175)		11.40 A.M.
	11.40 A.M.	11.57 A.M.
11.45 A.M.		12.55 P.M.
	1.00 P.M.	1.17 P.M.
	2.00 P.M.	2.17 P.M.
2.10 P.M.		3.10 P.M.
	3.37 P.M.	3.55 P.M.
3.05 P.M.		4.10 P.M.
	5.05 P.M.	5.25 P.M.
4.40 P.M.		5.40 P.M.
	6.30 P.M.	6.50 P.M.
6.45 P.M.		7.45 P.M.
	8.40 P.M.	8.57 P.M.
	9.40 P.M.	9.57 P.M.
	10.40 P.M.	10.57 P.M.
10.30 P.M.		11.30 P.M.
	12.05 A.M.	12.25 A.M.

- (b) THE FIFTY-TRIP CARD should be divided in five, i.e., a card of ten trips with a limit of two weeks during which it can be used. The purchase price would be less burdensome in the case of users travelling to or near the extremities of the line;
- (c) THE BETWEEN-STATION CARDS, discontinued in 1955, should be returned to service;
- (d) THAT THE MINIMUM RATE OF \$0.25 be good for a return passage within four miles from the point of embarkation, which would be a fair rate per mile, whereas at present, in certain cases, it is \$0.25 per mile;
- (e) THE PLACING IN SERVICE OF A FAST TRAIN between Quebec and St. Joachim at 5:15 P.M.
- (f) THAT THE TIME LIMIT for use of the forty-trips cards be prolonged according to the conditions of work of the holders;
- (g) COMBINE THE SERVICES of the Quebec-La Malbaie and Quebec-St. Joachim lines, with service twice per day, in such a fashion as to allow the residents of Charlevoix to have more time to attend to their business in Quebec, to permit them to arrive and depart at reasonable times and to do away with the necessity of remaining

in Quebec for more than one day. These services could be carried out with three motor units 'Budd Cars', one unit for baggage and the two others for passengers. The proposed schedule would be as follows:

## WESTBOUND TRAINS

<i>Dep. La Malbaie</i>	<i>St. Joachim</i>	<i>Arr. Quebec</i>
7.15 A.M.	9.05 A.M.	10.00 A.M.
3.00 P.M.	4.40 P.M.	5.30 P.M.
		(Connection with train for Montreal at 6.00 P.M.)

## EASTBOUND TRAINS

<i>Dep. Quebec</i>	<i>St. Joachim</i>	<i>Arr. La Malbaie</i>
11.30 A.M.	12.35 P.M.	2.30 P.M.
6.15 P.M.	7.10 P.M.	9.10 P.M.

## CONCLUSIONS

The Intimé respectfully submits that the Quebec-St. Joachim service can be profitable for the Petitioner were it administered locally by a superintendent having full responsibility and authority for its efficient operation. Appropriate public relations, suitable and adequately main-  
trained trains, the maintenance of good order among the passengers, efficiency and courtesy of personnel, priority of passenger trains over freight trains, a better understanding of the public commuter, and the acceptance and putting into force of the suggestions of the Intimé, would regain the loss clientele and would lend toward a prosperous and well-used service as in the past. In addition to praying for the rejection of the petition, the Intimé respectfully prays that this Honourable Tribunal rule according to its suggestions.

QUEBEC, November 17, 1958."

## CONCLUSIONS

Aside from what was put before us during the hearings and in the various written submissions, I should state that, prior to the hearing, one of the Board's Operating Inspectors visited the area, made a complete investigation and submitted his report to the Board under date of August 27, from which it should be clearly understood that in matters such as this the Board does not rely entirely on submissions made by either the Railways or the respondents but conducts its own investigation.

In order to show that this is not an isolated case, I would now refer to some previous decisions of the Board as relating to cases originating on the Canadian National Railways, the London and Port Stanley Railway, the Lake Erie and Northern and Grand River Railways (electric lines subsidiary to the Canadian Pacific Railway) and the New York Central Railway.

Canadian National Railways, Westport Subdivision, 1952. Reported in C.R.T.C. 69, page 136. Complete abandonment of operation of 40.51 miles of line. System saving if line abandoned \$83,035 per annum. Application approved.

London and Port Stanley Railway, 1957. Reported in C.R.T.C. 74, page 295. Abandonment of passenger service between London, Ontario and Port Stanley, Ontario, a distance of 24 miles. Saving if passenger service abandoned \$6,000 per month. Application approved.

Lake Erie & Northern and Grand River Railways. Reported in C.R.T.C. 72, page 290. Abandonment of passenger service between Kitchener, Ontario and Port Dover, Ontario. There is no record of the savings effected in this case. The headnote in the C.R.T.C., however, reads as follows: "Because of a steady decline in passenger traffic the Railways asked approval of a proposal to discontinue passenger train service and to replace it with service upon paralleling highways. The Board granted the application subject to possible future review, but observed that in some respects the plan would improve the service".

New York Central Railroad. This is the most recent case. The Railway made an application to completely discontinue its passenger service between Montreal, P.Q., and Malone, N.Y., a distance of some 60 miles. The case was decided in 1958 and is not yet reported in C.R.T.C. The trains in question were largely used by commuters. The saving to the Railway, if passenger service discontinued, was said to be approximately \$100,000 per annum. The application was granted.

In all of the above mentioned cases it was clearly proven that good highways more or less paralleled the railway and there were other adequate means of transportation.

The Board has on its files a map showing the rail and bus routes between Quebec City and St. Joachim. An examination of this map shows—assuming the railway runs in an easterly direction from Quebec City (it really runs north-east)—that Boulevard St. Anne parallels the railway on the south side all the way to St. Anne. It then crosses the railway and joins with Avenue Royale (the old road) and continues on to St. Joachim on the north side of the railway.

The evidence shows that three bus lines operate in this territory, bus service being provided both on Boulevard St. Anne and Avenue Royale.

The evidence also shows the number of passengers carried by the bus lines as well as by the railways and it should be further noted that the Montmorency Transport Company—the only company which operates over the entire territory between Quebec and St. Joachim—has notified the public that, effective March 16, 1959, the Company will operate additional buses and increase the number of round trips.

This, I think, clearly proves that if there is not at the moment there will be, effective March 16, adequate means of transportation other than by the railway.

As to the freight business being profitable, no evidence was submitted other than that set forth herein which only related to the number of freight trains operating.

There is no good reason in a case such as this for the Board to take into consideration the freight earnings. If the matter involved the complete abandonment of operation of the line in question, then undoubtedly the Board would have to look at the freight earnings.

Turning now to the suggestions and conclusions submitted by Mr. Huot. As indicated above, he suggests many changes and, in particular, wants more commuter trains operated and, in addition, another through train to operate between Quebec City and La Malbaie.

With respect to these proposed increases in train service, the tables attached hereto—one showing the operation eastbound and the other westbound—represents a comparison between the passenger services presently being operated and those which Mr. Huot suggests should be operated. The total additional trains requested eastbound would be 50 and the total westbound would be 50.

Mr. Huot suggests that the additional through train to La Malbaie could be handled with three motor units (Budd Cars)—one unit for baggage and the other two for passengers. If Mr. Huot's suggestions were put into effect, taking into account what the Railways have submitted in their application with respect to the additional costs which they would have to meet if the electric service is kept in operation, a rough estimate indicates to me that the Railways would have to spend a capital sum of at least \$1 million and then take a chance on Mr. Huot's prophesies being fulfilled, that is that the Quebec City-St. Joachim service can be operated in a profitable and suitable manner. With that observation, I leave Mr. Huot's suggestions to the Railways for their consideration.

In cases such as this, the Board endeavours to appraise the situation in all respects and, in particular, we ascertain what transportation facilities exist in the area concerned. We look at the expense of operating the trains, the extent to which the public patronize the train service and we weigh the savings the Railways would make if the application is granted against such loss and inconvenience as the public may suffer as a result of the change.

From what was set forth in the application, the report of the Board's Operating Inspector, the exhibits, evidence, argument and briefs presented during and following the hearing, the Board was satisfied that other adequate means of transportation facilities exist in the area concerned and that the losses to the Railways outweigh the inconvenience to the public which would result from the abandonment of the commuter service. As shown by Exhibit No. 5, the saving to the Railways, if application approved, is approximately \$225,000 per annum.

For the above reasons the Board granted the application of the Railways and issued Order No. 96358 dated November 24, 1958.

H. B. CHASE

February 25, 1959.

*I concur:*

A. SYLVESTRE

Train Service in Effect Sept. 7, 1958 Railways Exhibit No. 3	Train Service Requested by Mr. Huot	Additional Trains Which Would Be Required
<i>Quebec to St. Joachim</i>		
Daily	Through Trains	
6	2	
Daily Ex. Sun.	Daily	
3	10	
Sun. Only	Daily Ex. Sun.	
2	1	
Through Trains	Sun. Only	
1	1	
Total	Total	
12	14	
Trains Operated Per Week—	Trains to be Operated Per Week—91	23 Trains Per Week
68		
<i>Quebec to Montmorency Falls</i>		
Daily	Daily	
2	11	
Daily Ex. Sun.	Total	
6	11	
Total	Trains to be Operated Per Week—77	27 Trains Per Week
8		
Trains Operated Per Week—		
50		
<i>Ste. Annes to St. Joachim</i>		
Daily Ex. Sun.		
3		
Total		
3		
Trains Operated Per Week—		
18		
Total Trains Operated	Total Trains Requested	Total Additional Trains
Per Week	Per Week	Required Per Week
136	168	32
Disregarding Moves Made Between Ste. Annes Station and St. Joachim		
Total Trains Operated	Total Trains Requested	Total Additional Trains
Per Week	Per Week	Required Per Week
118	168	50

Train Service in Effect Sept. 7, 1958  
Railways Exhibit No. 3

Additional Trains Which Would  
be Required

Train Service Requested  
by Mr. Huot

<i>St. Joachim to Quebec</i>				
Daily	5	Through Trains Daily	2	
Daily Exc. Sun.	4	Daily Trains	11	
Sun. Only	2	Total	13	
Through Train	1			
Total	12			
Trains Operated Per Week—	67	Trains to be Operated Per Week—	91	24 Additional Trains Per Week
<i>Montmorency to Quebec</i>				
Daily	1	Daily Trains	11	
Daily Exc. Sun.	7	Total	11	
Sun. Only	1			
Total	9			
Trains Operated Per Week—	50	Trains to be Operated Per Week—	77	27 Additional Trains Per Week
<i>Ste. Annes to Quebec</i>				
Sun. Only	1			
Total	1			
Trains Operated Per Week—	1			
<i>St. Joachim to Ste. Annes</i>				
Daily	1			
Daily Exc. Sun.	2			
Total	3			
Trains Operated Per Week—	19			
Total Trains Operated Per Week	137	Total Trains Requested Per Week	168	Total Additional Trains Required Per Week 31
Disregarding Moves Made Between St. Joachim and Ste. Annes Station				
Total Trains Operated Per Week	118	Total Trains Requested Per Week	168	Total Additional Trains Required Per Week 50



Le matériel électrique utilisé approche du terme de sa durée économique et le système de distribution d'énergie a besoin d'être remis en état. Si l'exploitation doit se poursuivre, il faudra faire avant longtemps des dépenses en immobilisations estimées à un minimum de \$200,000, soit \$24,000 pour le remplacement de la plaque tournante à la gare de la rue St-Paul et \$176,000 pour renouveler le système caténaire.

### CONCURRENCE DES AUTOBUS

Des voies routières de première classe s'étendent parallèlement à la subdivision de Montmorency, des deux côtés, jusqu'à Ste-Anne-de-Beaupré, une route en dur continuant jusqu'à l'extrémité de la subdivision de Murray Bay. Trois compagnies d'autobus assurent un service commode et fréquent à tarifs moins élevés que ceux du chemin de fer.

La Compagnie de transport Montmorency exploite un service entre Québec et St-Joachim avec arrêts entre L'Ange-Gardien (10 milles) et St-Joachim (25 milles). Entre St-Joachim et Québec, il se fait 10 voyages vers l'est et 11 voyages vers l'ouest entre 5h.30 du matin et 11h.30 du soir, le service étant moins fréquent les dimanches et jours fériés. Entre St-Joachim et Château-Richer, il y a un service fréquent de 7h. du matin à minuit trente.

La Transport Boischatel Limitée exploite un service entre Québec et Boischatel (8 milles). Elle fait 50 voyages dans chaque direction entre 5h.45 du matin et minuit, assurant un service moins fréquent les dimanches et jours fériés.

Autobus W. Guimont exploite un service entre Québec et Montmorency (6 milles). Il se fait 21 voyages par jour dans chaque sense, entre 5h.55 du matin et minuit. Le nombre de voyages est plus grand le samedi et moindre le dimanche.

En concurrence avec tous ces services d'autobus, le Chemin de fer a fait 19 voyages par jour, en moyenne, en 1957.

Les représentants du Chemin de fer se sont informés auprès des exploitants de services d'autobus, lesquels sont prêts à assurer le transport de toutes les personnes utilisant les services ferroviaires de banlieue et se disent en mesure de le faire.

### AUTRES SERVICES FERROVIAIRES

La subdivision de Montmorency a une valeur d'apport pour le trafic-marchandises et elle est essentielle pour établir la liaison avec la subdivision de Murray Bay. Le service-marchandises est actuellement assuré au moyen de locomotives électriques et à vapeur mais des diesels seront bientôt mis en service.

Outre le service-voyageurs de banlieue et le service-marchandises, il existe un service-voyageurs direct (vapeur) entre Québec et La Malbaie. Ce service est assuré à l'intention des personnes voyageant entre des points à l'ouest de St-Joachim sur la subdivision de Montmorency et des points à l'est de St-Joachim sur la subdivision de Murray Bay.

La circulation des trains est la suivante:

De Québec à La Malbaie, train 176, chaque jour sauf le dimanche

De La Malbaie à Québec, train 173, le dimanche seulement

De La Malbaie à Québec, train 175, chaque jour sauf le dimanche et le lundi.

Ces trains ont leur point de départ et d'arrivée à la gare du Palais, à Québec. Pendant le mois de juillet, des trains d'excursion spéciaux circulent entre Sydney, Halifax et Moncton, et le sanctuaire de Ste-Anne-de-Beaupré.

Il y a eu quelquefois des excursions à partir des États-Unis via le Central Vermont Railway et Montréal. Ces services ne seraient pas réduits advenant l'abandon du service-voyageurs de banlieue. Les services normaux de messageries et des postes ne seraient pas touchés.

#### DIÉSÉLISATION DE LA SUBDIVISION DE MONTMORENCY

La diésélisation des subdivisions de Montmorency et de Murray Bay est prévue pour un avenir prochain. Cela veut dire que tout le trafic-marchandises sera éventuellement transporté au moyen de locomotives diesel plus économiques que les locomotives à vapeur ou les locomotives électriques avec prise de courant aérienne. Après quoi, le service-voyageurs direct entre Québec et La Malbaie sera aussi assuré au moyen de diesels. Si le service-voyageurs de banlieue doit continuer d'être exploité au moyen de la traction électrique, après la diésélisation, le coût total de cette exploitation devra être payé par le service-voyageurs de banlieue. La diésélisation de ce service au moyen d'auto-rails diesel épargnerait le coût de l'énergie électrique, du système de distribution aérien, etc., mais les charges du capital que représentent le type de matériel nécessaire, les diesels, le combustible, etc., l'emporteraient de beaucoup sur ces économies.

#### CONSÉQUENCES DE LA DISCONTINUATION POUR LES EMPLOYÉS

Il est dit dans la requête qu'advenant l'abandon du service-voyageurs de banlieue, il s'ensuivrait immédiatement une réduction du personnel qui toucherait les personnes suivantes affectées directement au service en cause:

- 12 conducteurs
- 23 agents d'accompagnement
- 10 employés de bureau
- 5 nettoyeurs de voitures
- 1 wagonnier
- 2 régulateurs ou dispatchers
- 2 préposés à la vente des billets
- 3 gardes-barrières
- 3 nettoyeurs de gares
- 1 surintendant adjoint

Au cours de l'audience, cette liste a été modifiée ainsi:

- 10 conducteurs
- 18 agents d'accompagnement
- 2 gardes-barrières

Le personnel de train mentionné ci-dessus est le maximum requis mais, durant la saison de pointe, il est nécessaire d'employer jusqu'à huit nettoyeurs de voitures et aides supplémentaires. Trois agences le long de la ligne seraient probablement fermées. Tous les employés touchés par la réduction de personnel seraient absorbés par la Compagnie grâce aux vacances créées normalement par les retraites, etc.

Une autre modification apportée au cours de l'audience est la suppression de la deuxième phrase du paragraphe ci-dessus, lequel est une citation de la requête même.

Si le service-voyageurs de banlieue était abandonné, 20 employés dont les fonctions concernent à la fois les services-voyageurs de banlieue et les services-marchandises assurés au moyen de la traction électrique, demeureraient au travail dans les sous-stations et ailleurs. La réduction de ce personnel aurait lieu au moment de la diésélisation du service-marchandises et, par conséquent, elle ne résulterait pas de l'abandon du service-voyageurs de banlieue.

Comme il est dit plus haut, l'audience a eu lieu en la ville de Québec les 9 et 10 septembre 1958. Le 10 septembre, comme il était évident que l'audition de la cause ne pouvait se terminer le jour même et vu que la Commission devait tenir d'autres audiences à Montréal, le 11 septembre, il fut proposé à la requérante et aux parties opposantes que l'audience soit ajournée le 10 septembre pour être reprise le 12 septembre et il a été expliqué aux personnes présentes que par suite d'autres engagements de la Commission, le 12 septembre était la date la plus rapprochée à laquelle l'audition pourrait se poursuivre.

Plusieurs des personnes présentes, en particulier les représentants des parties opposantes, ayant déclaré qu'il leur était impossible d'être présentes le 12 septembre, tous les intéressés sont convenus que si les parties opposantes désiraient faire d'autres dépositions devant la Commission, elles les présenteraient par écrit au plus tard le 1<sup>er</sup> novembre 1958. Par la suite, à la demande de M. Maurice Huot, C.R., avocat de quelques-unes des parties opposantes, la Commission a prolongé le délai pour le dépôt de témoignages et (ou) de mémoires jusqu'au 18 novembre 1958.

Les témoignages et mémoires additionnels ayant été dûment déposés et étudiés, et la Commission se trouvant dans l'impossibilité de rendre un jugement immédiatement, à cause d'un surcoût de travail, mais voulant faire savoir à tous les intéressés qu'elle avait décidé d'accorder la requête, l'ordonnance n° 96358, datée du 24 novembre 1958, fut rendue pour approuver la requête sous réserve de l'article 2 de ladite ordonnance, lequel, entre autres choses, porte ce qui suit:

“La discontinuation autorisée à l'article 1<sup>er</sup> de la présente ordonnance ne doit entrer en vigueur que soixante jours après qu'avis public de ladite discontinuation aura été donné par la requérante.”

Le 29 décembre 1958, le Chemin de fer a avisé la Commission de sa décision de ne pas mettre en vigueur la discontinuation du service avant le 16 mars 1959. La Commission a aussi été informée que l'avis suivant avait été affiché et publié dans les journaux:

“AVIS

Le service-voyageurs de banlieue assuré entre Québec et St-Joachim (P.Q.) et tous les points intermédiaires sur ladite ligne sera discontinué à deux heures et une minute (2h. 1m.) du matin, le lundi 16 mars 1959.

Les chemins de fer Nationaux du Canada.”

Des témoignages déposés au cours de l'audience indiquent que la moyenne des voyageurs transportés par le service de banlieue durant les années 1953 et 1954 est légèrement supérieure à 100,000 par mois.

La Pièce n° 2, donnée ci-dessous, indique le nombre mensuel de voyageurs transportés au cours des années 1955, 1956 et 1957 et les chiffres de 1957 donnent une moyenne de 33,555 par mois. En moyenne, 4,490 voyageurs étaient titulaires de passes, ce qui laisse une moyenne de 28,565 voyageurs payants. Autrement dit, de 1953 et 1954 à 1957 le nombre de voyageurs transportés a baissé de deux tiers.

La Pièce n° 5, également donnée ci-dessous, indique que les pertes annuelles du réseau pour les années 1955, 1956 et 1957 sont les suivantes:

1955	1956	1957
\$177,840	\$203,151	\$226,429

Le total des trois années est d'environ \$607,400.

CHEMINS DE FER NATIONAUX DU CANADA  
Bureau de l'Agent régional des services-voyageurs

Québec (P.Q.), le 5 septembre 1958

NOMBRE DE VOYAGEURS TRANSPORTÉS SUR LA SUBDIVISION DE  
MONTMORENCY, ANNÉES 1955-1956-1957

	1955			1956			1957		
	Voya- geurs payants	Titu- lares de passes	Total	Voya- geurs payants	Titu- lares de passes	Total	Voya- geurs payants	Titu- lares de passe	Total
Janv. . .	96,518	5,573	102,091	56,011	5,494	61,505	32,197	4,688	36,885
Fév. . .	94,337	5,507	99,844	54,028	5,189	59,217	32,157	4,247	36,404
Mars . .	100,840	5,670	106,510	54,626	4,991	59,617	34,762	4,543	39,305
Avril . .	84,168	4,826	88,994	50,293	4,251	54,544	30,716	4,075	34,791
Mai . . .	78,604	4,924	83,528	47,271	4,688	51,959	30,246	4,302	34,548
Juin . .	72,345	5,199	77,544	48,225	4,416	52,641	27,458	4,540	31,998
Juill. . .	86,830	5,977	92,807	64,713	6,027	70,740	39,641	5,337	44,978
Août . .	78,227	5,512	88,739	55,940	5,637	61,577	35,546	5,242	40,788
Sept. . .	80,445	5,344	85,789	44,016	5,084	49,100	29,285	4,589	33,874
Oct. . . .	61,403	5,119	66,522	35,793	4,917	40,710	26,236	4,133	30,369
Nov. . .	54,719	4,763	59,482	33,393	5,166	38,559	24,175	3,951	28,126
Déc. . .	58,785	5,419	64,204	32,725	5,519	38,244	26,296	4,233	30,529

Pièce n° 2

CHEMINS DE FER NATIONAUX DU CANADA  
Résultats d'exploitation—Service-voyageurs de banlieue  
entre  
Québec et Saint-Joachim (P.Q.)  
1955, 1956 et 1957

	1955	1956	1957
<i>Recettes du réseau</i>			
Ventes de billets d'abonnement . . . . .	\$ 87,680	\$ 52,520	\$ 30,007
Ventes d'autres billets . . . . .	63,127	57,782	53,601
Ventes au comptant par les chefs de train . . . . .	38,233	33,776	31,522
Ventes de billets spéciaux d'excursion (locale) . . . . .	6,532	1,661	1,537
Messageries afférentes au service-voyageurs de banlieue . . . . .	12,241	14,464	13,898
	<u>\$207,813</u>	<u>\$160,203</u>	<u>\$130,565</u>
<i>Déboursés</i>			
Salaires du personnel des trains (conducteurs, chefs de train et percepteurs des billets) . . . . .	\$ 74,118	\$ 77,676	\$ 74,834
Énergie électrique—Achat . . . . .	22,275	22,103	22,359
Stations génératrices (personnel des sous-stations et entretien)	30,785	28,593	30,643
Réseau de distribution d'énergie	75,566	50,816	40,747
Entretien du matériel . . . . .	83,598	83,952	92,937
Manœuvres de triage du matériel . . . . .	13,000	10,779	9,146
Fournitures de train . . . . .	4,342	3,600	3,055
Entretien de la voie et des ouvrages . . . . .	8,233	6,964	5,942
Dépenses relatives au personnel des gares et autre personnel . . . . .	70,676	75,255	73,856
Dépenses étrangères à la ligne . . . . .	3,060	3,616	3,475
	<u>\$385,653</u>	<u>\$363,354</u>	<u>\$356,994</u>
Perte annuelle du réseau . . . . .	\$177,840	\$203,151	\$226,429

Pièces n° 5

Montréal, le 2 septembre 1958.

Si l'on tient compte des pertes subies en 1957 et en supposant que le service continue d'être exploité, il est raisonnable de prévoir que les pertes annuelles du réseau demeureront de l'ordre du quart de million.

Il y a lieu de mentionner la question de l'entretien du matériel roulant électrique. A ce sujet, le Chemin de fer a insisté sur le fait que l'entretien devient de plus en plus difficile parce que le matériel, étant vieux et désuet, il est presque impossible d'obtenir de nouvelles pièces lorsque le remplacement s'impose. Il semble que la pratique suivie, en général, consiste à enlever des pièces sur une unité pour les installer sur une autre.

Il a été fait mention aux présentes de la concurrence des autobus et il me semble très opportun de citer maintenant le témoignage déposé, après assermentation, par M. Landerman, l'un des témoins du Chemin de fer, dont l'interrogatoire a été conduit, en partie par le commissaire en chef suppléant, et en partie par M. Garneau, avocat du Chemin de fer.

Le témoignage commence à la page 6,546 de la transcription:

*“Le commissaire en chef suppléant:*

Q. Monsieur Landerman, si je comprends bien, il y a trois compagnies de transport par autobus?

R. Oui, monsieur.

Q. Une de St-Joachim à Québec?

R. Une de St-Joachim à Québec.

Q. Une de Montmorency à Québec?

R. Oui, monsieur.

Q. Et la troisième?

R. La troisième, celle qui dessert Boischatel.

*M<sup>e</sup> Garneau:*

Q. Vous avez dit tout à l'heure, je crois que vous avez rencontré les propriétaires de ces différentes compagnies-là?

R. Oui, monsieur.

Q. Pouvez-vous nous dire, par exemple, dans le cas de la compagnie de transport Boischatel, combien elle possède d'autobus?

R. La compagnie de Transport Boischatel, oui. Quand on a pris les renseignements, ils avaient dans ce temps-là 26 autobus, nous ont-ils dit; 15 étaient neufs et 11 autres étaient usagés. Ils pouvaient transporter, en somme, un total de 825 voyageurs.

Q. Par jour?

R. C'est-à-dire, ils pouvaient recevoir 852 voyageurs dans les autobus, mais ils transportent plus de monde que ça par jour.

Q. Et ils font combien de voyages?

R. La compagnie de Transport Boischatel Limitée fait environ 50 voyages dans chaque direction, sur semaine, lundi, mardi, mercredi, jeudi et vendredi, de cinq heures quarante-cinq le matin jusqu'à minuit.

Q. Et le dimanche et les jours de fête?

R. Ils ont un service réduit en fin de semaine.

Q. Et ce service-là est parallèle à la voie ferrée?

R. C'est-à-dire, parallèle à la voie ferrée, il est plus éloigné que les autres, parce que les autobus de Boischatel circulent sur l'avenue Royale qui se trouve en haut de la côte.

Q. Au nord de la voie ferrée?

R. Au nord de la voie ferrée.

Q. Et vous êtes-vous informé du nombre de personnes que cette compagnie-là, Transport Boischatel, peut transporter, à peu près, par jour ou par mois?

R. On transporte une moyenne de 7,000 voyageurs par jour, ou un total d'au delà de 200,000 voyageurs par mois.

Q. Combien de véhicules la compagnie d'autobus Guimont a-t-elle?

R. Les autobus Guimont, neuf voitures pouvant transporter aussi 333 voyageurs.

Q. Et combien de voyages font-ils par jour?

R. Ils assurent le service, on a dit ça tantôt, de Montmorency à Québec, environ 21 voyages dans chaque direction, à partir de cinq heures cinquante-cinq le matin jusqu'à minuit; le service s'effectue sur le nouveau parcours de Ste-Anne, en bordure de la voie des chemins de fer Nationaux du Canada.

Q. Au sud du chemin de fer?

R. Au sud du chemin de fer.

Q. Et quel est le nombre de personnes transportées par mois?

R. Une moyenne de 53,000 voyageurs pour Québec. Maintenant, on nous a mentionné aussi qu'on transportait environ 15,700 voyageurs dans les limites de la ville de Montmorency, pour les employés de la Dominion Textile.

Q. Et quels sont leurs taux en comparaison des taux du chemin de fer?

R. Ils offrent un billet de 25 voyages pour Québec au prix de \$2.50.

Q. Ça, c'est de Québec à Montmorency?

R. Québec à Montmorency.

Q. Et quel est le taux du chemin de fer?

R. Le taux du chemin de fer, pour un billet de 40 voyages, \$8.80.

Q. Le double?

R. Eux autres ont 25 voyages; nous autres on en a 40. Le nôtre revient à 22 cents et l'autre, à 10 cents.

Q. Et la compagnie qui exploite le parcours le plus long, c'est la compagnie de Transport Montmorency?

R. Oui.

Q. De Québec à St-Joachim?

R. De Québec à St-Joachim.

Q. Vous êtes-vous informé du nombre d'autobus qu'ils ont de disponibles, ces gens-là?

R. La compagnie de Transport Montmorency a 15 autobus actuellement. Ils transportent . . . .

Q. Ils pourraient transporter une capacité de . . . .

R. Sur semaine, de St-Joachim à Québec, ils transportent 28,500 voyageurs. Les dimanches et fêtes, naturellement, ils en transportent moins.

Q. Quels sont les taux de cette compagnie-là, pour St-Joachim?

R. Ils ont un billet de travailleurs de 12 voyages pour St-Joachim, \$10.10.

Q. Est-ce qu'ils ont des billets d'étudiants aussi?

R. Ils ont des billets d'étudiants, oui, 12 voyages pour \$4.10.

Q. Et sur ce parcours-là, quels sont les taux de chemin de fer?

R. Un billet de 40 voyages, \$11.45.

Q. Comparé à \$6.10?

R. A \$6.10. Naturellement, le \$6.10, il faut bien s'entendre, c'est un billet de six voyages. Pardon, ça c'était le taux en 1950. Le taux a été augmenté, je m'excuse, le taux actuel, pour 40 voyages, est de \$23.85 par le chemin de fer, depuis l'augmentation des taux en date du premier mai 1957.

Q. Et est-ce que les chemins de fer Nationaux du Canada vendent des billets pour les étudiants aussi?

R. Oui, pour les étudiants comme le fait la compagnie d'autobus. Le billet d'étudiant est meilleur marché, Québec St-Joachim, il est de \$7.95.

Q. Maintenant, avez-vous fait une étude pour comparer le nombre de personnes transportées par le chemin de fer durant les trois dernières années?

R. Oui, j'ai ici une compilation qui a été faite par notre bureau de recherches, je vais simplement vous donner une couple d'exemples: En janvier 1955, les chemins de fer Nationaux ont transporté 96,518 voyageurs.

Q. Dois-je comprendre que c'est l'état qui paraît à la page 4 de la requête?

R. Justement, oui.

Q. C'est ça?

R. Oui.

Q. Vous dites, en janvier?

R. 55,955, 15 voitures; en décembre même année, 58,785. Ça, c'est en 1955. Maintenant, en 1957, au mois de janvier, nous avons transporté 32,197 voyageurs, et en décembre 1957, 26,296.

Q. Est-ce que ce sont des voyageurs payants, ça?

R. Des voyageurs payants seulement.

Q. Et quelle est la proportion de ceux qui ont des passes?

R. Environ, je dirais, 20 p. 100.

Q. Voulez-vous produire cet état comme pièce numéro 2?"

Sur le chapitre de la concurrence que se livrent les autobus, il convient de mentionner le témoignage de M. Eugène Dupont, propriétaire de la compagnie de Transport Montmorency qui, comme il est indiqué ici, est la compagnie qui exploite un service sur toute la distance entre Québec et St-Joachim.

La déposition assermentée de M. Dupont commence à la page 6582 de la transcription.

"EUGÈNE DUPONT, propriétaire d'autobus, domicilié à 83, avenue Royale, Beaupré, P.Q., âgé de 52 ans, étant dûment assermenté sur les Saints Évangiles, dépose et dit:

*Interrogé par M<sup>e</sup> Garneau:*

Q. De quelle compagnie d'autobus êtes-vous le propriétaire?

R. Compagnie Transport Montmorency.

Q. Depuis combien de temps exploitez-vous ça?

R. Depuis 1932.

Q. Expliquez donc au Tribunal . . .

R. J'ai commencé avec un autobus.

Q. Expliquez donc le parcours que vous suivez.

R. Je parcours les deux routes, la route du boulevard et la vieille route.

*Le Commissaire en chef suppléant:*

Q. Où ça?

R. De St-Joachim à Québec. Je fais douze voyages par jour.

*M<sup>e</sup> Garneau:*

Q. Et vous dites que vous parcourez les deux routes?

R. Les deux routes.

Q. L'Avenue Royale et le Boulevard Ste-Anne?

R. C'est ça.

Q. Alors, à quel endroit prenez-vous le boulevard Ste-Anne?

R. Quand on a un autobus plein, on en envoie un autre sur la vieille route, et on continue sur le boulevard Ste-Anne.

Q. Combien d'autobus avez-vous présentement?

R. J'en ai 15; j'assure le service avec douze.

Q. Vous en avez trois qui sont toujours disponibles en cas de nécessité?

R. Oui.

Q. Et quelle est la capacité de ces autobus?

R. J'en ai qui contiennent jusqu'à 45 personnes, à part des petits sièges d'allées; j'en ai de 37 à 45 personnes.

Q. Combien en avez-vous de 40, de 35 et de 37?

R. Je ne peux pas vous dire; j'en ai plusieurs de 40 et de 37, je ne peux pas vous dire.

*Le Commissaire en chef suppléant:*

Q. Vous voulez dire assis?

R. Assis, à part des petits sièges; on n'a pas le droit de mettre du monde sur les petits sièges. A part cela, je demande le même prix depuis 15 ans.

Q. Est-ce que vos prix sont régis par la Commission?

R. Justement, on n'a pas le droit d'augmenter les prix sans passer par la Régie, et sans lui prouver qu'on n'arrive pas.

Q. Et vous partez de St-Joachim?

R. A la station.

Q. Jusqu'à Québec?

R. Jusqu'à Québec.

Q. Prenez-vous des voyageurs tout le long de la route?

R. Non, jusqu'aux limites de Boischatel; j'en prends à St-Joachim, Beupré, Ste-Anne, Château-Richer, l'Ange-Gardien; sur les deux routes.

Q. Alors, à Boischatel, vous filez tout droit?

R. Les portes fermées. On a transporté 44,000 personnes pendant le mois d'août.

*M<sup>e</sup> Garneau:*

Q. Et vous dites que dans le mois d'août vous avez transporté combien de personnes?

R. 44,000, dans le mois d'août, en 1958.

Q. Et vos taux actuels sont-ils comparables à ceux du chemin de fer?

R. Pour les étudiants, nos taux sont plus élevés que ceux du chemin de fer, mais on a des étudiants tout de même.

Q. Et les autres, les adultes?

R. Les adultes, je pense que c'est à peu près la même chose.

*Le Commissaire en chef suppléant:*

C'est généralement un peu meilleur marché dans l'autobus?

R. Je pense que nos taux sont aussi élevés que ceux des trains depuis une couple d'années. Auparavant, les taux des trains étaient beaucoup plus bas que les nôtres.

*M<sup>e</sup> Garneau:*

Q. Combien de voyages faites-vous par jour?

R. Douze voyages par jour dans les deux sens, puis j'ai un autre service de Ste-Anne à St-Joachim.

Q. A quelle heure commencez-vous le matin et à quelle heure finissez-vous le soir?

R. De sept heures du matin pour le service de Ste-Anne, et le matin, pour Québec, on commence à cinq heures et demie, jusqu'à minuit et demi.

*Le Commissaire en chef suppléant:*

Q. De St-Joachim à Québec?

R. Oui.

Q. Mais de Québec à St-Joachim?

R. La même chose.

Q. Les mêmes heures?

R. Oui.

*M<sup>e</sup> Garneau:*

Q. Et advenant le cas où le service de train serait discontinué . . .

R. Je suis capable de donner le service avec trois autobus de plus, le même service.

Q. Trois autobus de plus?

R. Oui, ils pourraient partir à la même heure que les trains. Pour satisfaire les clients, les voyageurs, on peut faire partir les autobus exactement à la même heure que les trains.

Q. Il faudrait trois autobus de plus?

R. Les trois que je garde en réserve. Cela ferait six autobus.

Q. Cela en ferait six, alors?

R. Nous autres, à l'encontre des trains qui ne peuvent pas tourner, nous desservons St-Joachim, nous tournons et revenons; les gens ne voyagent pas tous à la même heure non plus.

Q. Allez-vous être capable de faire des modifications de façon à servir le public?

R. Certainement.

Q. De quelle façon?

R. Nous allons adopter les mêmes heures que les trains.

Q. Que l'horaire des trains?

R. C'est cela.

Q. Et s'il y a d'autres modifications à faire, êtes-vous prêt à les faire aussi?

R. Nous parlerons aux clients et tâcherons de leur donner satisfaction.

Q. Vous allez leur donner un excellent service?

R. C'est cela. J'en ai donné un excellent jusqu'ici, et je vais en donner un bon comme d'habitude.

*Le Commissaire en chef suppléant:*

Q. Durant les mois d'hiver, le mauvais temps nuit-il à votre service?

R. Non, nous n'avons pas manqué un voyage de l'hiver."

En outre, avis avait été communiqué à la Commission le 21 janvier 1959 que M. Dupont avait fait paraître l'annonce suivante dans les journaux de Québec:

Publiée dans le Soleil et l'Événement-Journal, le vendredi 16 janvier, et dans L'Action Catholique, le samedi 17 janvier 1959.

## SERVICE D'AUTOBUS DE LA CÔTE DE BEAUPRÉ

En vue d'améliorer le service qu'elle assure à ses clients, la Compagnie de Transport Montmorency dont les véhicules effectuent 11 voyages (aller et retour) par jour portera à 13 le nombre des voyages, à compter du 16 mars, et prendra bientôt livraison de trois nouveaux autobus de 50 sièges.

*Départs de St-Joachim pour Québec*

<i>Tous les jours</i>	<i>Dim. excepté</i>	<i>Dim. excepté</i>	<i>Tous les jours</i>	<i>Tous les jours</i>	<i>Tous les jours</i>
5.15 a.m.	6.00 a.m.	7.00 a.m.	7.30 a.m.	8.50 a.m.	11.30 a.m.
<i>Tous les jours</i>					
12.20 p.m.	2.00 p.m.	3.20 p.m.	4.45 p.m.	6.20 p.m.	10.20 p.m.

*Départs de Québec pour l'Ange-Gardien—Château-Richer—Ste-Anne-de-Beaupré—Beaupré—St-Joachim*

<i>Dim. excepté</i>	<i>Dim. seulement</i>	<i>Tous les jours</i>	<i>Tous les jours</i>	<i>Dim. seulement</i>	<i>Dim. excepté</i>	<i>Sam. seulement</i>
6.40 a.m.	7.00 a.m.	7.30 a.m.	9.00 a.m.	10.30 a.m.	11.00 a.m.	12.00 p.m.
<i>Sam. et dim.</i>	<i>Tous les jours</i>	<i>Tous les jours</i>	<i>Tous les jours</i>	<i>Tous les jours</i>	<i>Dim. excepté</i>	<i>Dim. excepté</i>
1.00 p.m.	1.45 p.m.	3.15 p.m.	4.10 p.m.	5.00 p.m.	5.30 p.m.	6.10 p.m.
<i>Tous les jours</i>		<i>7.00 p.m.</i>		<i>Vend. et dim. seul.</i>		<i>10.15 p.m.</i>
<i>Tous les jours</i>		<i>8.00 p.m.</i>		<i>Tous les jours</i>		<i>11.59 p.m.</i>

## COMPAGNIE DE TRANSPORT MONTMORENCY

190, Notre-Dame-des-Anges

Québec,  
Tél. LA 2-2303Beaupré, tél. 102  
Tél. CO 3-3763

Deux autres points relatifs à la présente cause ont été mentionnés soit au cours de l'audience, soit dans les mémoires présentés par les parties opposantes.

Dans le premier cas, il s'agit d'une lettre adressée à la Commission par le Board of Trade de Québec; dans l'autre cas, du service-marchandises exploité sur la subdivision de Montmorency, auquel on attribue une grande valeur.

Il est vrai que le 22 août 1958, le Board of Trade de Québec a adressé une communication au commissaire en chef d'alors, à l'appui de la requête du Chemin de fer. Les raisons invoquées n'intéressaient pas la Commission et, par conséquent, la lettre du Board of Trade n'a pas influé sur la décision prise par la Commission d'approuver la requête.

Quant au service-marchandises, le 11 novembre 1958, M. J. W. G. Macdougall, C.R., avocat de la Commission auprès du Chemin de fer, a adressé à la Commission une communication, accompagnée d'un état montrant le nombre de trains de marchandises ayant circulé, chaque jour, dans les deux sens, entre le 1<sup>er</sup> octobre et le 9 novembre 1958, et dans laquelle il faisait remarquer que le nombre de trains circulant chaque jour, six jours par semaine, le dimanche étant exclu, variait de trois à cinq, la moyenne s'établissant à 3.7 par jour de semaine pour la période en question.

Pour ce qui est de la position adoptée par les parties opposantes, des mémoires ont été présentés par M. Maurice Huot, C.R., avocat du Conseil de comté de la division de Montmorency, section n° 1, qui comprend les municipalités de Boischatel, L'Ange-Gardin, Château-Richer et Saint-Féréol; M. J.-M. Guérard, C.R., représentant la ville de Montmorency; M. G. Gaudry, C.R., représentant Saint-Joachim, Sainte-Anne-de-Beaupré et la corporation

municipal de Château-Richer; M. Benoit Perron, président général de la Fraternité des agents d'accompagnement, subdivision de Montmorency; M. Robert Caron, président de l'Association des télégraphistes de chemin de fer, local 103, et M. P.-E. Beaugard, président général de la Fraternité des chauffeurs et mécaniciens de locomotive, local 879.

La Commission a reçu en outre un certain nombre de lettres de personnes qu'on pourrait appeler de simples particuliers et d'étudiants; entre autres, une lettre d'une personne qui signe "M. H.-P. Tremblay" et donne son adresse comme étant "310 avenue Royale, Sainte-Anne-de-Beaupré", accompagnée d'une pétition qui aurait été signée par 7,200 personnes. M. Tremblay n'a pas daté sa lettre et il ne s'identifie pas autrement que par son nom et son adresse. Toutefois, il semble à peu près certain qu'il est un préposé de trolley à l'emploi du Chemin de fer.

Dans la lettre ci-dessus mentionnée, M. Tremblay déclare, entre autres choses, ce qui suit:

"Je déclare qu'à une assemblée publique à laquelle assistaient environ 75 personnes, j'ai dit ce qui suit . . . .

En l'espace de deux ou trois jours, plus de 7,200 personnes ont dûment signé une pétition adressée à la Commission des transports du Canada, à Ottawa, dans laquelle elles demandaient une amélioration des horaires et des tarifs et déclaraient s'opposer entièrement à la requête faite par les chemins de fer Nationaux en vue d'obtenir l'autorisation de discontinuer le service-voyageurs de banlieue entre Québec et Saint-Joachim."

L'introduction de la pétition se lit ainsi:

"Nous soussignés, domiciliés dans la paroisse de L'Ange-Gardien, comté de Montmorency, nous opposons entièrement à la requête faite par les chemins de fer Nationaux du Canada en vue d'obtenir l'autorisation de discontinuer le service-voyageurs de banlieue entre Québec et Saint-Joachim. Nous demandons une amélioration des horaires et des tarifs."

A mon avis, il n'y a pas lieu de mentionner en détail le contenu des divers mémoires soumis. En résumé, leurs auteurs s'opposent nettement à la requête du Chemin de fer. Ils expriment une grande inquiétude au sujet des employés du Chemin de fer qui perdraient leur emploi et ne semblent pas tenir compte de l'intention du Chemin de fer, mentionnée dans la requête, de trouver, en temps opportun, d'autres emplois pour les employés en cause.

Ils prétendent que les anciens propriétaires du Chemin de fer l'exploitaient à profit. Toutefois, ils n'apportent aucune preuve à l'appui de cette allégation.

Ils prétendent que le Chemin de fer a délibérément pris tous les moyens possibles pour éloigner les clients de son service-voyageurs de banlieue en discontinuant l'exploitation de certains trains et en en faisant circuler d'autres à des heures qui ne convenaient pas au public voyageur. A ce sujet, non plus, aucune preuve n'est fournie.

Ils soutiennent également que le public subirait de graves inconvénients et que la valeur des propriétés diminuerait advenant l'abandon du service de banlieue.

Ils se plaignent aussi au sujet de la limite de validité et de la diversité des billets d'abonnement et ils prétendent qu'en haussant le tarif, le Chemin de fer a lui-même causé la diminution de sa clientèle et que celle-ci lui reviendrait si le tarif était réduit.

En outre, on prétend que le service-marchandises de la ligne Québec-St-Joachim rapporte de gros profits dont une partie seulement suffit à compenser le déficit d'exploitation du service-voyageurs et qu'en statuant sur le cas, la Commission devrait considérer l'ensemble des profits provenant du service sans diviser celui-ci en secteurs d'exploitation.

Le point de vue général des parties opposantes me semble clairement exposé dans le mémoire soumis par M. Maurice Huot, C.R.

Sous les titres de "Suggestions" et "Conclusions" il écrit ce qui suit:

"SUGGESTIONS

Le service entre Québec et St-Joachim pourrait être exploité d'une manière rentable et appropriée si la requérante consentait à faire les améliorations normales, à rajuster ses horaires et la fréquence des trains et à appliquer un tarif raisonnable.

a) HORAIRES: Les trains électriques devraient circuler comme il suit:

TRAINS QUOTIDIENS EN DIRECTION DE L'EST

<i>Dép. de Québec</i>	<i>Arr. aux chutes Montmorency</i>	<i>Arr. à Saint-Joachim</i>
12.05 a.m.		1.00 a.m.
6.20 a.m.		7.20 a.m.
8.00 a.m.	8.17 a.m.	
9.00 a.m.		10.00 a.m.
11.00 a.m.	11.20 a.m.	
11.30 a.m. excepté le samedi		12.35 p.m.
12.00 p.m. le samedi		1.00 p.m.
12.15 p.m.	12.35 p.m.	
1.00 p.m.		2.00 p.m.
1.30 p.m.	1.50 p.m.	
2.50 p.m.	3.07 p.m.	
3.00 p.m. (176)		4.00 p.m.
3.15 p.m.		4.20 p.m.
4.15 p.m.		5.20 p.m.
4.25 p.m.	4.45 p.m.	
5.10 p.m. (direct)	arrêt sur signal	5.55 p.m.
5.30 p.m.		6.30 p.m.
6.00 p.m.	6.20 p.m.	
6.15 p.m.		7.15 p.m.
7.15 p.m.		8.15 p.m.
8.15 p.m.	8.32 p.m.	
9.15 p.m.	9.32 p.m.	
10.15 p.m.	10.32 p.m.	
11.15 p.m.	11.32 p.m.	

TRAINS QUOTIDIENS EN DIRECTION DE L'OUEST

<i>Dép. de St-Joachim</i>	<i>Dép. des chutes Montmorency</i>	<i>Arr. à Québec</i>
5.45 a.m.		6.40 a.m.
6.40 a.m.		7.40 a.m.
7.15 a.m.		8.15 a.m.
7.40 a.m.		8.40 a.m.
	8.57 a.m.	9.15 a.m.
9.10 a.m.		10.15 a.m.
10.40 a.m. (175)		11.40 a.m.
	11.40 a.m.	11.57 a.m.
11.45 a.m.		12.55 p.m.

## TRAINS QUOTIDIENS EN DIRECTION DE L'OUEST—Conc.

<i>Dép. de St-Joachim</i>	<i>Dép. des chutes Montmorency</i>	<i>Arr. à Québec</i>
	1.00 p.m.	1.17 p.m.
	2.00 p.m.	2.17 p.m.
2.10 p.m.		3.10 p.m.
	3.37 p.m.	3.55 p.m.
3.05 p.m.		4.10 p.m.
	5.05 p.m.	5.25 p.m.
4.40 p.m.		5.40 p.m.
	6.30 p.m.	6.50 p.m.
6.45 p.m.		7.45 p.m.
	8.40 p.m.	8.57 p.m.
	9.40 p.m.	9.57 p.m.
	10.40 p.m.	10.57 p.m.
10.30 p.m.		11.30 p.m.
	12.05 a.m.	12.25 a.m.

- b) LA CARTE DE CINQUANTE PASSAGES devrait être divisée en cinq, c'est-à-dire en cartes de dix passages valables pour deux semaines. Le prix d'achat représenterait un déboursé moindre pour les personnes voyageant entre des points situés aux extrémités de la ligne, ou presque;
- c) LES CARTES ENTRE GARES, retirées en 1955, devraient être remises en usage;
- d) LE PRIX MINIMUM DE 25c. devrait comprendre le voyage de retour jusqu'à quatre milles du point de départ, ce qui représenterait un taux milliaire raisonnable tandis qu'à l'heure actuelle, dans certains cas, le taux est de 25c. par mille;
- e) LA MISE EN SERVICE D'UN TRAIN RAPIDE entre Québec et St-Joachim, à 5h. 15 du soir;
- f) LA PÉRIODE DE VALIDITÉ des billets de quarante passages devrait être prolongée suivant les conditions de travail des titulaires;
- g) IL Y AURAIT LIEU DE COMBINER LES SERVICES Québec-La Malbaie et Québec-St-Joachim et d'assurer deux voyages par jour de façon à permettre aux personnes venant de Charlevoix de rester plus longtemps à Québec pour vaquer à leurs affaires, de partir et d'arriver à des heures raisonnables et de n'être plus obligées de demeurer plus d'une journée à Québec. Ces services pourraient être assurés au moyen de trois voitures automotrices Budd, l'une servant au transport des bagages et les deux autres au transport des voyageurs. L'horaire proposé serait le suivant:

## TRAINS EN DIRECTION DE L'OUEST

<i>Dép. de la Malbaie</i>	<i>St-Joachim</i>	<i>Arr. à Québec</i>
7.15 a.m.	9.05 a.m.	10.00 a.m.
3.00 p.m.	4.40 p.m.	5.30 p.m.

(Correspondance avec le train partant pour Montréal à 6.00 p.m.)

## TRAINS EN DIRECTION DE L'EST

<i>Dép. de Québec</i>	<i>St-Joachim</i>	<i>Arr. à la Malbaie</i>
11.30 a.m.	12.35 p.m.	2.30 p.m.
6.15 p.m.	7.10 p.m.	9.10 p.m.

## CONCLUSIONS

L'intimé soumet respectueusement que la requérante peut exploiter à profit le service entre Québec et St-Joachim en le faisant administrer sur place par un surintendant investi de la responsabilité et de l'autorité nécessaires à l'exploitation efficace. Des relations extérieures appropriées, un matériel convenable et bien entretenu, le maintien de l'ordre dans les trains de voyageurs, l'efficacité et la courtoisie du personnel, la priorité donnée aux trains de voyageurs sur les trains de marchandises, une meilleure compréhension du point de vue des voyageurs de banlieue et l'acceptation et la mise en vigueur des recommandations de l'intimé, ramèneraient la clientèle perdue et rendraient le service prospère et bien achalandé comme autrefois. En plus de prier la Commission de rejeter la requête, l'intimé la prie de statuer en conformité des recommandations ci-dessus.

QUÉBEC, le 17 novembre 1958."

## CONCLUSIONS

Outre les dépositions faites devant nous au cours des audiences et les différents mémoires présentés, je dois déclarer qu'avant l'audience l'un des inspecteurs du Service de l'exploitation de la Commission a visité la région, fait une enquête complète et présenté un rapport à la Commission le 27 août, ce qui démontre que dans des questions de ce genre la Commission ne s'en remet pas entièrement aux dépositions et mémoires présentés soit par les chemin de fer, soit par les parties opposantes, mais qu'elle fait sa propre enquête.

Afin de démontrer qu'il ne s'agit pas en l'occurrence d'un cas isolé, je rappellerai certaines décisions antérieures de la Commission dans des causes intéressant les chemins de fer Nationaux du Canada, la London and Port Stanley Railway, la Lake Erie and Northern and Grand River Railways (lignes électrifiées, filiales de la Compagnie de chemin de fer du Pacifique-Canadien) et la compagnie de chemin de fer New York Central.

Chemins de fer Nationaux du Canada, subdivision de Westport, 1952. Voir C.R.T.C. 69 à la page 136. Abandon total de l'exploitation de 40.51 milles de ligne. Si le réseau cessait d'exploiter la ligne, il réaliserait une économie de \$83,035 par année. La requête a été approuvée.

London and Port Stanley Railway, 1957. Voir C.R.T.C. 74 à la page 295. Abandon du service-voyageurs entre London (Ontario) et Port Stanley (Ontario), distance de 24 milles. Si le service-voyageurs était abandonné, l'économie serait de \$6,000 par mois. La requête a été approuvée.

Lake Erie & Northern and Grand River Railways. Voir C.R.T.C. 72 à la page 290. Abandon du service-voyageurs entre Kitchener (Ontario) et Port Dover (Ontario). Il n'est fait aucune mention des économies réalisées dans ce cas. Toutefois, l'introduction dans le C.R.T.C. se lit ainsi: "A cause du déclin continu du trafic-voyageurs, le chemin de fer a demandé l'autorisation de discontinuer un service de trains de voyageurs et de le remplacer par un service sur les routes parallèles aux voies ferrées. La Commission s'est rendue à la demande sous réserve de revision future, mais elle a fait remarquer que, à certains égards, le plan améliorerait le service."

Chemin de fer du New York Central. C'est le cas le plus récent. Le Chemin de fer a demandé l'autorisation de discontinuer entièrement son service-voyageurs entre Montréal (P.Q.) et Malone (N.Y.), distance d'environ 60 milles. La cause a fait l'objet d'une décision en 1958 et ne paraît pas encore au C.R.T.C. Les trains en question étaient utilisés

dans une grande mesure par des abonnés. Le chemin de fer économiserait, s'il discontinuait le service-voyageurs, environ \$100,000 par année. La requête a été accordée.

Dans tous les cas susmentionnés, il a été clairement démontré que de bonnes routes étaient plus ou moins parallèles à la voie ferrée et qu'il y avait d'autres moyens de transport suffisants.

La Commission a dans ses dossiers une carte indiquant les lignes de chemin de fer et les routes d'autobus entre Québec et St-Joachim. Cette carte indique, en supposant que la voie ferrée se dirige vers l'est à partir de Québec (en réalité elle se dirige vers le nord-est), que le boulevard Ste-Anne est situé au sud de la voie ferrée et lui est parallèle jusqu'à Ste-Anne. Ensuite, il traverse la voie ferrée, rejoint l'avenue Royale (l'ancienne route) et va jusqu'à St-Joachim sur le côté nord de la voie ferrée.

La preuve indique que trois compagnies d'autobus exploitent des services dans ce territoire, les autobus desservant et le boulevard Ste-Anne et l'avenue Royale.

La preuve donne aussi le nombre des personnes transportées par les autobus et par les trains. Il y a lieu de remarquer aussi que la Compagnie de Transport Montmorency, la seule à exploiter un service sur toute la distance entre Québec et St-Joachim, a averti le public que, à compter du 16 mars 1959, elle mettra en service des autobus supplémentaires et augmentera le nombre des voyages aller et retour.

Je crois que cela prouve nettement qu'il y aura à compter du 16 mars un moyen de transport suffisant, autre que le chemin de fer, s'il n'y en a pas déjà un.

Quant à la rentabilité du service-marchandises, il n'a été présenté aucune autre preuve que celles qui sont consignées aux présentes et qui ne se rapportent qu'au nombre des trains de marchandises qui circulent.

Dans un cas comme celui-ci, il n'y a pas lieu pour la Commission de tenir compte des recettes provenant du transport des marchandises. Si l'affaire comportait l'abandon total de l'exploitation de la ligne en question, il n'y a aucun doute alors que la Commission devrait examiner les recettes du service-marchandises.

Voyons maintenant les suggestions et les conclusions présentées par M. Huot. Comme on l'a vu précédemment, il propose plusieurs changements et, en particulier, il aimerait qu'un plus grand nombre de trains de banlieue soient mis en service ainsi qu'un autre train direct entre Québec et La Malbaie.

Au sujet de l'augmentation du nombre des trains, les tableaux joints aux présentes (dont l'un indique les départs pour l'est et l'autre les départs pour l'ouest) comparent les services-voyageurs actuellement en exploitation et ceux qui, selon M. Huot, devraient être exploités. Il faudrait en tout 50 trains supplémentaires pour assurer le service vers l'est et autant de trains pour les services vers l'ouest.

M. Huot suggère que le train direct supplémentaire pour La Malbaie pourrait comprendre trois voitures automotrices Budd, l'une servant au transport des bagages et les deux autres au transport des voyageurs. Si je tiens compte des remarques contenues dans la requête du Chemin de fer au sujet des dépenses supplémentaires qu'entraînerait le maintien du service à traction électrique, une estimation rapide m'indique que la mise en œuvre des propositions de M. Huot exigerait du Chemin de fer qu'il investisse au moins un million de dollars et

attende la réalisation des prophéties de M. Huot voulant qu'il soit possible d'exploiter le service Québec-St-Joachim avec profit et de façon convenable. Sur cette dernière observation, je laisse au Chemin de fer le soin d'étudier les suggestions de M. Huot.

Dans des cas de ce genre, la Commission s'efforce d'évaluer la situation à tous égards et, en particulier, nous établissons quels moyens de transport existent dans la région en cause. Nous examinons les dépenses qu'entraîne l'exploitation des trains, la mesure dans laquelle le public utilise le service de train et nous comparons les économies que le Chemin de fer réaliserait si l'on accédait à sa requête avec les pertes et les inconvénients dont pourrait souffrir le public par suite du changement.

D'après le contenu de la requête, le rapport de l'inspecteur du Service de l'exploitation de la Commission, les pièces déposées, les témoignages, le plaidoyer et les mémoires présentés durant et après l'audience, la Commission est convaincue qu'il existe d'autres moyens de transport suffisants dans la région en cause et que les pertes du Chemin de fer l'emportent sur les inconvénients dont souffrirait le public par suite de l'abandon du service-voyageurs de banlieue. Comme l'indique la Pièce n° 5, le Chemin de fer économiserait environ \$225,000 par année si la requête était approuvée.

Pour les raisons susmentionnées, la Commission a accédé à la requête du Chemin de fer et rendu l'ordonnance n° 96358 le 24 novembre 1958.

H. B. CHASE

*J'agrée:*

A. SYLVESTRE

le 25 février 1959.

Service de trains en vigueur le 7 sept. 1958  
Pièce n° 3 du Chemin de fer

Service de trains demandé  
par M. Huot

Trains qu'il faudrait ajouter

*De Québec à St-Joachim*

Tous les jours 6  
Tous les jours, dim. exc. 3  
Dim. seulement 2  
Train direct 1  
—  
Total 12  
Trains par semaine— 68

Trains directs 2  
Tous les jours 10  
Tous les jours, dim. exc. 1  
Dim. seulement 1  
—  
Total 14  
Trains à mettre en service  
chaque semaine— 91

23 trains par semaine

*De Québec aux chutes Montmorency*

Tous les jours 2  
Tous les jours, dim. exc. 6  
—  
Total 8  
Trains par semaine— 50

Tous les jours 11  
—  
Total 11  
Trains à mettre en service  
chaque semaine— 77

27 trains par semaine

*De Ste-Anne à St-Joachim*

Tous les jours, dim. exc. 3  
—  
Total 3  
Trains par semaine— 18

Total des trains demandés  
chaque semaine 168

Total des trains supplémentaires  
requis chaque semaine— 32

Abstraction faite des mouvements entre la gare de Ste-Anne et St-Joachim

Total des trains  
par semaine— 118

Total des trains demandés  
chaque semaine 168

Total des trains supplémentaires  
requis chaque semaine— 50

<i>De St-Joachim à Québec</i>			
Tous les jours	5	Trains directs tous les jours	2
Tous les jours, dim. exc.	4	Trains tous les jours	11
Dim. seulement	2	Total	13
Train direct	1	Trains à mettre en service chaque semaine—	91
Total	12		
Trains par semaine—	67		24 trains supplémentaires chaque semaine
<i>De Montmorency à Québec</i>			
Tous les jours	1	Trains tous les jours	11
Tous les jours dim. exc.	7	Total	11
Dim. seulement	1	Trains à mettre en service chaque semaine—	77
Total	9		
Trains par semaine—	50		27 trains supplémentaires chaque semaine
<i>De Ste-Anne à Québec</i>			
Dim. seulement	1		
Total	1		
Trains par semaine—	1		
<i>De St-Joachim à Ste-Anne</i>			
Tous les jours	1		
Tous les jours, dim. exc.	2		
Total	3		
Trains par semaine—	19		
Total des trains par semaine—	137	Total des trains demandés chaque semaine	168
		Total des trains supplémentaires requis chaque semaine—	31
Abstraction faite des mouvements entre St-Joachim et la gare de Ste-Anne			
Total des trains par semaine—	118	Total des trains demandés chaque semaine	168
		Total des trains supplémentaires requis chaque semaine—	50

## GENERAL ORDER No. 840

*In the matter of General Order No. 833, dated July 3, 1958, with regard to regulations respecting the reduction of certain freight rates between eastern and western Canada pursuant to Section 468 of the Railway Act:*

File No. 45464.1

TUESDAY, the 24th day of February, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

*It is hereby ordered as follows:*

General Order No. 833, dated July 3, 1958, is amended, effective March 1, 1959, by striking out subparagraph (b) of paragraph numbered 4 of the said General Order and substituting therefor the following:

(b) 10.5 cents per one hundred pounds.

ROD KERR,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

## ORDER No. 97434

*In the matter of Order No. 94426, dated May 27, 1958, amending Rule 3 of the Canadian Car Demurrage Rules:*

*And in the matter of Order No. 94888, dated July 14, 1958, suspending the said amendment of Rule 3 until otherwise ordered by the Board:*

File No. 1700.397

WEDNESDAY, the 25th day of march, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

F. M. MACPHERSON, *Commissioner.*

*Whereas* by Order No. 94426, dated May 27, 1958, Rule 3 of Canadian Car Demurrage Rules was amended as set out in the said Order No. 94426;

*Whereas* pending the outcome of an appeal to the Supreme Court of Canada from the Judgment and said Order No. 94426, amendment of Rule 3 of the said Canadian Car Demurrage Rules was suspended by the said Order No. 94888 until otherwise ordered by the Board; and

*Whereas* the appeal to the Supreme Court of Canada has now been heard and determined, having been dismissed by the Judgment of the said Court dated January 27, 1959, thus confirming the Judgment and Order of the Board No. 94426, dated May 27, 1958;

*It is hereby ordered as follows:*

1. Order No. 94888, dated July 14, 1958, is rescinded.

2. Amendment to Rule 3 of the Canadian Car Demurrage Rules, ordered by Order No. 94426, dated May 27, 1958, suspended by Order No. 94888, dated July 14, 1958, is restored.

H. H. GRIFFIN,

*Assistant Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 97326 Mar. 10—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at first crossing east of station at Petawawa, Ont., Mileage 103.61 Chalk River Subd.
- 97327 Mar. 10—Authorizing the C.P.R. to remove the caretaker at Brooklyn, N.S.
- 97328 Mar. 10—Approving proposed flammable liquid bulk storage facilities of The British American Oil Company Limited at Mont Laurier, P.Q.
- 97329 Mar. 10—Rescinding Order No. 75126 which approved facilities of Imperial Oil Limited at Leyland, Alta.
- 97330 Mar. 10—Rescinding Order No. 78120 which approved facilities of the C.N.R. at Coalspur, Alta.
- 97331 Mar. 10—Relieving the C.P.R. from erecting right of way fences along its industrial tracks in certain areas in the Twp. of Scarborough, Ont.
- 97332 Mar. 10—Authorizing the Saskatchewan Power Corporation to construct a transmission line across the pipe line of Trans-Canada Pipe Lines Limited in the NW $\frac{1}{4}$  Sec. 9, Twp. 19, Rge. 19, W3M., Sask.
- 97333 Mar. 10—Authorizing the Saskatchewan Power Corporation to construct a transmission line across the pipe line of Trans-Canada Pipe Lines Limited in the SE $\frac{1}{4}$  Sec. 2, Twp. 18, Rge. 29 W2M., Sask.
- 97334 Mar. 11—Approving Drawing submitted by Westcoast Transmission Company showing the location of its company pipe line at certain locations in the Peace River District of British Columbia.
- 97335 Mar. 11—Authorizing the construction of a pedestrian crossing over the New York Central Railroad Company opposite Ste. Catherine St., Beauharnois, P.Q.
- 97336 Mar. 11—Approving Standard Mileage Freight Tariff C.T.C. E.5271 Great Lakes Steamship Service, filed by the C.P.R.
- 97337 Mar. 11—Rescinding Order No. 72002 which approved facilities of Canadian Oil Companies Limited at Hamilton, Ont.
- 97338 Mar. 11—Authorizing the City of Joliette, P.Q., to construct Cartier St. across the C.P.R. in that City, at Mileage 6.3 St. Gabriel Subd.
- 97339 Mar. 11—Amending Order No. 92321, re apportionment of cost of installing automatic protection at the crossing of the highway and the Nipissing Central Railway, at Mileage 33.5 Kirkland Lake Subd., P.Q.
- 97340 Mar. 11—Amending Order No. 92322, re apportionment of cost of installing automatic protection at the crossing of the Nipissing Central Railway and Highway No. 59 (Arntfield Road) Mileage 56.3 Kirkland Lake Subd., P.Q.
- 97341 Mar. 11—Approving tariffs filed by The Bell Telephone Company of Canada.
- 97342 Mar. 11—Amending Order No. 92812, re apportionment of cost of installing automatic protection at the crossing of the C.N.R. and Finch Ave., Ont., Mileage 11.65 Newmarket Subd.
- 97343 Mar. 11—Approving tolls published in tariffs filed by the Canadian Freight Assoc. under sections 3 and 8 of the Maritime Freight Rates Act.
- 97344 Mar. 11—Rescinding Order 94196 which authorized Consumers' Gas Company to construct a gas main over and under the C.N.R. at Highway No. 17 between Conc. 6 and 7, Lot 22, Twp. of McNab, Ont.
- 97345 Mar. 11—Approving proposed flammable liquid bulk storage facilities of Ilford Airways Limited at Ilford, Man.
- 97346 Mar. 11—Dismissing application of the C.N.R. for authority to remove the station agent at Rochfort Bridge, Alta.
- 97347 Mar. 12—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Lacoste, P.Q., Mileage 96.81 Ste. Agathe Subd.
- 97348 Mar. 12—Authorizing the Ont. Dept. of Highways to construct Highway No. 133 over the C.N.R. by means of an overhead bridge at Mileage 69.67 Campbellford Subd.
- 97349 Mar. 12—Approving proposed flammable liquid bulk storage facilities of North Star Oil Limited, at Craigmyle, Alta.
- 97350 Mar. 12—Amending Order No. 97033 which approved proposed flammable liquid storage facilities at Russell, Man.

- 97351 Mar. 12—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 87.66 Goderich Subd., Ont.
- 97352 Mar. 13—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 97353 Mar. 13—Authorizing the C.N.R. to relocate their railway between Mileages 8.52 and 8.91 Main Centre Subd., Rural Munic. of Enfield, Sask.
- 97354 Mar. 13—Approving proposed flammable liquid storage facilities of The British American Oil Company Limited at Stephenville Crossing, Newfoundland.
- 97355 Mar. 13—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Telephone Chibougamau Limited.
- 97356 Mar. 13—Authorizing the C.N.R. to construct an industrial lead track across Handel St. and Montcalm Blvd. in the Town of Candiac, Co. Laprairie, P.Q.
- 97357 Mar. 13—Authorizing United Gas Limited to construct a gas main across the pipe line of Trans-Canada Pipe Lines Limited, west of Ewan Road, north of Main St., in Hamilton, Ont.
- 97358 Mar. 13—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Lake St., in the Town of Huntingdon, P.Q., Mileage 55.89 Massena Subd.
- 97359 Mar. 13—Relieving the C.P.R. from erecting cattle guards on its Kerrobert Subd., Sask. on both sides at Mileages 0.19 and 1.20.
- 97360 Mar. 13—Authorizing the Twp. of Richmond, B.C., to construct a public road over the Vancouver & Lulu Island Rly. Co. at Mileage 3.77 Steveston Branch.
- 97361 Mar. 13—Authorizing the Twp. of Maidstone, Ont., to widen the approach grades of the highway where the Twp. road crosses the C.N.R. at Mileage 97.17 Chatham Subd.
- 97362 Mar. 13—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 95, south of Marysville, B.C., Mileage 13.8 Kimberley Subd.
- 97363 Mar. 13—Amending Order No. 92673, re apportionment of cost of reconstructing a portion of the existing subway under the C.P.R. at Broad St., Regina, Sask.
- 97364 Mar. 13—Relieving the C.N.R. from erecting right of way fencing between Mileages 0.0 and 1.23 both sides, and both sides of their wye track, on their Gravelbourg Subd., Sask.
- 97365 Mar. 13—Approving abandonment of operation by the C.N.R. of their Key Harbour Branch from Mileage 0.72 to 7.01, Ont., a distance of 6.29 miles.
- 97366 Mar. 13—Amending Order No. 93310, re apportionment of cost of installing automatic protection at crossing of the C.N.R. and St. Laurent Blvd., Ont., Mileage 132 Alexandria Subd. and crossing of the former N.Y.C. Railroad Co. and St. Laurent Blvd.
- 97367 Mar. 13—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Cemetery St., in the Town of Huntingdon, P.Q., Mileage 55.42 Massena Subd.
- 97368 Mar. 13—Authorizing the Consumers' Gas Company to construct a gas main across and under the C.N.R. in the road allowance between Concs. 8 and 9, in Lot 29, Twp. of Markham, Ont., Mileage 42.4 Uxbridge Subd.
- 97369 Mar. 16—Authorizing the Canadian Kewanee Limited to construct a 2-inch pipe line across and under the pipe lines of Westspur Pipe Line Company in the SW $\frac{1}{4}$  of Sec. 6-4-4-W2M., Sask.
- 97370 Mar. 16—Authorizing the B.C. Electric Company Limited to construct a 2-inch natural gas main over the pipe line of Westcoast Transmission Company Limited at McGrath Road, Twp. of Chilliwack, B.C.
- 97371 Mar. 17—Approving tolls published in Tariff C.T.C. No. E.4040 and Supplements thereto, filed by the C.N.R. under the provisions of the Maritime Freight Rates Act.

- 97372 Mar. 17—Authorizing the C.N.R. to reconstruct that portion of their timber trestle over the South Paddle River, at Mileage 67.8 Sangudo Subd., Alta.
- 97373 Mar. 17—Approving proposed flammable liquid storage facilities of Penfound Varnish Co. Ltd., at 30 Bethridge Road, Etobicoke, Ont., Mileage 0.38 Rexdale Spur, Brampton Subd.
- 97374 Mar. 17—Authorizing the C.P.R. to use and operate the bridge over the Waskasoo Creek, Alta., Mileage 81.6 Red Deer Subd.
- 97375 Mar. 17—Approving proposed flammable liquid storage facilities of the C.N.R. at Tyup, B.C., Tidewater Subd.
- 97376 Mar. 17—Authorizing the C.N.R. to reconstruct their bridge over the highway in the Munic. of Thompson, Man., Mileage 44.8 Miami Subd.
- 97377 Mar. 17—Approving operation of the C.P.R. Company's engines, cars, etc., over a private siding serving the Irving Wire Products Limited, at Mileage 3.58 MacLeod Subd.
- 97378 Mar. 17—Authorizing the Twp. of North York to construct an 18inch water main over and under the pipe line of Trans-Northern Pipe Line Company at Finch Ave., West of Yonge St., Twp. of North York, Ont.
- 97379 Mar. 17—Authorizing the Twp. of Maidstone, Ont., to improve the approach grades at crossing of the township road and the N.Y.C. Railroad Company at Mileage 208.43 Niagara Falls Subd.
- 97380 Mar. 17—Requiring the C.P.R. to install automatic protection at the crossing of the Dominion Atlantic Rly. Company and Little Brook Crossing, in the Munic. of Clare, N.S., Mileage 51.42 Yarmouth Subd.
- 97381 Mar. 17—Authorizing the Quebec Dept. of Roads to widen Highway No. 57 where it crosses the right of way of the C.P.R. at Mileage 74.89 Lachute Subd., P.Q.
- 97382 Mar. 17—Authorizing the Twp. of Maidstone, Ont., to improve the approach grades at the crossing of its township road and the N.Y.C. Railroad Company at Mileage 205.72 Niagara Falls Main Line Subd.
- 97383 Mar. 17—Authorizing the Twp. of Maidstone, Ont., to improve the approach grades at the crossing of its township road and the N.Y.C. Railroad Company at Mileage 206.62 Niagara Falls Main Line Subd.
- 97384 Mar. 17—Authorizing the Twp. of Maidstone, Ont., to improve the approach grades at the crossing of its township road and the N.Y.C. Railroad Company at Mileage 207.53 Niagara Falls Main Line Subd.
- 97385 Mar. 17—Authorizing the Twp. of Carling to improve the sight lines by removing trees and bush, etc. at crossing of the highway and the C.P.R. at Mileage 35.32 Parry Sound Subd., Ont.
- 97386 Mar. 17—Approving proposed liquefied petroleum gas storage facilities of North Shore Propane Company Ltd. at Sault Ste. Marie, Ont., Mileage 129.73 Thessalon Subd.
- 97387 Mar. 17—In the matter of the Board's regulations for the Transportation of Dangerous Commodities by Rail.
- 97388 Mar. 17—Authorizing the C.N.R. to make changes in the signals at the crossing of their Cayuga Subd. at Mileage 18.5 and the Welland Subd. of the Niagara, St. Catharines and Toronto Railway, Ont.
- 97389 Mar. 17—Authorizing the Munic. of Metropolitan Toronto to reconstruct the overhead bridge carrying Don Mills Road over the C.N.R. at Mileage 6.5 Bala Subd.
- 97390 Mar. 18—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the Dominion Atlantic Railway Company under sections 3 and 8.
- 97391 Mar. 18—Approving tolls published in tariffs filed by the C.N.R. under the provisions of the Maritime Freight Rates Act, under sections 3 and 8.
- 97392 Mar. 18—Authorizing the C.N.R. to remove the caretaker at Lavinia, Man.
- 97393 Mar. 18—Authorizing the removal of the speed limitation at the crossing of the Sydney and Louisburg Rly. Company and King Edward St. in the Town of Glace Bay, N.S., Mileage approximately 14.

- 97394 Mar. 19—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway, at first crossing north of Parkhead, Ont., Mileage 59.60 Owen Sound Subd.
- 97395 Mar. 19—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. being the fourth crossing north of the station at Newmarket, Ont., Mileage 36.38 Newmarket Subd.
- 97396 Mar. 20—Approving proposed flammable liquid storage facilities of the British American Oil Co. Ltd. at Rogers, B.C., Mileage 67.78 Mountain Subd.
- 97397 Mar. 20—Authorizing the Munic. of Shuniah, Ont., to construct the highway at grade over the C.N.R. in the Twp. of McGregor, Ont., Mileage 126.1 Dorion Subd.
- 97398 Mar. 20—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Leduc Blvd., Town of Montreal North., P.Q., Mileage 33.00 l'Assomption Subd.
- 97399 Mar. 20—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at first public crossing east of station at Oyen, Alta., Mileage 66.7 Oyen Subd.
- 97400 Mar. 20—Approving proposed flammable liquid bulk storage facilities of Imperial Oil Limited, at Valemount, B.C., Mileage 74.26 Albreda Subd.
- 97401 Mar. 23—Authorizing the removal of the speed limitation at the crossing of Highway No. 4 and the C.N.R. at Mileage 90.97 Gladstone Subd., Man.
- 97402 Mar. 23—Authorizing the removal of the speed limitation at the crossing of Water St. and the C.N.R. in Newmarket, Ont., Mileage 33.55 Newmarket Subd.
- 97403 Mar. 23—In the matter of Order No. 85408, authorizing the C.P.R. to re-line Spiral Tunnel No. 1 at Mileage 128.8 Laggan Subd., Alta.
- 97404 Mar. 23—Authorizing the C.P.R. to re-line Tunnel No. 1 at Mileage 128.8 Laggan Subd., Alta.
- 97405 Mar. 23—Rescinding Order No. 78707, which approved location of facilities of The Bell Telephone Co. of Canada near the tracks of the C.N.R. at London, Ont.
- 97406 Mar. 23—Approving application of Fargo Oils Limited to construct a 2 $\frac{3}{8}$ -inch pipe line over the pipe line of Westcoast Transmission Company Limited in the Peace River District of B.C., in the vicinity of Mileage 106 Alaska Hwy.
- 97407 Mar. 23—Approving application of Fargo Oils Limited to construct a 3 $\frac{1}{2}$ " pipe line over the pipe line of Westcoast Transmission Company Limited in the Peace River District of B.C., in the vicinity of Mileage 109 Alaska Highway.
- 97408 Mar. 23—Authorizing The Bell Telephone Company of Canada to construct a conduit for telephone cables over and under the pipe line of the Trans Northern Pipe Line Company, at Main Street, opposite Lot 19, Conc. 5, West of Dundas St., in the Twp. of North York, Ont.
- 97409 Mar. 23—Authorizing the removal of the speed limitation at the crossing of Rouleau St. and the C.N.R. in the City of Rimouski, P.Q., Mileage 18.53 Rimouski Subd.
- 97410 Mar. 23—Approving proposed Class II flammable liquid bulk storage facilities of the C.N.R. at Vancouver, B.C.
- 97411 Mar. 23—Extending the time until June 1, 1959, within which the C.N.R. is required to install automatic protection at the crossing of their railway and Highway No. 45 at Colombourg, P.Q., Mileage 22.06 Macamic Subd.
- 97412 Mar. 23—Approving operation of the C.N.R. trains over the private siding serving British American Oil Co. Ltd., at Stephenville crossing, Nfld., Mileage 453.05 Port aux Basques Subd.
- 97413 Mar. 23—Authorizing the City of Calgary, Alta., to construct 66th Avenue S.W. over the C.P.R. at Mileage 3.56 MacLeod Subd.
- 97414 Mar. 23—Approving proposed liquefied petroleum gas bulk storage facilities of Rockgas Propane Limited at Port Alberni, B.C.

- 97415 Mar. 23—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 97416 Mar. 23—Authorizing the C.N.R. to remove the caretaker at Rossendale Station, Man.
- 97417 Mar. 23—Approving revised plan submitted by the Saskatchewan Power Corporation showing details of its power line over the Trans-Canada Pipe Lines Limited in SE $\frac{1}{4}$  Sec. 3-17-20-W.2M.
- 97418 Mar. 23—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 45.04 Swift Current Subd., Sask.
- 97419 Mar. 23—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Beach St. in Ottawa West, Ont., Mileage 1.10 Prescott Subd.
- 97420 Mar. 23—Approving tariffs filed by The Bell Telephone Company of Canada.
- 97421 Mar. 23—Approving revised Appendix "A" to Traffic Agreement between The Bell Telephone Company of Canada and The New Union Telephone Company Limited.
- 97422 Mar. 23—Authorizing the Chesapeake and Ohio Railway Company to operate over the swing span crossing the Sydenham River near Wallaceburg, Ont., until the 15th of April, 1959.
- 97423 Mar. 24—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Westminster Avenue, City of Montreal, P.Q., Mileage 0.85 St. Luc Branch.
- 97424 Mar. 24—Approving proposed flammable liquid bulk storage facilities of Canadian Oil Companies Limited at Preeceville, Sask., Mileage 72.05 Preeceville Subd.
- 97425 Mar. 24—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 104.30 Bathurst Subd., N.B.
- 97426 Mar. 24—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Bruchesi, P.Q., Mileage 11.40 St. Lin Subd.
- 97427 Mar. 24—Authorizing the removal of the speed limitation at the crossing of the highway and the Dominion Atlantic Railway Company at Newport, N.S., Mileage 26.2 Halifax Subd.

The Board of  
Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

Vol. XLIX

OTTAWA, MAY 1, 1959

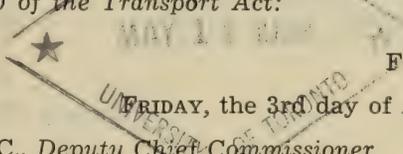
No. 3

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ORDER No. 97510

In the matter of the application of Scott Misener Steamships Limited (formerly Colonial Steamships Limited), hereinafter called the "Applicant", for a licence under section 10 of the Transport Act:



File No. 42076.16

FRIDAY, the 3rd day of April, A.D. 1959

- A. SYLVESTRE, Q.C., Deputy Chief Commissioner.
- H. B. CHASE, C.B.E., Commissioner.
- L. J. KNOWLES, Commissioner.

It is hereby ordered as follows:

Licence No. C.T.C. (W.T.) 355 is issued to the Applicant licensing, for the period of one year commencing January 15, 1959, the following ships to transport goods by water between all ports and places in Canada in the areas designated herein with respect to each ship:

1. On Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as Prescott, Ontario:

Vessel Name	Official Registry No.	Gross Tonnage
Bayton .....	141675	4176
Laketon .....	137906	4423
Ralph S. Misener .....	141679	7403
Royalton .....	151108	7164

2. On Lakes Ontario, Erie, Huron (including Georgian Bay) and Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans:

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Brampton .....	149435	1926
Clayton .....	161526	1925
Queenston .....	149430	1926
R. H. Marshall .....	149499	1926
Donald F. Fawcett .....	148073	1902
Frank H. Brown .....	148079	1902
Frank Wilkinson .....	161524	1940
E. P. Murphy .....	149493	1927
Paul Manion .....	149494	1927
J. N. McWatters .....	161519	1928
Geo. M. Carl .....	149475	1939
J. G. Irwin .....	149495	1927
H. L. Wyatt .....	161517	1928
John A. France .....	161518	1938
Clary Foran .....	149500	1975
C. A. Ansell .....	161520	1940

A. SYLVESTRE,  
*Deputy Chief Commissioner.*

## ORDER No. 97571

*In the matter of the application of the Railway Association of Canada and certain of the member companies dated September 16, 1958, for authority to make increases in their tolls or rates for the carriage of freight traffic on their lines in Canada, and in particular in the matter of the final relief therein requested.*

File No. 48771.2

FRIDAY, the 10th day of April, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*H. B. CHASE, C.B.E., *Commissioner.*L. J. KNOWLES, *Commissioner.*

*Upon request of the Railway Association of Canada for a postponement sine die of the hearing of the application herein for final relief and upon hearing Counsel for the said Association in support of the request;*

*It is hereby ordered as follows:*

1. The hearing of the application for final relief fixed for May 19, 1959, by Order of the Board No. 96831, dated January 13, 1959, is postponed sine die.
2. The periods specified in paragraphs 3 and 4 of the said Order, respecting filing and delivery of answers and precis of evidence, are extended sine die.

ROD KERR,  
*Chief Commissioner.*

## ORDER No. 97619

*In the matter of the application of Yankcanuck Steamships Limited for a licence under section 10 of the Transport Act:*

File No. 42076.48

MONDAY, the 13th day of April, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*It is hereby ordered as follows:*

Licence No. C.T.C. (W.T.) No. 356 shall be issued to Yankcanuck Steamships Limited licensing, for the period of one year commencing January 15, 1959, the following ships to transport iron or steel articles, as listed under the distinctive heading "IRON OR STEEL" in Canadian Freight Classification No. 20, C.T.C. No. 1525 (R. K. Watson, Agent) between all ports or places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay) and Superior, and their connecting waters, including the St. Lawrence River and its tributaries, as far seaward as the west end of the Island of Orleans—

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Manzzutti .....	145462	1,528
Mancox .....	145465	1,550

ROD KERR,  
*Chief Commissioner,*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 97428 Mar. 24—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 97429 Mar. 24—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Irma, Alta., Mileage 17.70 Viking Subd.
- 97430 Mar. 24—In the matter of The Express Traffic Association of Canada for approval of proposed Supplement No. 10 to Express Classification for Canada No. 9.
- 97431 Mar. 24—In the matter of application of McInnes Products Corp. Limited, Edmonton, Ata., for a licence under section 10 of the Transport Act.
- 97432 Mar. 24—Rescinding Order No. 59466, which approved facilities of W. R. Thompson for handling and storage of flammable liquids near the right of way of the N.Y.C. Railroad Co. (Michigan Central Railroad) at Petrolia, Ont.
- 97433 Mar. 24—Authorizing the C.N.R. to remove the bell and illuminated danger sign at crossing of their railway and the Municipal Road at Mileage 30.7 Miniota Subd., Man.
- 97434 Mar. 25—Rescinding Order No. 94888 and restoring Amendment to Rule 3 of the Canadian Car Demurrage Rules, ordered by Order No. 94226, dated May 27, 1958, suspended by Order No. 94888, dated July 14, 1958.
- 97435 Mar. 25—Approving application of the Town of New Waterford, N.S., for improved protection at crossing of King St. and the Victoria Subd. of the Sydney and Louisburg Rly. Co., in the Town of New Waterford, N.S.
- 97436 Mar. 25—Approving tolls filed by the Cumberland Rly. and Coal Company under section 8 of the Maritime Freight Rates Act.
- 97437 Mar. 26—Extending the time within which the C.N.R. are required to install two flashing light signals and one bell at crossing of their railway and Lockerby's crossing in the Province of N.S., Mileage 35.7 Oxford Subd.
- 97438 Mar. 26—Extending the time within which the C.N.R. are required to install automatic protection at crossing of their railway and Highway No. 3, Mileage 42.88 Yarmouth Subd., N.S.
- 97439 Mar. 26—Extending the time within which the C.N.R. are required to install automatic protection at crossing of their railway and Route 11 in the Village of Upper Caraquet, N.B., Mileage 44.31 Caraquet Subd.
- 97440 Mar. 26—Extending the time within which the C.N.R. are required to install automatic protection at crossing of their railway and Alder Point Road, N.S., Mileage 92.11 Sydney Subd.
- 97441 Mar. 26—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and first crossing west of station at Upper Caraquet, N.B., Mileage 42.49 Caraquet Subd.
- 97442 Mar. 26—Authorizing the Town of Burlington, Ont., to construct an 8-inch cast-iron sewer main across and under the pipe line of Trans Northern Pipe Line Company at intersection of Highways Nos. 2 and 20, in the Town of Burlington, Ont.
- 97443 Mar. 26—Extending the time within which the C.N.R. are required to install automatic protection at crossing of their railway and Highway No. 8 at East Bathurst, N.B., Mileage 4.11 Caraquet Subd.
- 97444 Mar. 26—Extending the time within which the C.N.R. are required to install automatic protection at crossing of their railway and Highway No. 12, N.S., Mileage 53.7 Chester Subd.
- 97445 Mar. 26—Extending the time within which the C.N.R. are required to install automatic protection at crossing of their railway and the highway at Auld's Cove, N.S., Mileage 7.09 Sydney Subd.
- 97446 Mar. 26—Approving Supplement No. 1 to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de St. Theodore.

- 97447 Mar. 26—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. near Ostrander, Ont., Mileage 11.94 Port Burwell Subd.
- 97448 Mar. 26—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at St. Martin, P.Q., Mileage 12.08 Park Ave. Subd.
- 97449 Mar. 26—Extending the time limit within which the C.N.R. are required to install automatic protection at the crossing of their railway and Point Tupper Road, N.S., Mileage 13.11 Sydney Subd.
- 97450 Mar. 26—Authorizing the Quebec Dept. of Roads to widen the highway where it crosses the C.P.R. in the Munic. of Messines, Twp. of Bouchette, Co. Gatineau, Mileage 70.6 Maniwaki Subd.
- 97451 Mar. 26—Rescinding Order No. 69541 which authorized the relocation and construction of a subway for Hwy. No. 15 at Bell's Corners, Nepean Township, under the C.P.R. at Mileage 11.6 Careton Place Subd., Ont.
- 97452 Mar. 26—Approving proposed liquefied gas storage facilities of Superior Propane Limited at Thetford Mines, P.Q.
- 97453 Mar. 26—Authorizing the Ontario Dept. of Highways to construct Highway No. 17 over the C.P.R. in the Twp. of Dorion, Ont., Mileage 89.95 Nipigon Subd., by means of an overhead bridge.
- 97454 Mar. 26—Authorizing the City of Kitchener to reconstruct the existing overhead bridge over the C.N.R. at Margaret Ave., Kitchener, Ont., Mileage 62.44 Brampton Subd.
- 97455 Mar. 26—Authorizing the Munic. of Metropolitan Toronto to construct a subway at the crossing of Lawrence Ave. West and the C.P.R. at Mileage 3.63 MacTier Subd.
- 97456 Mar. 26—Authorizing the C.P.R. to remove the station shelter located in the Nipissing Indian Reserve Area, Beaucage, Ont.
- 97457 Mar. 26—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Munic. of the Township of South Monaghan.
- 97458 Mar. 26—Authorizing the Ontario Department of Highways to construct Highway No. 401 over the C.N.R. at Mileage 9.36 Drumbo Subd., Co. of Oxford, Ont.
- 97459 Mar. 26—Approving tolls published in tariffs filed by the Canadian Freight Association under sections 3 and 8 of the Maritime Freight Rates Act.
- 97460 Mar. 26—Approving tolls published in tariffs filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 97461 Mar. 26—Authorizing the C.N.R. to remove the caretaker at Allenford, Ontario.
- 97462 Mar. 26—Authorizing the C.P.R. to use and operate the north end of the bridge over Little Bow River, Alta., Mileage 30.4 Aldersyde Subd.
- 97463 Mar. 26—In the matter of the moving of the traffic light signals authorized to be installed by Order 93611, at the crossing of the C.N.R. and Dewdney Ave., in the City of Regina, Sask.
- 97464 Mar. 26—Authorizing the removal of the speed limitation at the crossing of the N.Y.C. Railroad Co. and Graham Road in West Lorne, Ont.
- 97465 Mar. 26—Approving Supplements 1, 2 and 3 between The Bell Telephone Company of Canada and the Falkirk Telephone System.
- 97466 Mar. 26—Approving Traffic Agreement and Service Station applications between The Bell Telephone Company of Canada and the Falkirk Community Telephone Company Limited.
- 97467 Mar. 31—Authorizing the C.N.R. and C.P.R. to operate over the siding of The Toronto Harbour Commissioners to serve the Commissioners' Marine Terminal No. 15, in Toronto, Ont.
- 97468 Mar. 31—Authorizing the City of Toronto to construct a subway at the crossing of Symington Ave. and the C.P.R. in Toronto, Ont., Mileage 5.41 North Toronto Subd.
- 97469 Mar. 31—Authorizing the C.N.R. to discontinue operation of their passenger Trains 47 and 48 between Winnipeg and Russell, Man.

- 97470 Apr. 1—Authorizing the Twp. of Scarborough to construct a temporary pedestrian crossing by means of an overhead bridge over the C.N.R. at approx. 140 feet northeast of Birchmount Road, Twp. of Scarborough, Ont.
- 97471 Apr. 2—Amending Order 94305 which authorized the Quebec Dept. of Highways to reconstruct the tunnel at the intersection of Highway No. 38 and the C.N.R. tracks in the Parish of Ste. Dorothee, Co. Laval, P.Q., Mileage 7.77 Montford Subd.
- 97472 Apr. 2—Approving proposed flammable liquid bulk storage facilities of North Star Oil Limited at Drumheller, Alta.
- 97473 Apr. 2—Approving proposed flammable liquid bulk storage facilities of Imperial Oil Limited at Champion, Alberta.
- 97474 Apr. 2—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 89.36 Chipman Subd., N.B.
- 97475 Apr. 2—Approving the proposed flammable liquid bulk storage facilities of The British American Oil Company Limited, at Kerrobert, Sask.
- 97476 Apr. 2—Approving clearances on the trackage of the C.N.R. on the Centennial Pier of the National Harbours Board at Vancouver, B.C.
- 97477 Apr. 2—Authorizing the C.P.R. to remove the station agent at Spring Coulee, Alta., provided a caretaker is appointed.
- 97478 Apr. 2—Dismissing application of the C.N.R. for authority to remove the station agent at Minto, Man.
- 97479 Apr. 2—Authorizing the Producers Pipe Lines Limited to construct a 4½" pipe line over the pipe line of the Westspur Pipe Line Company in the SE¼ Sec. 1-4-5-W2M., Sask.
- 97480 Apr. 2—Authorizing The Bell Telephone Company of Canada to construct an underground conduit for telephone cables over the pipe line of Trans-Northern Pipe Line Company at Windermere cut-off in the City of Hamilton, Ont.
- 97481 Apr. 2—Approving proposed flammable liquid bulk storage facilities of Imperial Oil Limited at Kimberley, B.C.
- 97482 Apr. 2—Authorizing the C.N.R. to reconstruct their bridge over Wilkinson Road in the District of Saanich, B.C., Mileage 3.6 Cowichan Subd.
- 97483 Apr. 2—Approving application of The London & Port Stanley Railway for approval of clearances on the siding serving the Westminster Hospital in the City of London, Ont.
- 97484 Apr. 2—Approving application of the Town of Montreal East, P.Q., for the synchronization of traffic light signals at the intersection of Sherbrooke St. and Dobell Avenue with the highway crossing signals at crossing of the C.N.R.'s Dobell spur and Sherbrooke St. in the Town of Montreal East, P.Q.
- 97485 Apr. 2—Approving proposed flammable liquid bulk storage facilities of Imperial Oil Limited at Thompson, Man.
- 97486 Apr. 2—Authorizing the removal of the speed limitation at the crossing of Highway No. 10 and the C.N.R. at second public crossing west of station at Rosedale, Man., Mileage 57.2 Drumheller Subd.
- 97487 Apr. 2—Authorizing the removal of the speed limitation at crossing of the C.N.R. and Prov. Highway No. 9B in the Province of P.Q., Mileage 45.98 Rouses Point Subd.
- 97488 Apr. 2—Authorizing the removal of the speed limitation at the crossing of Provincial Highway No. 4 and the C.N.R. at first crossing south of station at Neepawa, Man., Mileage 32.95 Neepawa Subd.
- 97489 Apr. 2—Authorizing the Alberta Dept. of Highways to construct Highway No. 21-A-1 over the C.P.R. in the SW¼ Sec. 19, Twp. 29, Rge. 23, W.4M., Alta., by means of an overhead bridge.
- 97490 Apr. 2—Approving revisions to tariffs filed by the British Columbia Telephone Company.
- 97491 Apr. 2—Amending Order No. 94200 which authorized the Ontario Dept. of Highways to construct Highway No. 51 over the C.P.R. by means of an overhead bridge, near Caledon, Ont., Mileage 27.31 Orangeville Subd.

- 97492 Apr. 2—Authorizing the C.P.R. to remove the caretaker-Agent and appoint a caretaker at Leonard, Ont.
- 97493 Apr. 2—Authorizing the Parish of Notre-Dame de Portneuf, P.Q., to widen the highway where it crosses the C.P.R. at Mileage 123.4 Quebec Subd.
- 97494 Apr. 2—Authorizing the C.N.R. to remove the station agent at Lewvan, Sask., provided a caretaker is appointed.
- 97495 Apr. 2—Authorizing the Trans-Northern Pipe Line Company to relocate its company pipe line in the City of Hamilton, Ont., as shown on plan, and to carry its pipe line over and under Woodward Ave. and the 12" concrete sewer pipe of the City.
- 97496 Apr. 2—Authorizing the Trans-Northern Pipe Line Company to relocate its company pipe line in the City of Hamilton, Ont., as shown on plan, and to carry its pipe line over and under Parkdale Ave. and the Fina pipe line, and the concrete box sewer of the City.
- 97497 Apr. 2—In the matter of application of the C.P.R. under Section 156 of the Railway Act, re agreement between it and certain other railways in connection with joint use of passenger station at Brockville, Ont.
- 97498 Apr. 2—In the matter of application of the C.P.R. under Section 156 of the Railway Act, re agreement between it and certain other railways in connection with joint use of passenger station at Brockville, Ont.
- 97499 Apr. 2—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Lievre Valley Telephone Company.
- 97500 Apr. 2—Authorizing the Manitoba Dept. of Public Works to construct the highway over the C.N.R. at Mileage 67.98 Sprague Subd., Man.
- 97501 Apr. 2—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Merritt, B.C.
- 97502 Apr. 3—Approving joint application of the C.P.R. and B.C. Electric Rly. Co. for authority to install signals of the flashing light type with warning bell in lieu of the existing signals at crossing of the C.P.R. operated by the B.C. Electric Rly. and 70th Ave. (Marine Drive) in the City of Vancouver, B.C.
- 97503 Apr. 3—Approving joint application of the C.P.R. and the B.C. Electric Rly. Co. to install signals of the flashing light type with warning bell in lieu of the existing protection at crossing of the C.P.R. operated by the B.C. Electric Rly. Co. and Burrard St., Vancouver, B.C.
- 97504 Apr. 3—Approving tariffs filed by the C.P.R. under Section 8 of The Maritime Freight Rates Act.
- 97505 Apr. 3—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at Togo, Sask.
- 97506 Apr. 3—Approving application of the Quebec Dept. of Roads for the installation of automatic protection at the crossing of the C.P.R. and Lake St. Joseph Road, in the Munic. of the Parish of St. Augustine-desmaures, P.Q., Mileage 145.21 Quebec Subd.
- 97507 Apr. 3—Authorizing the C.P.R. to construct a siding to serve the British Columbia Cooperative Wholesale Society across the Highway at Mileage 9.77 Rossland Subd., B.C.
- 97508 Apr. 3—Authorizing the Sask. Dept. of Highways and Transportation to construct Highway No. 58 over the C.P.R. at Mileage 27.18 Shaunavon Subd.
- 97509 Apr. 3—Approving proposed flammable liquid bulk storage facilities of North Star Oil Limited at Roblin, Man.
- 97510 Apr. 3—Approving application of Scott Misener Steamships Limited for a Licence under Section 10 of the Transport Act.
- 97511 Apr. 3—Authorizing the Alberta Dept. of Highways to relocate the crossing of the highway and the C.N.R. at Mileage 90.96 Brazeau Extension.
- 97512 Apr. 3—Approving tariffs and supplements to tariffs filed by the C.P.R. under provisions of the Maritime Freight Rates Act.
- 97513 Apr. 3—Approving tolls published in tariffs filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 97514 Apr. 3—Authorizing the C.N.R. to remove the caretaker at Goodwood, Ont.

- 97515 Apr. 6—Authorizing the removal of the speed limitation at the crossing of De L'Eglise St. and the C.N.R., being the first crossing north of station at Desbiens, P.Q., Mileage 70.08 Joniquere Subd.
- 97516 Apr. 6—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Tache St., being first crossing west of station at St. Pascal, P.Q., Mileage 25.49 Montmagny Subd.
- 97517 Apr. 6—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Laurier St., being the first public crossing east of station at Levis, P.Q., Mileage 114.78 Montmagny Subd.
- 97518 Apr. 6—Extending the time within which the C.N.R. are required to install automatic protection at crossing of their railway and Walker's Line Road, Mileage 29.53 Oakville Subd.
- 97519 Apr. 6—Authorizing the Town of Burlington to construct a sanitary sewer across and under the pipe line of Trans-Northern Pipe Line Company at Seneca Ave., Burlington, Ont.
- 97520 Apr. 6—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 97521 Apr. 6—Authorizing the C.N.R. to reconstruct their bridge over the Quisibis River, N.B.
- 97522 Apr. 6—Extending the time within which the C.N.R. and C.P.R. are required to install automatic protection at the crossings of their railways and Pleasant Park Road in the City of Ottawa, Ontario, Mileage 2.14 Beachburg Subd.
- 97523 Apr. 6—Authorizing the C.N.R. to remove the station agent at Leyland, Alta., and appoint a caretaker.
- 97524 Apr. 6—Authorizing Westcoast Transmission Company Limited to construct two pipe lines over the Peace River in Section 25, Twp. 32, Rge. 18, West 6th M., B.C.
- 97525 Apr. 6—Approving application of the C.P.R. for leave to render the swing span fixed at the bridge over the Musquash River Mouth, N.B., Mileage 14.38 Shore Line Subd.
- 97526 Apr. 13—Extending the time within which the C.N.R. and C.P.R. are required to install automatic protection at the crossings of their railways and Billings Ave., in the City of Ottawa, Mileage 2.06 Beachburg Subd. of C.N.R. and Mileage 2.09 Sussex St. Subd. of the C.P.R.
- 97527 Apr. 6—Authorizing the Northern Alberta Rlys. Co. to reconstruct its bridge at Mileage 190.4 Slave Lake Subd., Alta.
- 97528 Apr. 6—Approving Standard Passenger fare of the C.P.R. filed under sections 14 and 18 of the Transport Act.
- 97529 Apr. 6—Authorizing the County of Halton to improve the approach grades at the crossing of County Road No. 3 and the C.N.R. at Mileage 30.83 Brampton Subd.
- 97530 Apr. 6—Approving tolls published in tariffs filed by the Canadian Freight Association under the Maritime Freight Rates Act.
- 97531 Apr. 6—Approving proposed liquefied petroleum gas storage facilities of Canadian Propane (Manitoba) Limited, at The Pas, Man.
- 97532 Apr. 7—Rescinding Order 84375 which approved the use of the Uniform Code of Operating Rules on the C.N.R. Montmorency Subd.
- 97533 Apr. 7—Approving revised Appendix "A" and Supplement No. 3 to Traffic Agreement between The Bell Telephone Company of Canada and The Addison Rural Independent Telephone Co. Ltd.
- 97534 Apr. 7—Authorizing the Munic. District of Strathcona No. 83 to widen the highway where it crosses the pipe line of Interprovincial Pipe Line Company in the NW $\frac{1}{4}$  21-52-23-W4M., Alta.
- 97535 Apr. 7—Approving location of the C.N.R. freight and passenger shelter proposed to be erected at Calahoo, Alta.
- 97536 Apr. 7—In the matter of the application of the C.N.R. for authority to discontinue operation of their passenger trains Nos. 17 and 18, between Winnipeg and Virden, Man.
- 97537 Apr. 7—Authorizing the removal of the speed limitation at the crossing of Route 45 and the C.N.R. at the second crossing east of the station at Landrienne, P.Q., Mileage 33.82 Amos Subd.

- 97538 Apr. 7—Authorizing the City of Brantford, Ont., to relocate Leonard St. across The Lake Erie and Northern Railway Company in the City of Brantford, Ont., Mileage 20.17.
- 97539 Apr. 7—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Francois Lake Road, at Burns Lake, B.C., Mileage 34.78 Telkwa Subd.
- 97540 Apr. 7—Authorizing The Bell Telephone Company of Canada to construct conduits across the pipe line of the Trans Northern Pipe Line Company in the City of Hamilton, Ont.
- 97541 Apr. 7—Authorizing the Corp. of the District of Matsqui to construct a water main over the pipe line of Trans Mountain Oil Pipe Line Company in the Abbotsford-Mission Highway in District Lot 201, District of Matsqui, B.C.
- 97542 Apr. 7—Authorizing the removal of the speed limitation at the crossing of Brock Ave. (formerly Brant St.) and the C.N.R. in Burlington, Ont.
- 97543 Apr. 7—Authorizing the Rural Munic. of West Kildonan to construct a pedestrian crossing over the C.P.R. at McAdam Ave., Mileage 1.93 Winnipeg Beach Subd., Man.
- 97544 Apr. 7—Authorizing the removal of the speed limitation at the crossing of Stavebank Road and the C.N.R. in Port Credit, Ont., Mileage 13.11 Oakville Subd.
- 97545 Apr. 7—Authorizing the C.P.R. to operate over the twin vertical lift bridge at Mileage 41.36 Adirondack Subd., P.Q.

The Board of  
**Transport Commissioners for Canada**

**Judgments, Orders, Regulations and Rulings**

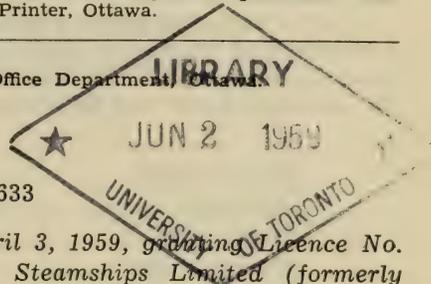
Vol. XLIX

OTTAWA, MAY 15, 1959

No. 4

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ORDER No. 97633

In the matter of Order No. 97510, dated April 3, 1959, granting Licence No. C.T.C. (W.T.) 355 to Scott Misener Steamships Limited (formerly Colonial Steamships Limited) under section 10 of the Transport Act:

File No. 42076.16

WEDNESDAY, the 15th day of April, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

Upon reading the submissions filed—

It is hereby ordered as follows:

Order No. 97510, dated April 3, 1959, is amended by striking out the words "as far seaward as Prescott, Ontario:" in paragraph numbered 1 of the said Order and substituting therefor the following:

as far seaward as the west end of the Island of Orleans:

ROD KERR,  
*Chief Commissioner.*

## ORDER No. 97647

*In the matter of the application of Canada Steamship Lines Limited for a licence under section 10 of the Transport Act:*

File No. 42076.4.5

THURSDAY, the 16th day of April, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

Licence No. C.T.C. (W.T.) No. 358 is issued to Canada Steamship Lines Limited, for a period of one year commencing January 15, 1959, licensing the following ships to transport the goods specified herein in the areas designated herein with respect to each ship:

1. To transport motor vehicles, including passenger cars, trucks and other self-propelled vehicles, in deck loads, on Lakes Ontario, Erie, Huron (including Georgian Bay), and Lake Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as Prescott, Ontario.

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Ashcroft .....	152641	7726
Donnacona .....	134015	8611
Georgian Bay .....	176116	11392
Hagarty .....	134250	7462
Lemoyne .....	152647	10480
Hochelaga .....	190470	11997

2. To transport pipe; also to transport motor vehicles, including passenger cars, trucks and other self-propelled vehicles, in deck loads, on Lakes Ontario, Erie, Huron (including Georgian Bay), and Lake Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as Prescott, Ontario.

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Coverdale .....	190493	11996

3. To transport pipe on Lakes Ontario, Erie, Huron (including Georgian Bay), and Lake Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans.

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Collier .....	147662	1858

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

## ORDER No. 97664

*In the matter of the application of Yankcanuck Steamships Limited, under section 18 of the Transport Act, for approval of its Standard Mileage Freight Tariff C.T.C. No. 291, on file with the Board under file No. 42082.39:*

FRIDAY, the 17th day of April, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

The said Standard Mileage Freight Tariff C.T.C. No. 291, on file with the Board under file No. 42082.39, is approved, subject to complaint and investigation and determination as to rates or charges, as provided by the Transport Act.

H. H. GRIFFIN,

*Assistant Chief Commissioner.*

## ORDER No. 97679

*In the matter of the application of the Northern Transportation Company Limited, under section 21 of the Transport Act, for approval of Standard Freight Tariff C.T.C. No. 3, on file with the Board under file No. 42082.32:*

TUESDAY, the 21st day of April, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

The said Standard Freight Tariff C.T.C. No. 3, on file with the Board under file No. 42082.32, is approved effective May 1, 1959, subject to complaint, and investigation and determination as to rates or charges, as provided by the Transport Act.

H. H. GRIFFIN,

*Assistant Chief Commissioner.*

## ORDER No. 97714

*In the matter of the application of the British American Pipeline Company, hereinafter called the "Applicant", under sections 11 and 12 of The Pipe Lines Act, for an Order granting the Applicant leave to construct a pipe line, consisting of one or more lines of pipe, for the transportation of oil from a point in Section 7, in Township 77, Range 13, West 6th Meridian, in the Province of British Columbia, approximately one-half mile West of the British Columbia-Alberta boundary to a point in Section 8, Township 77, Range 13, West 6th Meridian, in the Province of Alberta, approximately one-half mile East of the Alberta-British Columbia boundary, as shown on Location Plan No. 466, dated April 21, 1959, the said line being approximately one mile in length:*

File No. 45371.48

THURSDAY, the 23rd day of April, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*H. H. GRIFFIN, *Assistant Chief Commissioner.*H. B. CHASE, C.B.E., *Commissioner.*

*Upon considering the application and the submissions of Counsel for the Applicant—*

*It is hereby ordered as follows:*

1. The application will be heard on the 26th day of May, 1959, at the hour of ten o'clock in the forenoon, in the Court Room in the Union Station Building in the City of Ottawa, Ontario.

2. The Applicant shall file a copy of the application and map filed therewith and a copy of this Order and notice attached hereto, with the Attorney General of British Columbia, the Attorney General of Alberta, the Minister of Trade and Commerce, Ottawa, the Minister of Public Works, Ottawa, and the Minister of Transport, Ottawa, not later than the 30th day of April, 1959.

3. The Applicant shall cause to be inserted not later than the 1st day of May, 1959, a notice in the form hereto attached in two issues of a newspaper published in Dawson Creek, British Columbia.

ROD KERR,  
*Chief Commissioner.*

## BRITISH AMERICAN PIPELINE COMPANY

*Notice is hereby given that an application has been made to the Board of Transport Commissioners for Canada under sections 11 and 12 of The Pipe Lines Act for an Order granting British American Pipeline Company leave to construct a pipe line, consisting of one or more lines of pipe, for the transportation of oil from a point in Section 7, Township 77, Range 13, West 6th Meridian, in the Province of British Columbia, approximately one-half mile West of the British Columbia-Alberta boundary to a point in Section 8, Township 77, Range 13, West 6th Meridian, in the Province of Alberta, as shown on Location Plan No. 466, dated April 21, 1959, the said line being approximately one mile in length.*

*And further notice is hereby given that the said application will be heard at a sitting of the Board of Transport Commissioners for Canada to be held*

in the Court Room in the Union Station Building in the City of Ottawa, in the Province of Ontario, on the 26th day of May, 1959, at ten o'clock in the forenoon.

*And further notice* is hereby given that a map showing the location of the proposed pipe line has been filed with the Secretary of the Board of Transport Commissioners for Canada and the Attorneys General of the Provinces of British Columbia and Alberta.

BRITISH AMERICAN PIPELINE COMPANY  
By:

ORDER No. 97719

*In the matter of the application of the City of Shawinigan Falls, in the Province of Quebec, for an Order authorizing the widening of the overhead bridge at the intersection of St. Marc Street and the Canadian National Railways in the City of Shawinigan Falls, Province of Quebec, at mileage 27.01 Grand'Mere Subdivision, as shown on Plan No. 303, dated September 4, 1953, on file with the Board under file No. 35462.4:*

THURSDAY, the 23rd day of April, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing the application at a sittings of the Board in Shawinigan Falls, P.Q., in the presence of Counsel for the City of Shawinigan Falls, the Canadian National Railways and The Bell Telephone Company of Canada; and upon reading the submissions filed—*

*It is hereby ordered as follows:*

1. The City of Shawinigan Falls, in the Province of Quebec, is authorized to reconstruct and widen the overhead bridge at the intersection of St. Marc Street and the Canadian National Railways in the City of Shawinigan Falls, Province of Quebec, at mileage 27.01 Grand'Mere Subdivision, as shown on the said plan on file with the Board under file No. 35462.4.

2. The said overhead bridge shall be reconstructed and widened in accordance with the requirements of General Order No. 589, and detailed plans of the structure shall be submitted for the approval of an Engineer of the Board.

3. Fifty per cent of the cost of reconstructing and widening the said overhead bridge, not exceeding, however, the sum of \$117,500.00, shall be paid out of The Railway Grade Crossing Fund, \$10,000.00 shall be paid by the Canadian National Railways, and the balance of the said cost, as well as the cost of future maintenance of the entire overhead bridge, shall be borne and paid by the City of Shawinigan Falls.

4. The Bell Telephone Company of Canada shall remove, relocate or protect, as the case may be, its existing facilities to permit the reconstruction and widening of the said overhead bridge.

5. Fifty per cent of the cost of removing, relocating or protecting the said utilities, not exceeding, however, the sum of \$200.00, shall be paid out of The Railway Grade Crossing Fund, and the balance of the said costs shall be borne and paid by The Bell Telephone Company of Canada.

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
FEBRUARY, 1959.

Railway Accidents .....	173	Killed	8	Injured	178
Level Crossing Accidents ...	57	Killed	14	Injured	74
	<hr/>		<hr/>		<hr/>
Total .....	230		22		252
	<hr/>		<hr/>		<hr/>

		<i>Killed</i>	<i>Injured</i>
Passengers .....		—	20
Employees .....		4	152
Others .....		18	80
		<hr/>	<hr/>
Total .....		22	252
		<hr/>	<hr/>

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

NOVA SCOTIA

*Killed Injured*

- 1 Automobile ran into side of train. Licence: N.S. 2-34-11.

NEW BRUNSWICK

- 1 Automobile ran into side of train. Licence: N.B. 83-387.

QUEBEC

- 1 Auto truck struck by train. Licence: Que. N-27054.  
 — 1 Automobile ran into side of train. Licence: Que. 499-726.  
 — 2 Automobile struck by train. Licence: Que. 406-671.  
 — 2 Automobile struck by train. Licence: Que. 162-039.  
 1 — Auto truck struck by train. Licence: Que. FE-5542.  
 — 1 Automobile struck by train. Licence: Que. T-18720.  
 — 1 Auto truck struck by train. Licence: Que. L-10808.  
 — 1 Snowblower struck by train. Licence: Que. G-8840.  
 1 — Pedestrian struck by train.  
 — 1 Automobile struck by train. Licence: Que. 504-192.  
 — 1 Pedestrian struck by train.  
 1 — Tractor trailer ran into side of train derailing same. Licence: Que. L-179.  
 — 2 Automobile ran into side of train. Licence: Que. T-14333.  
 2 1 Auto truck struck by R.D. Car. Licence: Ont. 387-37-C.  
 — 2 Auto truck struck by train. Licence: Que. FE-8957.  
 — 1 Auto truck struck by train. Licence: Que. N-13914.

ONTARIO

- 1 Automobile ran into side of train. Licence: Ont. 586-373.  
 — 1 Automobile struck by train. Licence: Ont. H-18351.  
 1 — Automobile ran into side of train. Licence: Ont. 967-187.  
 — 1 Automobile ran into side of train. Licence: Ont. 940-067.  
 — 2 Automobile struck by train. Licence: Ont. 196-057.  
 — 2 Automobile struck by train. Licence: Ont. J-491-70.  
 — 1 Automobile struck by train. Licence: Ont. B-61952.  
 1 — Auto truck struck by train. Licence: Ont. 62-865-A.  
 — 1 Track motor car struck automobile. Licence: Ont. F-51683.  
 1 2 Automobile ran into side of train. Licence: Ont. F-20552.  
 — 1 Automobile struck by train. Licence: Ont. 15-885-X.  
 — 1 Auto truck ran into side of train. Licence not given.

*Killed Injured*

- 2 Automobile ran into side of train. Licence: Ont. J-45762.
- 1 Automobile struck by train. Licence Ont. 905-799.
- 1 — Automobile struck by train. Licence not given.
- 1 Auto truck struck by train. Licence: Ont. 36-83B.
- 1 Automobile struck by train. Licence: Ont. J-60471.
- 1 Automobile ran into side of train. Licence: Ont. 619-875.
- 5 Tractor trailer struck by train. Licence: Ont. 14587-A.
- 1 Automobile struck by train. Licence: Ont. F-87819.
- 2 Automobile ran into side of train. Licence: Ont. J-57996.
- 1 Automobile ran into side of train. Licence not given.
- 1 Automobile struck by train. Licence: Ont. 654-254.
- 7 School Bus ran into side of train. Licence: Ont. 22155-B.
- 1 Automobile struck by train. Licence: Mich. DR-9469.

## MANITOBA

- 2 Auto truck struck by train. Licence: Man. F-65921.
- 1 Auto truck ran into side of train. Licence: Man. T-11070.
- 1 Auto truck ran into side of train. Licence: Man. T-9958.

## SASKATCHEWAN

- 1 — Auto truck ran into side of train. Licence: Sask. E-760.
- 1 Auto truck struck by train. Licence: Sask. D-705.

## ALBERTA

- 2 Auto truck struck by train. Licence: Alta. CV-61499.
- 1 1 Automobile struck by train. Licence: Alta. KT-311.
- 1 2 Automobile struck by train. Licence: Alta. ZV-767.
- 2 Automobile ran into side of train. Licence: Alta. ZC-240.
- 2 Auto truck ran into side of R.D. unit. Licence: Alta. 230-414.
- 1 Automobile struck by train. Licence: Alta. NZ-861.
- 1 1 Automobile struck by train. Licence: Alta. VF-722.

## BRITISH COLUMBIA

- 1 Automobile struck by train. Licence: B.C. 369-767.
- 2 Automobile ran into side of train. Licence: B.C. 269-634.

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Of the 57 accidents at highway crossings, 41 occurred at unprotected crossings, 16 at protected crossings, 41 occurred after sunrise and 16 after sunset.

OTTAWA, Ontario, April 17, 1959.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 97546 Apr. 8—Authorizing the City of Edmonton to widen 82nd Street where it crosses the C.N.R.'s Calder Line in the City of Edmonton, Mileage 1.17 Edmonton Terminal Subd.
- 97547 Apr. 8—Requiring the C.N.R. to install automatic protection at the crossing of their railway and 8th Avenue, in the City of Pointe aux Trembles, P.Q., Mileage 2.90 Longue Pointe Subd.
- 97548 Apr. 8—Approving revised Schedule "B" to Agreement between The Bell Telephone Company of Canada and Canadian Overseas Telecommunication Corporation.
- 97549 Apr. 8—Authorizing the C.P.R. to remove the caretaker at Rokeby Station, Sask.
- 97550 Apr. 8—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 97551 Apr. 8—Authorizing the City of Montreal to construct Victoria Avenue over the C.P.R. by means of a subway, in the City of Montreal.
- 97552 Apr. 8—Authorizing The Toronto Harbour Commissioners to relocate and rearrange its trackage along Queen's Quay West and across Spadina Avenue and Rees Street, in the City of Toronto, Ont.
- 97553 Apr. 8—Authorizing the C.P.R. to remove the station agent at Stanraer, Sask., and appoint a caretaker.
- 97554 Apr. 8—Authorizing the C.N.R. to remove the caretaker at Summerstown, Ont.
- 97555 Apr. 8—Authorizing the City of Winnipeg to widen Nairn Avenue where it crosses the C.P.R. in the City of Winnipeg, Man.
- 97556 Apr. 8—Authorizing the Quebec North Shore and Labrador Railway Company to construct its railway across the highway at Mileage 356.85, in the Province of P.Q.
- 97557 Apr. 9—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 1A, near Colwood, B.C., Mileage 7.4 Cowichan Subd.
- 97558 Apr. 9—Requiring the C.N.R. to install improved protection at the crossing of Bayview Avenue and their railway in Thornlea, Ont., Mileage 16.9 Bala Subd.
- 97559 Apr. 9—Rescinding Order No. 69961 which approved the location of facilities near Regina, Sask., Mileage 92.3 Qu'Appelle Subd., C.N.R.
- 97560 Apr. 9—Approving tariffs filed by British Columbia Telephone Company.
- 97561 Apr. 9—Approving location and details of freight and passenger shelter proposed to be erected by the C.N.R. at Loos, B.C.
- 97562 Apr. 9—Requiring the C.N.R. to install automatic protection at the crossing of its railway and the highway west of Vars, Ont., Mileage 117.94 Alexandria Subd.
- 97563 Apr. 9—Approving proposed Class II flammable liquid bulk storage facilities of the Dominion Rubber Company Limited at Montreal, P.Q.
- 97564 Apr. 9—Approving proposed flammable liquid bulk storage facilities of Husky Oil and Refining Limited at Brandon, Man.
- 97565 Apr. 9—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at LaFleche, Sask.
- 97566 Apr. 9—Approving flammable liquid bulk storage facilities of Canadian Oil Companies Limited at Sudbury, Ont.
- 97567 Apr. 9—Approving flammable liquid bulk storage facilities of Shell Oil Company of Canada Limited at Windsor, Ont.
- 97568 Apr. 9—Approving proposed flammable liquid bulk storage facilities of the C.N.R. at Bathurst, N.B.
- 97569 Apr. 9—Rescinding Orders 87788 and 88678 which approved the location of facilities of Winnipeg Light Aggregate Limited near the tracks of the C.N.R. at Trancona, Man.
- 97570 Apr. 9—Approving flammable liquid storage facilities of North Star Oil Limited at Irvine, Alta.

- 97571 Apr. 10—Postponing the hearing of the application of the Railway Association of Canada for authority to make increases in their tolls or rates for the carriage of freight traffic on their lines in Canada, and in particular in the matter of the final relief therein requested.
- 97572 Apr. 10—Authorizing the Quebec Dept. of Roads to widen the highway over the track of the C.P.R. in the Village of Messines, P.Q., Mileage 70.2 Maniwaki Subd.
- 97573 Apr. 10—Authorizing the removal of the speed limitation at the crossing of Highway No. 9 and the C.N.R. at second public crossing east of Bon Conseil, P.Q., Mileage 89.35 Drummondville Subd.
- 97574 Apr. 10—Authorizing the Twp. of North York to construct a 10" sewer main over and under the pipe line of Trans-Northern Pipe Line Company at Sheppard Ave., west of Leslie St., opposite Lot 16, Con. 2, east of Yonge St., Twp. of North York, Ont.
- 97575 Apr. 10—Authorizing the C.N.R. to reconstruct the bridge over the Tartague River, N.B., Mileage 83.5 Matapedia Subd.
- 97576 Apr. 10—Authorizing the Manitoba Dept. of Public Works to construct North Perimeter Highway over the C.P.R. in Lots 9-19 and 11, in the Parish of St. Pauls, Man.
- 97577 Apr. 10—Authorizing the Texaco Exploration Company to construct two 2" flow lines over and under the pipe line of Westspur Pipe Line Company in the SE $\frac{1}{4}$  Sec. 29-4-6-W.2M., Sask.
- 97578 Apr. 10—Authorizing the C.P.R. to construct an extension to its siding across Stephens St., Portage La Prairie, Man., Mileage 54.55 Carberry Subd.
- 97579 Apr. 10—Approving tolls published in tariffs filed by the Sydney and Louis-  
burg Rly. Co. under section 8 of the Maritime Freight Rates Act.
- 97580 Apr. 10—Approving tolls published in tariffs filed by the Sydney and Louis-  
burg Railway Company under section 8 of the Maritime Freight  
Rates Act.
- 97581 Apr. 10—Authorizing the C.N.R. to construct two tracks across Horner  
Avenue, Twp. of Etobicoke, Ont., Mileage 7.77 Oakville Subd.
- 97582 Apr. 10—Amending Order 97458 which authorized the Ontario Dept. of  
Highways to construct Hwy. No. 401 over the C.N.R. by means of  
an overhead bridge at Mileage 9.36 Drumbo Subd.
- 97583 Apr. 10—Authorizing the C.N.R. to operate under the overhead bridge at  
14th Ave., Lachine, P.Q.
- 97584 Apr. 10—Authorizing the removal of the speed limitation at the crossing of  
the C.N.R. and Glendale Ave. (St. Davids Road) Town of Merritton,  
Ont., Mileage 7.59 Thorold Subd.
- 97585 Apr. 10—Authorizing the C.P.R. to construct an extension to siding across the  
road allowance in Poplar Point, Man., at Mileage 39.94 Carberry  
Subd.
- 97586 Apr. 10—Rescinding certain Orders in the matter of protection at the crossing  
of The Essex Terminal Rly. and Tecumseh Road near Crawford  
Ave., in the City of Windsor, Ont.
- 97587 Apr. 10—Authorizing the C.P.R. to remove the caretaker at Worthington, Ont.
- 97588 Apr. 10—Authorizing the C.N.R. to reconstruct the bridge over the Little du  
Chene River, P.Q., at Mileage 52.4 Drummondville Subd.
- 97589 Apr. 10—Approving tolls published in tariffs filed by the Cumberland Railway  
& Coal Company under section 8 of the Maritime Freight Rates Act.
- 97590 Apr. 10—Approving tolls published in tariffs filed by the Cumberland Railway  
& Coal Company under section 8 of the Maritime Freight Rates Act.
- 97591 Apr. 10—Amending Order 92930 which authorized the C.N.R. to install auto-  
matic protection at the crossing of their railway and Dorchester  
Road at Stamford, Ont., Mileage 2.61 Welland Subd.
- 97592 Apr. 10—Rescinding Orders 44739 and 83817 which pertained to the crossing  
of the Montreal Tramways Co. and Jenkins Valve Company siding,  
near Mileage 6.04 Cornwall Subd., P.Q.
- 97593 Apr. 10—Amending Order No. 96756 which authorized the installation of  
automatic protection at crossing of E. C. Row Avenue and the  
C.P.R., Third Concession Road, Twp. of Sandwich East, Ont.

- 97594 Apr. 10—Amending Order 95846 in the matter of the installation of automatic protection at crossing of the C.N.R. and Main Street in Alexandria, Ont., Mileage 80.15 Alexandria Subd.
- 97595 Apr. 10—Requiring the N.Y.C. Railroad Company to install automatic protection at the crossing of its railway and Lake Street in the Town of Huntingdon, P.Q.
- 97596 Apr. 10—Authorizing Fargo Oils Limited to construct a pipe line across and under the pipe line of Westcoast Transmission Company Limited at certain locations in the Peace River District of B.C.
- 97597 Apr. 10—Extending the time within which the temporary crossings shall remain in existence at crossings of the North Thompson Hwy. and the C.N.R., Mileages 112.64 and 112.72 Clearwater Subd., B.C.
- 97598 Apr. 10—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under section 8 of the Maritime Freight Rates Act.
- 97599 Apr. 10—In the matter of the Tariff C.T.C. 25 of The Detroit and Windsor Subway Company and Detroit & Canada Tunnel Corp., in respect of the tunnel between the City of Windsor, Ont. and the City of Detroit, Mich.
- 97600 Apr. 13—Approving proposed flammable liquid bulk storage facilities of Imperial Oil Limited at Argentinia, Newfoundland.
- 97601 Apr. 13—Requiring the C.P.R. to install automatic protection at the crossing of the Quebec Central Railway and St. Patrick Road in the Parish of St. Lambert, P.Q., Mileage 120.57 Quebec Subd.
- 97602 Apr. 13—Approving tolls published in tariffs filed by the Canada and Gulf Terminal Rly. Co. under section 8 of the Maritime Freight Rates Act.
- 97603 Apr. 13—Approving tolls published in tariffs filed by the Sydney and Louisburg Railway Company under section 8 of the Maritime Freight Rates Act.
- 97604 Apr. 13—Approving tolls published in tariffs filed by the Cumberland Railway and Coal Company under section 8 of the Maritime Freight Rates Act.
- 97605 Apr. 13—Approving proposed flammable liquid bulk storage facilities of Shell Oil Company of Canada Limited at London, Ontario.
- 97606 Apr. 13—Approving revisions to tariffs filed by the Quebec North Shore and Labrador Railway Company.
- 97607 Apr. 13—Authorizing the C.P.R. to remove the station agent at Marquette, Man.
- 97608 Apr. 13—Approving location of liquefied petroleum gas fired switch heater installation at Mileage 82.6 Saint John Subd., as shown in C.P.R. plan.
- 97609 Apr. 13—Approving liquefied petroleum gas storage facilities of Canadian Propane (Saskatchewan) Limited at Yorkton, Sask.
- 97610 Apr. 13—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Provincial Highway No. 7 (York Road) in the City of Guelph, Ont.
- 97611 Apr. 13—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Division Street, Kingston, Ont., Mileage 173.89 Gananoque Subd.
- 97612 Apr. 13—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and the highway at Corwhin, Ont., Mileage 23.28 Goderich Subd.
- 97613 Apr. 13—In the matter of regulations for the "Transportation of Dangerous Commodities by Rail".
- 97614 Apr. 13—Authorizing the Saskatchewan Power Corporation to construct a pipe line over and under the pipe line of the Trans-Canada Pipe Lines Limited at certain locations in the Province of Saskatchewan.
- 97615 Apr. 13—Authorizing the Township of Atikokan to construct McKenzie Avenue over the right of way of the east and west legs of the wye tracks of the C.N.R. in the vicinity of Mileage 140.87 Kashabowie Subd., Ont.

- 97616 Apr. 13—Rescinding Order 82419 which approved the location of connecting pipe line and truck loading facilities for loading of Class II flammable liquids near the C.N.R. in Vancouver, B.C.
- 97617 Apr. 13—Authorizing the Townships of Asphodel and Otonabee to improve the approach grade of the crossing of the highway and the C.N.R. at Mileage 48.57 Campbellford Subd., Ont.
- 97618 Apr. 13—Authorizing the Newfoundland Department of Highways to construct the Trans-Canada Highway over the track of the C.N.R. by means of an overhead bridge at Mileage 40.5 St. John Subd.
- 97619 Apr. 13—Granting application of Yankcanuck Steamships Limited for a licence under section 10 of the Transport Act.
- 97620 Apr. 13—Authorizing the C.N.R. to install an interlocking signal system at the St. Louis lift bridge crossing the Beauharnois Canal at Mileage 44.2 Alexandria Subd., P.Q.
- 97621 Apr. 14—Amending Order No. 97362 which authorized the installation of automatic protection at crossing of the C.P.R. and Highway No. 95 south of Marysville, B.C., Mileage 12.9 Kimberley Subd.
- 97622 Apr. 14—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under sections 3 and 8 of the Maritime Freight Rates Act.
- 97623 Apr. 14—Approving tolls published in tariffs filed by the Canadian Freight Association under sections 3 and 8 of the Maritime Freight Rates Act.
- 97624 Apr. 14—Amending Order 69124 which authorized the Ontario Dept. of Highways to install automatic protection at crossing of Provincial Highway 8 and the Grand River Railway, Twp. of Waterloo, Mileage 9.4 Waterloo Subd.
- 97625 Apr. 14—Extending the time within which the Northern Alberta Railways Company is required to install protection at the crossing of its railway and Highway No. 2, north of Clairmont, Alta., Mileage 42.1 Grande Prairie Subd.
- 97626 Apr. 14—Extending the time within which the Northern Alberta Railways Company is required to install protection at the crossing of its railway and Highway No. 2 at Nampa, Alta., Mileage 30.2 Peace River Subd.
- 97627 Apr. 14—Authorizing the Rural Munic. of Douglas, Sask., to construct the east-west road allowance across the C.N.R. at Mileage 101.98 Blaine Lake Subd.
- 97628 Apr. 14—Authorizing the C.P.R. to construct a private siding across Thermos Road and Bertrand Avenue in the Town of Agincourt, Ont., Mileage 98.88 Oshawa Subd., to serve Adams Brands Limited.
- 97629 Apr. 15—Amending Order No. 97422 which authorized The Chesapeake and Ohio Railway Company to operate over the swing span crossing the Sydenham River near Wallaceburg, Ont., as a fixed span.
- 97630 Apr. 15—Authorizing the C.N.R. and C.P.R. to operate their trains over the private siding serving Martin Paper Products (B.C.) Ltd., in the City of Kelowna, B.C.
- 97631 Apr. 15—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 97632 Apr. 15—Authorizing the Corp. of the Co. of Huron, Ont., to reconstruct the overhead bridge carrying County Road No. 25 across the C.P.R. at certain locations in the Townships of East Wawanosh and Hullett, all in Goderich Subd.
- 97633 Apr. 15—Amending Order No. 97510 granting a Licence to Scott Misener Steamships Limited (formerly Colonial Steamships Limited) under section 10 of the Transport Act.
- 97634 Apr. 15—Authorizing the C.P.R. to operate through its spiral tunnel No. 2 at Mileage 131.3 Laggan Subd., B.C.
- 97635 Apr. 15—Authorizing Imperial Oil Limited to construct water mains across and under the pipe line of Westspur Pipe Line Company at certain locations in Township 4, Rge. 5, West 2nd M., Prov. of Sask.

- 97636 Apr. 15—Authorizing Imperial Oil Limited to construct a water main under the pipe line of Westspur Pipe Line Company in SW $\frac{1}{4}$  19-4-5-W.2M., Prov. of Sask.
- 97637 Apr. 15—Authorizing the removal of the speed limitation at the crossing of Prov. Highway No. 2 and the Northern Alberta Railways Company, at Mileage 162.5 Slave Lake Subd.
- 97638 Apr. 15—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 117.5 Minaki Subd., Man.
- 97639 Apr. 15—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 130.3 Laggan Subd., B.C.
- 97640 Apr. 15—Authorizing the C.N.R. to improve the crossing at Mileage 50.2 Oakland Subd., Man.
- 97641 Apr. 15—Authorizing Imperial Oil Limited to construct a water main over and under the pipe line of Westspur Pipe Line Company in Sec. 16-4-5-W.2M., Sask.
- 97642 Apr. 15—Authorizing the Munic. Corporation of the Parish of Chambord, to construct the highway over the C.N.R. at Mileage 58.28 Jonquiere Subd.
- 97643 Apr. 16—Authorizing the Ontario Dept. of Highways to construct Highway No. 401 over the C.N.R. by means of an overhead bridge at Mileage 63.17 Cornwall Subd.
- 97644 Apr. 16—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Suburban Road No. 62 near Marden, Ont., Mileage 34.02 Fergus Subd.
- 97645 Apr. 16—Authorizing Imperial Oil Limited to construct a water main over and under the pipe line of Westspur Pipe Line Company in Sec. 17-4-5-W.2M., Sask.
- 97646 Apr. 16—Approving application of Canada Steamship Lines Limited for a licence under section 10 of the Transport Act.
- 97647 Apr. 16—Approving application of Canada Steamship Lines Limited for a licence under section 10 of the Transport Act.
- 97648 Apr. 16—Amending Order No. 96888 which authorized the C.N.R. to operate over the lift span of the Victoria Bridge crossing the St. Lawrence River between Montreal and St. Lambert, P.Q., as a fixed span.
- 97649 Apr. 17—Authorizing the C.N.R. to construct a temporary crossing across their right of way at Mileage 9.77 Grimsby Subd. to permit the reconstruction of the overhead bridge carrying Merritt St. over their tracks, in Merritton, Ont.
- 97650 Apr. 17—Approving plan submitted by the C.P.R. showing signal changes between Mileage 34.47 and Mileage 44.12 Adirondack Subd., P.Q.
- 97651 Apr. 17—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Keale St., King, Ont., Mileage 23.3 Newmarket Subd.
- 97652 Apr. 17—Authorizing the Quebec, North Shore and Labrador Railway Company to operate over its railway at certain locations on its Wacouna and Knob Lake Subds., P.Q.
- 97653 Apr. 17—Approving application of Canada Steamship Lines Limited for a licence under section 10 of the Transport Act.
- 97654 Apr. 17—Authorizing United Gas Limited to construct a gas main across and under the pipe line of Trans-Northern Pipe Line Company on Beach Road Expressway, in the City of Hamilton, Ont.
- 97655 Apr. 17—Authorizing Imperial Oil Limited to construct a water main under the pipe line of Westspur Pipe Line Company in Sec. 7-4-5-W2M., Sask.
- 97656 Apr. 17—Authorizing Imperial Oil Limited to construct water mains under the pipe line of Westspur Pipe Line Company at certain locations in the Province of Saskatchewan.
- 97657 Apr. 17—Authorizing the Ontario Northland Railway to publish a rate on cobalt and silver ore and/or concentrates, from Cobalt, Ont., to Newburgh, N.Y.

- 97658 Apr. 17—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Swan, Ont., Mileage 106.91 Winchester Subd.
- 97659 Apr. 17—Approving plan submitted by the C.N.R. showing the signalling as installed to protect the new entrance to East Sarnia Yard and the interlocking plant at East Summit, Ont.
- 97660 Apr. 17—Authorizing the removal of the speed limitation at the crossing of Ontario St. and the C.P.R. in Brighton, Ont., Mileage 10.31 Oshawa Subd.
- 97661 Apr. 17—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. being first public crossing east of station at Bells Corners, Ont., Mileage 11.4 Beachburg Subd.
- 97662 Apr. 17—Authorizing the removal of the speed limitation at the crossing of Thornton Road and the C.P.R. in the City of Oshawa, Ont., Mileage 73.12 Oshawa Subd.
- 97663 Apr. 17—Authorizing Imperial Oil Limited to construct water mains over and under the pipe line of Westspur Pipe Line Company at certain locations in Twp. 4, Rge. 5, West 2nd Meridian, in the Province of Saskatchewan.
- 97664 Apr. 17—Approving Standard Mileage Freight Tariff filed by Yankcanuck Steamships Limited under section 17 of the Transport Act.
- 97665 Apr. 20—Requiring the Louisburg Railway Co. to install automatic protection at Maddens crossing and its railway, 1½ miles west of the station at New Waterford, N.S.
- 97666 Apr. 20—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at Glamis, Sask.
- 97667 Apr. 20—Amending Order No. 81358, as amended by Order No. 88443, re apportionment of cost of installing protection at crossing of the C.N.R. and C.P.R. at Valois Ave., Montee des Sources Road and Coolbreeze Ave., Pointe Claire, P.Q.
- 97668 Apr. 20—Requiring the Midland Railway Company of Manitoba to install automatic protection at the crossing of their railway and McPhillips Street, Winnipeg, Man.
- 97669 Apr. 20—Recommending to the Governor in Council for sanction, an Agreement dated June 1, 1956, between the C.P.R. and C.N.R. with reference to joint use of certain lines at Lake Manitouwadge, District of Thunder Bay, Ont.
- 97670 Apr. 20—Recommending to the Governor in Council for sanction, an Agreement dated June 1, 1956, between the C.P.R. and C.N.R. with reference to joint use of certain lines at Lake Manitouwadge, District of Thunder Bay, Ont.
- 97671 Apr. 20—Approving the location of the C.P.R. liquid petroleum switch heater installation at Burpee, N.B.
- 97672 Apr. 21—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 97673 Apr. 21—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 97674 Apr. 21—Amending Order No. 97145 which authorized the B.C. Electric Company to construct gas mains over the Burrard Inlet Tunnel and Bridge Co. in North Vancouver, B.C.
- 97675 Apr. 21—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Westport Telephone Company Limited.
- 97676 Apr. 21—Approving revised Appendix to Agreement between The Bell Telephone Company of Canada and the Minister of Transport for Canada.
- 97677 Apr. 21—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and the Ontario Forestry Branch (now Department of Lands and Forests, Ontario).
- 97678 Apr. 21—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Massey, Ont., Mileage 10.86 Thessalon Subd.

- 97679 Apr. 21—Approving Standard Freight Tariff C.T.C. No. 3 filed by the Northern Transportation Company Limited.
- 97680 Apr. 21—Approving plan submitted by the Munic. District of Vermilion River, showing details of the crossing of the highway and the C.P.R. at Mileage 1.98 Willingdon Subd., Alta.
- 97681 Apr. 21—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and The Leeds and Grenville Independent Telephone Company Limited.
- 97682 Apr. 21—Authorizing the C.P.R. to remove the caretaker and close the station at Putnam, Ont.
- 97683 Apr. 21—Authorizing the removal of the speed limitation at the crossing of Highway No. 4 and the C.P.R. at Mileage 12.86 Vanguard Subd., Sask.
- 97684 Apr. 21—Approving the portion of the proposed flammable liquid and liquefied petroleum gas refinery facilities of Cities Service Oil Company Limited at Trafalgar, Ont., within 250 feet of the C.N.R. right of way.
- 97685 Apr. 21—Approving flammable liquid storage facilities of Shawinigan Water and Power Company at Rapide Blanc, P.Q.
- 97686 Apr. 21—Rescinding Orders 62711, 57059 and 55806 which approved location of facilities of Hi-Way Refineries Limited near the tracks of the C.P.R. at Regina, Sask.
- 97687 Apr. 21—Dismissing application of the C.N.R. for authority to close the agency at Sunnynook, Alta.
- 97688 Apr. 21—Approving proposed flammable liquid bulk storage facilities of Texaco Canada Limited at Bathurst, N.B.
- 97689 Apr. 21—Approving flammable liquid storage facilities of B.C. Co-Operative Wholesale Society at Genelle, B.C.
- 97690 Apr. 21—Approving flammable liquid storage facilities of North Star Oil Limited at Hines Creek, Alta.
- 97691 Apr. 21—Approving flammable liquid storage facilities of Imperial Oil Limited at St. Thomas, Ont.
- 97692 Apr. 21—Dismissing application of the C.P.R. for authority to remove the station agent and appoint a caretaker at Buffalo, Alta.
- 97693 Apr. 22—Amending Order No. 95633 which authorized the installation of automatic protection at crossing of the highway and the C.N.R. at Auld's Cove, N.S., Mileage 7.09 Sydney Subd.
- 97694 Apr. 22—Approving changes in the protection at the crossing of the Nipissing central Railway Company and Highway No. 59 at Mileage 35.7 Kirkland Lake Subd., P.Q.
- 97695 Apr. 22—Amending Order 97603 in the matter of supplements to tariffs filed under the Maritime Freight Rates Act by the Sydney and Louisburg Rly. Company.
- 97696 Apr. 22—Authorizing the removal of the speed limitation at the crossing of Mill Street and the C.N.R. in the Village of Windsor Mills, P.Q., Mileage 61.3 Sherbrooke Subd.
- 97697 Apr. 22—Requiring the C.P.R. to install additional protection at the crossing of their railway and Talbot Ave., Winnipeg, Man., Lac du Bonnet Subd.
- 97698 Apr. 23—Approving Drawing submitted by the C.P.R. showing the construction of Highway No. 17 over its railway in the Township of Dorion, Ont., Mileage 88.95 Nipigon Subd.
- 97699 Apr. 23—Approving flammable liquid storage facilities of the Swan Valley Consumers' Co-operative Limited, of Swan River, Man.
- 97700 Apr. 23—Relieving the C.P.R. from erecting and maintaining fences on its Bradenbury Subd., Man.
- 97701 Apr. 23—Authorizing the Manitoba Dept. of Public Works to construct a second lane of Highway No. 75 over the C.N.R. in the Village of Emerson, Man., Mileage 62.55 Letellier Subd.
- 97702 Apr. 23—Authorizing the removal of the speed limitation at the crossing of the highway and the Northern Alberta Railways Company at Mileage 228.9 Slave Lake Subd., Alta.

- 97703 Apr. 23—Authorizing the C.P.R. to provide the necessary circuit for the synchronization of the traffic light signals at Trafalgar Square with the signals at crossing of its railway and Eramosa Road, Guelph, Ont.
- 97704 Apr. 23—Authorizing the Munic. District of Vermilion River No. 71 to relocate and widen the highway where it crosses the C.P.R. at Mileage 1.74 Willingdon Subd., Alta.
- 97705 Apr. 23—Approving flammable liquid storage facilities of North of 53 Consumers' Co-Operative Limited at Flin Flon, Man.
- 97706 Apr. 23—Authorizing the Rural Munic. of Miniota, Man., to relocate the highway where it crosses the C.N.R. at Mileage 64.41 Rapid City Subd., Man.
- 97707 Apr. 23—Amending Order No. 92959, re apportionment of cost of installing protection at crossing of the C.N.R. and Haig Blvd., Township of Toronto, Co. of Peel, Ont., Mileage 10.59 Subd.
- 97708 Apr. 23—Approving proposed liquid storage facilities of Foucher Auto Incorporated at Shawinigan, P.Q.
- 97709 Apr. 23—Authorizing the Township of Caradoc, Ont., to improve the approaches at crossing of the highway and the C.N.R. at Mileage 17.28 Strathroy Subd.
- 97710 Apr. 23—Authorizing the Township of Caradoc, Ont., to improve the approach grades at crossing of the highway and the C.N.R. at Mileage 18.68 Strathroy Subd.
- 97711 Apr. 23—Approving tolls published in tariffs filed by the C.N.R. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 97712 Apr. 23—Approving tolls published in tariffs filed by the C.N.R. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 97713 Apr. 23—Approving tolls published in tariffs filed by the C.N.R. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 97714 Apr. 23—In the matter of the application of the British American Pipeline Company for leave to construct a pipe line at a certain location in the Province of B.C.
- 97715 Apr. 23—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Main Street in Moosomin, Sask., Mileage 86.3 Broadview Subd.
- 97716 Apr. 23—Authorizing the C.P.R. to improve the protection at the crossing of its railway and the highway between Concessions 1 and 2, Twp. of West Nissouri, Co. Middlesex, Ont.
- 97717 Apr. 23—Authorizing the Sask. Department of Highways and Transportation to relocate Highway No. 32 where it crosses the C.P.R. Co's spur line in Sec. 22, Twp. 18, Rge. 17, W.3M., Sask.
- 97718 Apr. 23—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 97719 Apr. 23—Authorizing the City of Shawinigan Falls, P.Q. to reconstruct and widen the overhead bridge at St. Marc Street and the C.N.R., Mileage 27.01 Grand'Mere Subd.
- 97720 Apr. 24—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 97721 Apr. 24—Dismissing the application of the C.N.R. for authority to remove the station agent at Legal, Alta.
- 97722 Apr. 24—Authorizing the Township of Scarborough to widen Danforth Road where it crosses the C.N.R. at Mileage 60.18 Uxbridge Subd., Ont.
- 97723 Apr. 24—Approving proposed flammable liquid bulk storage facilities of Imperial Oil Limited at Viking, Alta.
- 97724 Apr. 24—Approving proposed liquefied petroleum gas storage facilities of the Steel Company of Canada Limited at Swansea, Ont.
- 97725 Apr. 24—Rescinding Order No. 70834 which approved the location of the refinery plant of Imperial Oil Limited near the C.N.R. tracks at Valessa, Alta.
- 97726 Apr. 24—Amending Order No. 97646 which granted Licence No. C.T.C. (W.T.) 359 to Canada Steamship Lines Limited.

- 97727 Apr. 24—Approving flammable liquid storage facilities of The British American Oil Company Limited at Amherst, N.S.
- 97728 Apr. 24—Authorizing The Bell Telephone Company of Canada to construct a buried communication cable across the pipe line of Interprovincial Pipe Line Company in the Twp. of East Nissouri, Co. of Oxford, Ont.
- 97729 Apr. 24—Authorizing United Gas Limited to construct a gas main across the pipe line of Trans-Northern Pipe Line Company in Windermere Cut-off, City of Hamilton, Ont.

# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

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*In the matter of the apportionment of costs reserved for further consideration of the Board by Orders 89215 dated July 13, 1956, 90746 dated January 21, 1957, 91268 dated March 27, 1957, 92030 dated July 12, 1957 and 92309 dated August 16, 1957 in respect to grade separations as set forth in the said Orders and any other grade separations or protection subsequently ordered or authorized by the Board in connection with the said Order;*

*And in the matter of a re-hearing of the original application of the Hydro Electric Power Commission of Ontario and the Canadian National Railway Company for leave to construct the deviated line of railway across the highways located between mileage 65.70 and mileage 105.19, Cornwall Subdivision, but with respect only of crossings known as crossings No. 11 to 18 inclusive.*

File Nos. 47728.2	47728.27
.5	.30
.12	.32
.17	.36
.26	.41

Before:

H. H. GRIFFIN, Assistant Chief Commissioner.  
H. B. CHASE, C.B.E., Commissioner.

Heard at:

CORNWALL, Ontario, on March 19th, 1959.

Appearances:

L. R. McDONALD, Q.C., for The Hydro Electric Power Commission of Ontario.  
W. R. BURNETT, Q.C., for the Canadian National Railways.  
D. J. MACDONALD, for the Township of Cornwall.  
S. E. FENNELL, Q.C., for the United Counties of Stormont, Dundas and Glengarry.  
G. A. STILES, Q.C., for the City of Cornwall.  
J. L. McDONALD, Reeve, Cornwall Township.

## J U D G M E N T

GRIFFIN, *Assistant Chief Commissioner:*

The Hydro Electric Power Commission of Ontario and the Canadian National Railway Company by joint application dated January 30, 1956, requested authority, pursuant to Section 181 of the Railway Act, to relocate a portion of the Cornwall Subdivision of the C.N.R. from approximately mileage 65.7 on the easterly limits of Cornwall, Ontario, to approximately mileage 105.19 in the vicinity of Cardinal, Ontario. The same application also requested permission to carry this diversion of the railway across all public roads in accordance with Sections 258 and 259 of the Railway Act.

A hearing took place in Cornwall on May 18, 1956, before Commissioners MacPherson and Chase. The hearing was continued in Ottawa on July 13, 1956, before the Chief Commissioner (Mr. Justice Kearney) and Commissioner Chase. Order No. 89215 was issued on that day approving the joint application of the Hydro and the Railway, authorizing the construction of this diversion and providing in part as follows:

"2. Leave is granted to the Applicants at their expense to construct and maintain the said deviation across St. Andrew's Road in the Township of Cornwall, the highway to be carried over the deviation by means of an overhead bridge.

3. Leave is granted to the Applicants at their expense to construct and maintain the deviation across the following highways at the following mileages:

<i>Mileage</i>	<i>Description</i>
75.75 (approximately) . . . . .	To serve proposed new townsite No. 2, Township of Cornwall.
80.9 . . . . .	To serve proposed townsite No. 1 in Township of Osnabruck.
87.0 (approximately) . . . . .	To serve proposed Chrysler Memorial Park, in Township of Williamsburg.
100.4 . . . . .	County road No. 1, in Township of Matilda.
92.7 . . . . .	King's Highway No. 31.

and the respective highways shall be carried over the deviation by means of overhead bridges if the appropriate highway authorities close the highways where they cross the deviation at the following mileages: 72.3; 73.53; 73.58; 73.61; 75.78; 76.0; 79.0; 80.5; 82.0; 83.5; 88.2; 91.2; 91.8; 94.41; 94.44; 97.4; 86.8; 102.4; 103.86 and 103.93.

4. Leave is granted to the Applicants at their expense to construct and maintain the deviation across Township road, in the Township of Cornwall, at mileage 72.2, the highway to be carried over the deviation by means of an overhead bridge."

Of the forty-four crossings created by this diversion, the following disposition has been made by the above and subsequent orders of the Board: grade separations have been ordered at seven; automatic protection has been ordered at four; twenty-two have been closed, and eleven authorized as level crossings without automatic protection. Of the grade separations ordered, five have already been constructed.

In Order No. 89215 and subsequent Orders the following was reserved for further decision: (a) the apportionment of the cost of construction of grade separations, (b) the apportionment of cost of their future maintenance, (c) the apportionment of cost of the installation, operation and maintenance of protection.

A request was made to the Board to reconsider its decision with respect to grade separations and closures between crossings 11 and 18. A hearing was held on September 19, 1957, before the Chief Commissioner (Mr. C. D. Shepard), the Deputy Chief Commissioner and Commissioner Chase. Following this hearing Orders were issued as to the cost of the installation and maintenance of the four automatically protected crossings.

A further hearing was held at Cornwall on September 3, 1959, before the Deputy Chief Commissioner and Commissioner Chase. At this hearing three points were in issue. The Township of Cornwall contended that a grade separation should be constructed at Post Road in place of Mille Roches Road (as ordered by Order No. 89215). Counsel for the Hydro stated that it would be willing to put a grade separation at Post Road but was of the opinion that the crossing at Mille Roches Road should be closed; further, that if a grade separation should be constructed at Post Road, Hydro should be relieved of building a grade separation North of New Town No. 2 (known as Long-Sault). Counsel for the United Counties of Stormont, Dundas and Glengarry insisted that a grade separation be constructed North of Long-Sault.

After due consideration the Board, by correspondence, requested the interested parties to endeavour to reach an agreement with respect to the three points mentioned above. This, however, they were unable to do.

At the hearing on September 19, 1957 (referred to above), there was heard argument by Counsel for the Hydro for grants from the Railway Grade Crossing Fund towards the cost of construction of the grade separations and crossing protections created following upon the railway diversion. The application was refused. At the hearing on September 3, 1958 (also referred to above), Counsel for the Hydro was allowed to reopen this matter by a further submission. The argument of Counsel has been considered by the full Board and it has authorized me to say that the Board sees no reason to vary Order No. 92719, dated October 18, 1957.

There therefore remained for consideration at the present hearing the question of any changes to be made with respect to crossings 11 to 18, inclusive, from the disposition made by Order No. 89215. There also remained the question of the apportionment of maintenance costs of the grade separations, and the protected crossing at Mille Roches Road. There had been excluded the grade separation at crossing No. 33, inasmuch as it was already the subject of an agreement between the Hydro and the Province of Ontario. The apportionment of maintenance costs of the four other protected crossings mentioned above had already been determined.

Having heard the argument of Counsel, I make the following disposition of the matters presently in dispute:

(1) By Order No. 89215 leave was granted to the Hydro and the Railway to construct a railway diversion across the township road (known as Mille Roches Road) in the Township of Cornwall at mileage 72.2, the highway to be carried over the railway by means of an overhead bridge (as cited above). By Order No. 90755, dated January 21, 1957, the Hydro and the Railway were authorized to construct a temporary road deviation of the township road at mileage 72.3, the said crossing to be constructed in accordance with the Standard Regulations of the Board Affecting Highway Crossings. Order No. 90755 was

made necessary by reason of the fact that the township road at that point is at a higher elevation than the immediately surrounding area. The railway diversion necessitated a cut, leaving the township road as an impassable route.

The present temporary crossing at mileage 72.3 (being crossing No. 12 and otherwise known as Mille Roches Road) having been constructed in accordance with the Standard Regulations mentioned above and being automatically protected is, in my opinion, adequate. It will therefore remain as the permanent crossing. Paragraph 4 of Order No. 89215 and Order No. 90755 will be amended accordingly in respect to the crossing at mileage 72.2.

(2) The crossing No. 16 (otherwise known as County Road No. 15) authorized by Order No. 89215 and protected as ordered by Order No. 91130, dated March 7, 1957, will remain as a permanent crossing and the request of the Township of Cornwall for a grade separation in that locality is denied.

(3) The construction of a grade separation at crossing No. 18 North of New Town No. 2 (otherwise known as the community of Long-Sault) was authorized by Order No. 89215. However, bearing in mind that Highway 401 has not been constructed North of crossing No. 18 as yet, the Board will require the grade separation to be constructed only in reasonable time to meet the construction of Highway 401 at that point, or to meet the needs that may arise earlier from the requirements of the United Counties of Dundas, Stormont and Glengarry. In making this ruling as to time, the Board has in mind that the expense of construction should not be incurred before it is required. Counsel for the Hydro has, however, pointed out that economy might be achieved by effecting construction while the Hydro's construction forces are in the area, even though earlier than otherwise required. The parties will have liberty to apply for an Order as to when this grade separation is to be built.

As to maintenance of the protection at crossing No. 12 (Mille Roches Road), I am of the opinion that the Board's formula which has been applied in many other cases should apply here, and that the maintenance costs should be borne 50 per cent by the Railway and 50 per cent by the highway authority.

As to maintenance costs of the grade separations—we are not concerned here, with the grade separation at crossing No. 33 but only with the grade separation at crossings Nos. 39, 28A, 23, 18 and 4. I am of the opinion that the Board's proposed formula should apply to these overhead grade separations. This formula is that where the grade separation takes the form of a subway, the Railway shall assume the cost of maintenance of the structure, exclusive of approaches, road surface, drainage, lighting and sidewalks; where the grade separation takes the form of an overhead bridge, such structure shall be entirely maintained at the expense of the highway authority. It may be well, therefore, to point out that the formula provides for the burden to fall on the Railway when the grade separation takes the form of a subway (which is not the case here).

Counsel were of the opinion that, apart from any application that may be made in respect to the time for construction of the grade separation at crossing No. 18, this concludes all matters at issue over which the Board has jurisdiction arising from the relocation of the Canadian National Railways' Cornwall Subdivision between mileage 65.7 and 105.19.

An Order will issue accordingly.

H. H. GRIFFIN,

OTTAWA, April 17, 1959.

*I concur:*

H. B. CHASE.

## ORDER No. 97836

WEDNESDAY, the 6th day of May, A.D. 1959.

*In the matter of a re-hearing of the original application of The Hydro-Electric Power Commission of Ontario and the Canadian National Railway Company, herein and hereinafter called the "Applicants", for leave to construct the deviated line of railway across the highways located between mileage 65.70 and mileage 105.19 Cornwall Subdivision, but with respect only to crossings known as crossings 11 to 18 inclusive; and*

*In the matter of the apportionment of cost reserved for further consideration of the Board by Orders Nos. 89215, dated July 13, 1956, 90746, dated January 21, 1957, 91268, dated March 27, 1957, 92030, dated July 12, 1957 and 92309, dated August 16, 1957, in respect to grade separations as set forth in the said Order and in other grade separations or protection subsequently ordered or authorized by the Board in connection with the said Order:*

Files Nos. 47728.2,  
47728.5,  
47728.12,  
47728.17,  
47728.26,  
47728.27,  
47728.30,  
47728.32,  
47728.36,  
47728.41.

H. H. GRIFFIN, *Asst. Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing the application at a sittings of the Board held in Cornwall, Ontario, on March 19, 1959, in the presence of Counsel for The Hydro-Electric Power Commission of Ontario, Canadian National Railways, the Township of Cornwall, the United Counties of Stormont, Dundas and Glengarry and the City of Cornwall, in the Province of Ontario; and upon the consent of the Department of Highways of the Province of Ontario—*

*It is hereby ordered as follows:*

1. The leave granted to the Applicants in paragraph numbered 4 of said Order No. 89215 to construct and maintain the deviation of the railway by means of an overhead bridge across Township Road in the Township of Cornwall, at mileage 72.2, is cancelled.

2. The temporary level crossing constructed at mileage 72.3 Cornwall Subdivision under the authority of Board Order No. 90755, dated January 21, 1957, and protected as prescribed by Order No. 91587, dated May 17, 1957, is authorized as a permanent level crossing in lieu of the overhead bridge cancelled in paragraph numbered 1 of this Order.

3. The cost of construction of the road diversion of Township Road across the railway at said mileage 72.3, and the cost of installation of the protection prescribed by Order No. 91587, dated May 17, 1957, as well as the cost of maintenance of the crossing, shall be borne and paid by the Applicants, whereas the cost of operation and future maintenance of the said protection shall be borne and paid fifty per cent by the Applicants and fifty per cent by the Township of Cornwall.

4. Upon completion of the overhead bridge carrying St. Andrews Road across the diversion of the Cornwall Subdivision of the Canadian National Railways at mileage 68.1 authorized by said Orders Nos. 89215 and 92309, the Canadian National Railways shall close, within the limits of their right of way, the temporary highway crossing authorized by Order No. 91402, dated April 16, 1957.

5. The cost of construction of the overhead bridge at said mileage 68.1, authorized by said Orders Nos. 89215 and 92309, shall be borne and paid by the Applicants, whereas the cost of future maintenance of the said overhead bridge shall be borne and paid by the Corporation of the City of Cornwall.

6. The cost of installation, maintenance and operation of the protection prescribed by said Order No. 91402, at the temporary level crossing at said mileage 68.1 forms part of the cost of construction of the overhead bridge authorized by said Orders Nos. 89215 and 92309 at said mileage 68.1.

7. The cost of construction of the overhead bridge authorized by said Order No. 89215, dated July 13, 1956, and Order No. 91269, dated March 27, 1957, at mileage 75.78 of the said diversion of the Cornwall Subdivision, as well as the cost of construction and maintenance of the temporary level crossing at mileage 75.75 of the said subdivision authorized by said Order No. 91269, shall be borne and paid by the Applicants, whereas the cost of future maintenance of the overhead bridge at said mileage 75.78 shall be borne and paid by the United Counties of Stormont, Dundas and Glengarry, in the Province of Ontario.

8. The cost of construction of the overhead bridge at mileage 80.9 of the said subdivision authorized by said Orders Nos. 89215 and 91268, as well as the cost of construction and maintenance of the temporary highway crossing at mileage 80.5 of the said subdivision authorized by said Order No. 91268 shall be borne and paid by the Applicants, whereas the cost of future maintenance of the overhead bridge at said mileage 80.9 shall be borne and paid by the United Counties of Stormont, Dundas and Glengarry, in the Province of Ontario.

9. The cost of construction of the overhead bridge at mileage 87.6 of the said subdivision authorized by said Orders Nos. 89215 and 92030 shall be borne and paid by the Applicants, whereas the cost of future maintenance of the said bridge shall be borne and paid by the United Counties of Stormont, Dundas and Glengarry, in the Province of Ontario.

10. The cost of installing, maintaining and operating the protection authorized by Order No. 90507, dated December 21, 1956, at mileage 92.7 of the said subdivision, and the wages of the gateman operating the protection, form part of the cost of construction of the overhead bridge authorized by said Order No. 89215 at mileage 92.7, and such cost shall be borne and paid by the Applicants.

11. The cost of construction of the overhead bridge authorized by said Orders Nos. 89215 and 90746 at mileage 100.4 of the said subdivision, and the cost of construction and maintenance of the temporary road diversion and the crossing of County Road No. 1 and the Canadian National Railways, as well as the cost of installing, operating and maintaining the protection prescribed in said Order No. 90746, and the wages of the gateman operating the protection shall be borne and paid by the Applicants, whereas the cost of maintenance of the said overhead bridge shall be borne and paid by the Department of Highways of the Province of Ontario.

12. The application for a contribution from The Railway Grade Crossing Fund towards the cost of any of the work ordered or authorized by said Order No. 89215 and subsequent orders with respect to the relocation of the Canadian National Railways between mileage 65.70 and 105.19 of the Cornwall Subdivision is dismissed.

13. Consequent upon the above, the following Orders are amended as follows:

(1) Order No. 89215, dated July 13, 1956, is amended:

- (a) By deleting the words and digit figure "75.75 (approximately)" immediately under the word "mileage" in paragraph numbered 3 of the said Order and substituting the digit figure "75.78" therefor.
- (b) By deleting the digit figure "75.78" in the third last line of said paragraph numbered 3 and substituting the digit figure "75.75" therefor.
- (c) By rescinding paragraph numbered 4 thereof.

(2) Order No. 90755, dated January 21, 1957, is amended:

- (a) By rescinding paragraphs numbered 1, 2, 3 and 5 thereof.
- (b) By deleting the word "temporary" in paragraph numbered 4 thereof.
- (c) By deleting paragraph numbered 6 and substituting the following new paragraph numbered 6 therefor:

"6. The cost of construction of the said road diversion, as well as the cost of future maintenance of the crossing shall be borne and paid by the Applicant."

(3) Order No. 91402, dated April 16, 1957, is amended as follows:

- (a) By deleting paragraph numbered 3 thereof and substituting the following therefor:

"3. Upon completion of construction of the overhead bridge at mileage 68.1 authorized by Orders Nos. 89215 and 92309, dated July 13, 1956, and August 16, 1957, respectively, the Canadian National Railways shall close, within the limits of their right of way, the said temporary crossing of their railway and St. Andrews Road."

- (b) By deleting the words "are reserved for further consideration and Order of the Board" in paragraph numbered 7 thereof and substituting the words "form part of the cost of construction of the overhead bridge authorized by the said Orders Nos. 89215 and 92309" therefor.

(4) Order No. 92309, dated August 16, 1957, is amended by deleting paragraph numbered 3 thereof and substituting the following new paragraph numbered 3 therefor:

"3. The cost of construction of the said overhead bridge shall be borne and paid by the Applicant, and the cost of future maintenance of the said bridge shall be borne and paid by the Corporation of the City of Cornwall."

(5) Order No. 91587, dated May 17, 1957, is amended by deleting paragraph numbered 4 thereof and substituting the following new paragraph numbered 4 therefor:

"4. The cost of installation of the said protection shall be borne and paid by the Applicant, whereas the cost of operation and future maintenance of the said protection shall be borne and paid fifty per cent by The Hydro-Electric Power Commission of Ontario and the Canadian National Railways and fifty per cent by the Township of Cornwall."

(6) Order No. 91269, dated March 27, 1957, is amended by deleting paragraph numbered 6 thereof and substituting the following new paragraph numbered 6 therefor:

"6. The cost of construction of the said grade separation, as well as the cost of construction and maintenance of the said temporary crossing, shall be borne and paid by the Applicant, whereas the cost of future maintenance of the said grade separation shall be borne and paid by the United Counties of Stormont, Dundas and Glengarry, in the Province of Ontario."

(7) Order No. 91268, dated March 27, 1957, is amended by deleting paragraph numbered 6 thereof and substituting the following new paragraph numbered 6 therefor:

"6. The cost of construction of the said grade separation, as well as the cost of construction and maintenance of said temporary crossing, shall be borne and paid by the Applicant, whereas the cost of future maintenance of the said grade separation shall be borne and paid by the United Counties of Stormont, Dundas and Glengarry, in the Province of Ontario."

(8) Order No. 92030, dated July 12, 1957, is amended by deleting paragraph numbered 3 thereof and substituting the following new paragraph numbered 3 therefor:

"3. The cost of construction of the said overhead bridge shall be borne and paid by the Applicant, whereas the cost of future maintenance of the said bridge shall be borne and paid by the United Counties of Stormont, Dundas and Glengarry, in the Province of Ontario."

(9) Order No. 90507, dated December 21, 1956, is amended by deleting the words "are reserved for further consideration and Order of the Board" in paragraph numbered 4 thereof and substituting the words "form part of the cost of construction of the grade separation at mileage 92.7 Cornwall Sub-division authorized by Order No. 89215, dated July 13, 1956, and such cost shall be borne and paid by The Hydro-Electric Power Commission of Ontario."

(10) Order No. 90746, dated January 21, 1957, is amended by deleting paragraph numbered 9 thereof and substituting a new paragraph numbered 9 therefor:

"9. The cost of construction of the said grade separation and the cost of construction and maintenance of the said temporary road diversion, as well as the cost of installation, operation and maintenance of the said protection, shall be borne and paid by the Applicant, whereas the cost of maintenance of the said grade separation shall be borne and paid by the Department of Highways of the Province of Ontario."

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

*In the matter of reflective markings on the sides of railway cars.*

File No. 45463

*Before:*

ROD KERR, Q.C., *Chief Commissioner.*  
 H. H. GRIFFIN, *Assistant Chief Commissioner.*  
 H. B. CHASE, C.B.E., *Commissioner.*

*Appearances:*

K. D. M. SPENCE, Q.C., for the Railway Association of Canada and Canadian Pacific Railway Company.  
 W. G. BOYD, for the Railway Association of Canada and Canadian National Railways.  
 V. K. CROXFORD, representing Northwestern Ontario Municipal Association.  
 A. MACDONELL, representing Dominion Tank Car Company.  
 H. J. GOODMAN, representing Minnesota Mining and Manufacturing Company of Canada Limited.  
 JOHN J. HOLDEN, representing the Chesapeake and Ohio Railway Company.  
 C. W. GILCHRIST, O.B.E., representing Canadian Good Roads Association.  
 J. G. MCQUEEN, representing Canadian Automobile Association.  
 W. A. BRYCE, representing Canadian Highway Safety Conference.  
 V. E. BERIAULT, representing Canadian General Transit Company Limited.  
 W. Q. MACNEE, representing Ontario Department of Highways.  
 A. H. ROWAN, representing Ontario Department of Transport.  
 PHILLIP EWART, representing Quebec Department of Roads.

*Heard at:*

OTTAWA, Ontario, March 16, 1959.

#### J U D G M E N T

*By the Board:*

By chapter 40 of the Statutes of 1958, Parliament amended Section 265 of the Railway Act and made it possible for the Board to make grants from The Railway Grade Crossing Fund towards the cost of "(c) placing reflective markings on the sides of railway cars".

With respect to any such cost incurred during the period of three years from the 31st January, 1958, the Statute made provision for payment from the Fund, not exceeding 80% of the cost. At the end of that period the payment that may be made from the Fund will not exceed 60% of the cost, unless the provision for 80% is continued.

The Statute came into force on October 6, 1958, and the Board thereupon invited Canadian Pacific Railway Company and Canadian National Railways to meet with the Board for discussion respecting reflectorization of railway cars. The meeting was held in October and was attended by representatives

of these two railways and of Canadian General Transit Company and Union Tank Car Company, and officers of the Board, and it was agreed that the matter should be developed with the Railway Association of Canada. That Association filed submissions in December and, after reviewing the submissions the Board considered it advisable to hold a public hearing to hear evidence, submissions and suggestions of the railways and other interested parties as to what Order the Board should make to ensure orderly and expeditious placing of reflective markings on the sides of railway cars and respecting the kinds of markings and the cost of placing them and grants towards such costs from The Railway Grade Crossing Fund. The hearing was held in Ottawa on March 16, 1959, the Board having meanwhile continued its study respecting such markings and consulted the National Research Council, highway authorities and others having knowledge concerning markings of this kind. At the hearing the railways offered evidence, submissions and argument and helpful information was also given by other parties whose appearances are noted above.

#### *Accidents:*

The railways referred to the well-known causes of motor vehicle accidents and expressed doubt that reflective markings on railway cars would have any appreciable effect in reducing the number of accidents in which motor vehicles run into the sides of trains. They referred to the number of such accidents at night involving casualties, as indicated in the Board's Annual Report for the years 1950 to 1958, as follows:

#### MOTOR VEHICLES RUNNING INTO TRAINS AT NIGHT INVOLVING CASUALTIES (1950-1958)

<i>Year</i>	<i>Daylight</i>	<i>Dark</i>	<i>Total</i>
1950 .....	40	113	153
1951 .....	50	115	165
1952 .....	39	105	144
1953 .....	59	98	157
1954 .....	46	94	140
1955 .....	46	109	155
1956 .....	72	137	209
1957 .....	51	109	160
1958 .....	66	93	159

Eliminating accidents where the motor vehicles collided with the sides of locomotives and railway passenger cars, or occurring where crossings were protected by gates or lights or in circumstances where reflective markings on railway cars presumably would not have helped to prevent the accidents, the railways submitted that only a comparatively small proportion of the collisions between motor vehicles and the sides of trains might conceivably have been avoided by reflective markings on railway cars, and they urged in this respect that the cost of markings to the federal government and the railways should be examined in the light of the benefits which might be anticipated.

It is a fact that, despite the presence of modern types of protection at level crossings, for example, gates and flashing lights and bells, collisions between motor vehicles and trains may and do occur thereat because of negligence on the part of motorists. However, the protection does help to warn motorists of the presence or approach of trains and thereby helps to prevent accidents that without such protection might occur and cause loss of life or serious injury and damage. The Board believes that reflective markings on the sides of railway cars would help to prevent accidents caused by motor

vehicles running into the sides of trains at night at unprotected crossings. The use of such markings would make the railway cars more conspicuous to approaching motorists. Even if only a few cars in a train moving across a highway were so marked, the markings might come to the attention of the motorists as they crossed in front of him in the course of his approach to the crossing, because when a train with marked cars moves across a highway there is a succession of reflective "flashes" from the markings as the motor vehicles' headlights shine on them. The greater the number of marked cars, the greater of course would be the number of reflective flashes.

#### *Cost of Reflective Markings:*

The railways submitted estimates of the cost of placing markings on railway cars ranging from an estimated minimum of \$5 per car for 4-inch diameter discs spaced 6 feet apart, to an average maximum cost of \$61.50 per car for a continuous strip 4 inches wide. They estimated the life of present reflective materials at 6 years and concluded that if all Canadian railway cars were to be marked in a period of 6 years the cost of placing the markings would range from approximately \$1,055,000 to approximately \$12,977,000; and assuming an 80% contribution from the Fund, the cost to the Fund would range from \$844,000 to \$10,382,000 and the railways' share from \$211,000 to \$2,595,000.

They also submitted that the cost of maintaining markings during the initial 6 years would range from approximately \$106,000 for 4-inch discs to \$1,297,000 for a continuous 4-inch wide strip; and following the completion of the initial marking programme there would be the cost of renewals and marking new cars and continuing maintenance costs.

They urged that these expenditures would not result in any savings to the railways and would result in additional burdens upon railway users and the federal treasury for the benefit of only a few negligent motorists each year.

Canadian Pacific has approximately 88,500 freight cars, of which about 60% are box cars. The Company buys about 3,000 new cars each year and repaints about 10,000.

Canadian National has about 106,000 freight cars, of which 65% are box cars. The Company buys about 3,100 new cars each year and repaints about 11,000.

#### *Effectiveness of Markings:*

The railways referred to difficulties in maintaining the markings in a proper and effective condition for the following reasons:

- (1) Overflow of materials in loading and unloading covered hopper cars deteriorates the paint of the cars and would affect the reflective qualities of markings.
- (2) In open top hopper cars, materials such as coal, sand and gravel freeze in the winter and heat must be applied in order to unload. This heat, in many cases open flame, would damage the markings.
- (3) Gondola cars, used by steel mills, are subjected to intense heat during loading and this would damage the markings.
- (4) Chemicals, acids, oils, etc., would present a serious problem in maintaining markings on tank cars.
- (5) Stock cars have to be washed out and whitewashed after each shipment.
- (6) The movement of ordinary box cars through dust, rain, sleet, snow and mud would tend to reduce the effectiveness of markings and would involve more frequent washing of cars.

The railways also suggested that the amount of protection reflective markings would give approaching motorists would depend upon the condition of the vehicles' lights and the angle of approach; and that reflective markings could be confusing to railway employees if they resulted in a misunderstanding of signals, particularly in yards where floodlights are in use.

*Uniformity with United States Railways:*

The railways submitted that it is imperative that any programme of reflectorization of railway cars be fully co-ordinated between the railways of Canada and the United States and that, failing this, serious difficulties in interchange of cars will be experienced; and unless similar legislation is passed in the United States a significant percentage of railway cars in use in Canada would not be reflectorized.

The Board has read the printed report of the hearing in March and April, 1957, before a Subcommittee of the House of Representatives, respecting surface transportation and safety legislation, more particularly relating to three bills (one of which (H.R. 3484) was suggested by the Interstate Commerce Commission) introduced in Congress with the object of requiring railway vehicles to be equipped with reflective or luminous material. It appeared from that record that the Interstate Commerce Commission believed that, on the basis of the evidence it then had, legislation of that nature would be desirable. The bills under consideration did not become law but we are informed that similar bills have again been introduced in Congress in this present year. None of the bills make provision for financial assistance to the railways towards the cost of reflectorizing their railway vehicles. We have mentioned that our legislation permits grants to be made from The Railway Grade Crossing Fund towards the cost of placing reflective markings on railway cars.

We do not think that a start on a programme of marking Canadian railway cars should be delayed until such time as reflective marking is required by law on United States railway cars, nor do we believe that there would be difficulties in interchange of cars between Canada and United States on account of markings that may be ordered in either country. Some United States railways already have some thousands of their cars so marked and the markings are not uniform. Past experience convinces us that co-operation between Canadian and United States authorities will not be lacking in the matter of markings and we have no reason to think that requirements for marking in either country will be so rigid as to place difficulty in the way of interchange of cars.

*Recommendations of the Railways:*

The railways recommended as follows:

- (a) That a joint study be made, including extensive field tests of values, types and patterns of reflective markings, to evaluate the comparative reflective intensities and sighting distances of cars so marked under various train and highway vehicle speeds and varying weather conditions.
- (b) Consideration should be given to the legal responsibility the railways may assume with regard to reflective markings on freight cars. There was a suggestion that they might be liable in damages if it were shown that an accident occurred and if reflective markings that were not properly cleaned or maintained were found to have been a factor contributing to the accident.

- (c) In any programme, the Board should contribute to the cost of renewal and maintenance of the markings on a long term basis and that appropriate amendments to the present legislation should be made.
- (d) Greater benefit would be derived from the expenditure of the money on a programme of improved advance warning signs on the highway.

*Other Submissions at the Hearing:*

The persons who represented other than the railways gave useful information to the Board. An early start on a programme of placing the markings on railway cars was advocated.

*Board's Conclusions and Order:*

Parliament has made money available to help defray the cost of placing the markings on railway cars, and it is the considered view of the Board that a start should be made in so doing as soon as is reasonably practicable. The Board believes however that it is advisable not to attempt or require too much at the start and to have the benefit of actual experience in the use of such markings on railway cars for two or three years before determining what the longer term programme should be. We believe that it will be practicable and useful, and well worth the necessary expenditure of money, to have the markings placed on all new box cars received by the railways during this year and next year and also on approximately the equivalent number of other box cars during the same period while such cars are in for shopping. This will make possible the study of, and experimentation with different types of reflective materials and patterns and colours under varying operating conditions, and the effect of weather, speed, dust, etc., on the markings; and ascertainment of actual costs of markings and maintenance. We consider that this will be much more helpful to the Board and railways than study and tests involving only a very limited number of cars, and the cost will not be excessive.

We therefore order that each Canadian railway company subject to the Board's jurisdiction shall cause reflective markings to be placed on each side of each of its new box cars delivered to it during the period May 1, 1959, to December 31, 1960. The markings shall be so placed either before delivery of the box car or within two months after such delivery. We also order each of the said companies to place reflective markings during the said period May 1, 1959, to December 31, 1960, on each side of approximately the same number of its old box cars as the number of new box cars delivered to it during that period.

With respect to Railways which do not expect to acquire new box cars during the said period, they will be required to place reflective markings on their box cars as and when they are in for shopping between May 1, 1959, and December 31, 1960.

The markings shall be placed and spaced along the sides of the box cars and be of such shape, size and material as the Board may approve. Each railway company shall make application to the Board for such approval and the application shall contain particulars of the markings and the estimated cost of placing them on the cars.

Eighty per cent (80%) of the cost of placing the markings herein ordered shall be paid out of The Railway Grade Crossing Fund, which contribution shall not exceed \$8.00 per car, and the remainder of such cost shall be borne by the Company that owns the cars, as the case may be.

The Board is also prepared to authorize the placing of reflective markings on other types of railway cars in addition to the markings required to be placed as above set forth and to authorize payment of eighty per cent of the cost of

placing the markings out of The Railway Grade Crossing Fund, which contribution shall not exceed \$8.00 per car, provided that the Board's authorization is applied for and obtained before the markings are placed on the cars.

We will not at this time order the railways to maintain or clean the markings as we wish to know the effect of rain, wind, snow, dust, etc., on the markings under varying conditions and we do not wish to impose on the railways by an Order of this Board an obligation to keep the markings clean by means of washing or to otherwise maintain them. However, the railways may clean and maintain the markings if they wish to do so to ascertain costs and effects of such action.

Each company shall make a return to the Board at the end of June 1959 and at the end of each six-month period thereafter showing the number of its cars marked pursuant hereto.

ROD. KERR,

*I concur:*

H. H. GRIFFIN,

H. B. CHASE.

Ottawa, May 1, 1959.

ORDER No. 97788

FRIDAY, the 1st day of May, A.D. 1959.

*In the matter of the Board's notice of sitting dated January 29, 1959, to hear evidence, submissions and suggestions of the railways and other interested parties as to what Order the Board should make to ensure orderly and expeditious placing of reflective markings on the sides of their railway cars, respecting the kinds of markings, the cost of placing them and grants towards such cost from The Railway Grade Crossing Fund.*

File No 45463

ROD KERR, Q.C., *Chief Commissioner.*

H. H. GRIFFIN, *Asst. Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing the matter at a sitting of the Board held in Ottawa on March 16, 1959, in the presence of Counsel for and representatives of the Railway Association of Canada, the Canadian Pacific Railway Company, the Canadian National Railways, Northwestern Ontario Municipal Association, Dominion Tank Car Company, Minnesota Mining and Manufacturing Company of Canada Limited, the Chesapeake and Ohio Railway Company, the Canadian Good Roads Association, Canadian Automobile Association, Canadian Highway Safety Conference, General Transit Company Limited, Ontario Department of Highways and Quebec Roads Department—*

*It is hereby ordered as follows:*

1. Each Canadian railway company subject to the jurisdiction of the Board shall cause reflective markings to be placed on each side of each of its new box cars delivered to it during the period May 1, 1959, to December 31, 1960.

2. The markings prescribed in paragraph numbered 1 shall be placed on the new box cars either before delivery or within two months after the delivery thereof.

3. Each such company shall, during the said period May 1, 1959, to December 31, 1960, place reflective markings on each side of approximately the same number of its old box cars as the number of its new box cars delivered to it during that period.

4. If any such railway company does not expect to acquire new box cars during the said period, it shall cause reflective markings to be placed on its box cars as and when they are sent in for shopping between May 1, 1959, and December 31, 1960.

5. The said reflective markings shall be placed and spaced along the sides of the box cars and be of such shape, size and material as may be approved by the Board upon application by the railway company concerned. Each railway company shall make application to the Board for such approval and the application shall contain particulars of the reflective markings and the estimated cost of placing them on the cars.

6. Eighty per cent of the cost of placing the said reflective markings shall be paid out of The Railway Grade Crossing Fund, which contribution shall not exceed \$8.00 per car, and the remainder of such cost shall be borne by the Applicant Company.

7. Each such company shall, at the end of June 1959, and at the end of each six-month period thereafter, make a return to the Board showing the number of its cars marked as prescribed in this Order.

ROD. KERR,  
*Chief Commissioner.*

*In the matter of the application of Canadian National Railway Company for authority to discontinue passenger service, namely trains 77 and 78, between Moncton and Point du Chene, N.B.*

File No. 27563.436

Before:

R. KERR, Q.C., *Chief Commissioner.*  
H. H. GRIFFIN, *Assistant Chief Commissioner.*

HEARD AT MONCTON, NEW BRUNSWICK, February 3rd and 4th, 1959.

Appearances:

J. W. G. MACDOUGALL, Q.C., and W. H. HEWSON, for the Canadian National Railway Company,  
GEORGE J. BINGHAM, for the Municipality of the County of Westmoreland.  
F. J. ROBIDOUX, Q.C., for the Town of Shediac.  
C. R. SIGUT, for the City of Moncton.  
T. W. READ, *President*, Division No. 4 representing Atlantic Region Federated Trades Craft, C.N.R. and Legislative Committee of Railway Organizations.  
L. H. FREEMAN, representing the Order of Railroad Telegraphers.  
H. A. MANN, representing the Maritimes Transportation Commission.

## JUDGMENT

H. H. GRIFFIN, *Assistant Chief Commissioner:*

The application of Canadian National Railway Company is to discontinue trains 77 and 78 running between Moncton and Point du Chene, New Brunswick. This line runs from Moncton through Harrisville, Painsec Junction, Scoudouc and Shediac to Point du Chene. From Moncton to Painsec Junction the line is the Canadian National Railways' main line to Halifax. From Painsec Junction to Point du Chene the line constitutes the Point du Chene Subdivision.

This line has been in existence for some time. It was originally contemplated as part of the European and North American Railway that was to run from St. John to Point du Chene and Shediac. Construction was begun in 1853. In 1856, before the line was opened, it was taken over by the Government of New Brunswick. It was opened for operation in 1857. Subsequently, it became part of the Intercolonial Railway and then part of the Canadian National Railways. Point du Chene was the terminal. It provided at one time the rail-head for service to Summerside, Prince Edward Island and until some thirty to forty years ago ships ran from Summerside to Point du Chene. Originally, there were railway shops at Point du Chene. These were destroyed by fire in 1872. The shops were not re-built and what facilities there were were moved to Moncton.

At present there are passenger trains Nos. 77 and 78 running daily except Saturdays, Sundays and holidays. Train 77 travels from Point du Chene to Moncton in the morning and train 78 travels from Moncton to Point du Chene in the evening. There is a road switcher on Mondays, Wednesdays and Fridays that handles carload traffic only to Point du Chene and return. The Railway's L.C.L. freight shipments are handled by highway transport. Express and mail are also handled by highway truck. If the Railway's application is granted, it proposes to despatch by truck the mail that is now carried by trains 77 and 78.

The Railway has filed returns to show the average daily passenger handlings by months for the years 1955, 1956, 1957 and 1958 for both revenue passengers and passengers travelling on passes. Extracts from these figures will suffice and are as follows:

	<i>Train 78, Moncton to Point du Chene</i>		<i>Train 77, Point du Chene to Moncton</i>	
	<i>Revenue</i>	<i>Passes</i>	<i>Revenue</i>	<i>Passes</i>
1955				
Jan.	92.1	236	95.4	238.6
July	50.8	183.2	53.3	193.9
Dec.	69.6	191	79	208
Total handled				
1955	19,880	56,182	20,686	59,555
1956				
Jan.	76.8	193.3	86.5	220.3
July	61.6	194.2	64.5	208.2
Dec.	74.1	199.5	77.1	221.6
Total handled				
1956	18,329	53,322	19,441	59,305

1957

Jan.	75.4	211	85.3	223.5
July	52.2	177	55.8	187
Dec.	62.3	174	66.6	193.8
Total handled				
1957	15,329	45,812	16,450	49,436

1958

Jan.	61.8	178.3	69.1	198.0
July	36.2	154.5	41.3	187.6
Dec.	49.0	145.0	56.9	160.9
Total handled				
1958	12,659	42,511	14,295	48,694

It will be seen from the above that revenue passengers handled on train 78 have declined from 19,880 in the year 1955 to 12,659 in 1958. On train 77 they have declined from 20,686 in 1955 to 14,295 in 1958; and that for 1958 the average daily number of revenue passengers on the morning train was under 60, the average on the evening train even less, and that the number travelling on passes was upwards of 3½ times the number of revenue passengers.

The Railway has filed a statement to show the result of the operation of trains Nos. 77 and 78 for the years 1956, 1957 and 1958. This shows an annual loss in 1956 of \$55,200; in 1957 of \$58,700; and in 1958 of \$68,800. This statement also purports to show that, should the service be discontinued, the loss of \$68,800 experienced in 1958, less the cost of providing additional highway service, should result in a saving to the Railway of approximately \$64,000 per annum in a similar year.

The Railway's submission is that there is an adequate alternative bus service available to the public and that it is the intention of SMT Bus Line (operating this bus service) to improve the service in the event of the discontinuance of trains 77 and 78.

The application of the Railway is opposed by the Municipality of the County of Westmoreland, the Town of Shediac, the City of Moncton, Atlantic Region Federated Trades Craft, C.N.R., and the Order of Railroad Telegraphers.

The Respondents have recited the history of the line and have submitted that because of the fact that the line was completed by the Government of the Province of New Brunswick, the people along the line are entitled to a continuous passenger, freight, express and mail service, regardless of the loss in providing the passenger service. I cannot agree with this contention.

The Respondents have recited Rules 60 and 61 of a subsisting agreement between the Railway Association of Canada and Division No. 4 Railway Employees' Department, A.F. of L., governing Rates of Pay and Rules of Service for locomotive and car departments. These rules read as follows:

#### Rule 60

"Existing conditions in regard to shop trains will be maintained unless changed by mutual agreement, or until other reasonable facilities are available. The Company will endeavor to keep shop trains on schedule time, properly heated and lighted, and in a safe, clean and sanitary condition. This not to apply to temporary service provided in cases of emergency."

*Rule 61*

"Employees covered by this Agreement, and those dependent upon them for support, will be given the same consideration in granting free transportation as is granted other employees in service.

Note:—This does not refer to special free transportation which may be issued to employees in train service on account of the necessary requirements of that service."

Evidence was then led by the Respondents to show that trains 77 and 78 are "shop trains", as that term is used in railway terminology. This matter was treated fully by the evidence and has been dealt with very fully in the written argument submitted by Counsel for the Municipality of the County of Westmoreland. The Railway has answered this evidence by its own evidence as to the nature of the trains and it is dealt with fully in the oral and written argument of Counsel for the Railway.

The Railway has contended that trains 77 and 78 are not shop trains but public trains. Further, that should they be found to be shop trains, then their discontinuance is a matter of adjustment between the Railway and its employees under the above agreement. Moreover, that if they are shop trains, the Railway can remove these trains without reference to the Board.

After considering the evidence and the argument of Counsel, I find that trains 77 and 78 are not shop trains, but are public trains, carried in the Railway's public timetables as such, with schedules arranged by the Railway principally, I believe, so as to make them available and convenient to shop employees, which in recent years at least have constituted the bulk of the patronage of the trains.

The Respondent, the Municipality of the County of Westmoreland, has further contended in written argument that the annual revenue and expense figures submitted by the applicant may properly be changed to show a more favourable net position. It is claimed that passenger revenue should be increased by \$31,500 to reflect the carriage of pass-holders, and that expenses should be reduced by \$15,110 with the result that the annual loss in respect to operation of trains 77 and 78 would be reduced from \$68,800 to \$22,190. I cannot agree with these revisions, but even if they were acceptable the passenger and mail revenues would still cover less than two-thirds of the out-of-pocket expenses.

The out-of-pocket expenses have been calculated by the applicant in accordance with a method used before the Board in previous applications of this nature, as has the determination of the system loss and the branch line loss. These figures have all been considered by the Board, but the matter of system loss and branch line loss is of more importance when the application is to abandon the operation of a line of railway. The present application is for discontinuance of passenger service in respect to which I am satisfied that the revenues fail by a substantial margin to meet the out-of-pocket expenses of operation.

There has been brought graphically to the Board the fact that by reason of the passenger train service between Point du Chene and Moncton, a considerable number of employees of the Railway have settled at communities and in areas between Point du Chene and Shediac, and at intermediate points between those places and Moncton. There they have built or acquired their homes and contributed to the general economy of the several districts. The discontinuance of the service would, it is said, seriously affect the welfare of those employees. Evidence has been led to show that, should the service be discontinued, many of the inhabitants of the area working in Moncton could be forced to dispose of their homes and move elsewhere to be closer to their places of employment.

Undoubtedly, the discontinuance of the service will result in disruption to the habits and long established mode of travelling of many residents. This is to be given full weight in assessing it against the benefit to the public of eliminating a loss to the Railway in operating this service.

Counsel for the Respondents have marshalled every fact that would warrant the continuation of the trains. Through the evidence of a number of witnesses they have outlined the inconvenience that would result to certain residents and the effect that discontinuance might have upon the economy of the area. This has been most helpful to the Board in obtaining a complete picture as to the issues involved.

In such cases as this, the Board considers all the circumstances. Amongst other things, this includes a review of the cost of operating the existing service, the volume of patronage over the years and the potential savings that might accrue to the Railway. These factors are weighed against the possible loss and inconvenience to the travelling public in the event of the application succeeding.

An important factor, however, is the nature and adequacy of the alternative means of transportation which is available, together with any proposed improvement which should be available to the public in the event of the service under consideration being discontinued. Evidence was led by the Railway as to the existing bus service, together with the proposal by the bus company (SMT bus line) for its addition to, and improvement of, service in the event of trains 77 and 78 being discontinued. This service undoubtedly will not be as convenient for certain patrons of the existing train service—in particular, the employees of the Railway who work at the Company's shops in Moncton.

The issue in this case is, therefore, whether the degree of inconvenience to the public, and possible hardship upon certain long established residents, outweighs the potential savings to the Railway that would follow upon discontinuance of the service.

Upon considering all the factors involved, I am unable to find sufficient loss and inconvenience to the public under this proposal to justify refusing the application, and in my opinion, the application should be granted.

Bearing in mind the convenience of the public and in this particular instance to avoid disrupting the present means of some students of attending school at Moncton, the change shall not take effect until after the 30th day of June, 1959, nor before sixty days after public notice of the discontinuance.

An Order will issue accordingly.

H. H. GRIFFIN,

Ottawa, May 6, 1959.

I concur: R. KERR.

ORDER No. 97858

FRIDAY, the 8th day of May, A.D. 1959.

*In the matter of the application of the Canadian National Railway Company for authority to discontinue passenger train service, namely trains Nos. 77 and 78, between Moncton and Point du Chene, New Brunswick.*

File No. 27563.436

ROD KERR, Q.C., Chief Commissioner.

H. H. GRIFFIN, Asst. Chief Commissioner.

*Upon hearing the application at a sittings of the Board held in Moncton, New Brunswick, on February 3rd and 4th, 1959, in the presence of Counsel for the Canadian National Railway Company, the Municipality of the County of*

Westmoreland, the Town of Shediac, the City of Moncton, and representatives of Division No. 4 representing Atlantic Region Federal Trades Craft, C.N.R. and Legislative Committee of Railway Organizations, the Order of Railroad Telegraphers and the Maritimes Transportation Commission, and upon reading the submissions filed—

*It is hereby ordered as follows:*

1. The Canadian National Railway Company is authorized to discontinue passenger train service, namely trains Nos. 77 and 78, between Moncton and Point du Chene, New Brunswick.

2. The said discontinuance shall not take effect until after the 30th day of June 1959, and the Canadian National Railway Company shall give sixty days' prior notice of the said discontinuance.

ROD KERR,  
*Chief Commissioner.*

ORDER No. 97837

WEDNESDAY, the 6th day of May, A.D. 1959.

*In the matter of the apportionment of the cost of reconstructing and strengthening the Canadian Pacific Railway Company's bridge over the Kaministiquia River in Fort William, Ontario, authorized by Order No. 94088, dated April 14, 1958.*

File No. 4805.4

H. H. GRIFFIN, *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing the matter at a sittings of the Board held in Fort William, Ontario, on April 7th, 1959, in the presence of Counsel for the City of Fort William and the Canadian Pacific Railway Company, and upon consideration of the submissions on file—*

*It is hereby ordered as follows:*

1. Fifty per cent of the cost of reconstructing and strengthening the highway deck on the Bascule span and on the approaches of the said bridge, not exceeding, however, the sum of \$24,500.00, shall be paid out of The Railway Grade Crossing Fund, and the balance of such cost shall be borne and paid fifty per cent by the Canadian Pacific Railway Company and fifty per cent by the City of Fort William.

2. The cost of maintenance of the wearing surface of the road on the highway deck of the Bascule span of the said bridge and the future maintenance of the approaches on each side of the said Bascule span shall be borne and paid by the City of Fort William.

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

## ORDER No. 97881

*In the matter of Order No. 94426, dated May 27, 1958, amending Rule 3 of the Canadian Car Demurrage Rules, Order No. 94888, dated July 14, 1958, suspending the said amendment, and Order No. 97434, dated March 25, 1959, rescinding Order No. 94888 and restoring the said amendment.*

File No. 1700.397

TUESDAY, the 12th day of May, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

H. H. GRIFFIN, *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

*Upon consideration of the said Orders of the Board, Supplements No. 5, No. 6 and No. 7 to The Canadian Car Demurrage Bureau's C.T.C. No. 5, Order in Council P.C. 1959-569, dated May 7, 1959, and the direction in the said Order in Council to the Board to suspend tariffs based upon the said Order No. 94426.*

*It is hereby ordered as follows:*

1. Supplement No. 5 to The Canadian Car Demurrage Bureau's Tariff C.T.C. No. 5, restored by the said Supplement No. 7, is suspended.

2. The Canadian Car Demurrage Rules and the Rules and Charges published in The Canadian Car Demurrage Bureau's Tariff C.T.C. No. 5, as amended by Supplements No. 2, No. 3 and No. 4 thereto, are suspended in respect only of the unloading of grain consigned to public and semi-public terminal elevators at Port Arthur or Fort William, Ontario, or in the portion of Canada west of Port Arthur and Fort William, Ontario.

ROD KERR,  
*Chief Commissioner.*

## ORDER No. 97883

*In the matter of the application of the Canadian National Railway Company, hereinafter called the "Applicant", dated July 30, 1958, for authority to divert a portion of its line between mileage 10.2 near Dorval, Quebec, and mileage 7.6 near Lachine, Quebec, Cornwall Subdivision, and a portion of its line between mileage 47.98 near Turcot Yard, Quebec, and mileage 47.36 L'Assomption Subdivision, and for leave to relocate and cross certain public roads and for leave to close stations at Lachine and Dixie, P.Q., on the Cornwall Subdivision, as shown on Plan No. MHY316-211-4, dated March 17, 1958, on file with the Board under file No. 48765:*

WEDNESDAY, the 13th day of May, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*Upon hearing the application at Montreal, P.Q., on the 19th day of January, 1959, in the presence of Counsel and other persons representing the Canadian*

National Railway Company, the Canadian Pacific Railway Company, the Department of Roads of the Province of Quebec, the City of Lachine, P.Q., the Town of Montreal West, the Town of Ville St. Pierre, and upon reading the submissions filed—

*And upon the consent of the Department of Roads of the Province of Quebec—*

*It is hereby ordered as follows:*

1. Leave is granted to the Applicant to divert its line between mileage 7.6 and mileage 10.2 Cornwall Subdivision, in the Cities of Dorval and Lachine, P.Q., as shown from the location shown in dotted black to the location shown in red on the said plan, which plan, profile and book of reference is hereby approved, and to carry the said deviation across 55th Avenue in the City of Lachine, P.Q.

2. The Applicant is authorized to divert its line between mileage 47.98 and mileage 47.36 L'Assomption Subdivision in the Town of Montreal West, P.Q., from the location shown in black to the location shown in brown on the said plan, and the Applicant is exempted from submitting plan, profile and book of reference in respect of the deviation authorized in this paragraph.

3. (a) The Department of Roads of the Province of Quebec is authorized to construct and maintain an overhead bridge with the necessary approaches thereto over the relocated tracks of the Applicant at the point of crossing of Metropolitan Boulevard in the Town of Montreal West as shown on the said plan; detailed plans shall be submitted for the approval of an Engineer of the Board, and the said overhead bridge shall be constructed in accordance with the provisions of General Order No. 589.

(b) Eighty per cent of the cost of construction of the said overhead bridge and its approaches referred to in this paragraph, not exceeding, however, the sum of \$500,000.00, shall be paid out of The Railway Grade Crossing Fund, and the remainder of the cost of construction and all cost of maintenance shall be borne and paid by the Department of Roads of the Province of Quebec.

(c) In consideration of the Department of Roads of the Province of Quebec assuming the remaining costs of construction and maintenance as set out in sub-paragraph (b) of this paragraph, the Department and the Applicant have agreed as follows:

- (i) The Department of Roads will grant to the Applicant its right of way of Metropolitan Boulevard (Brock Avenue) across the railway at mileage 47.65 L'Assomption Subdivision, and in exchange the Applicant will grant to the Department its right of way across Metropolitan Boulevard at mileage 47.55 L'Assomption Subdivision, which is the location of the present level crossing, and also its right of way at mileage 10.12 Cornwall Subdivision where there is presently a railway bridge. The purpose of the said grants is to make the railway and highway rights of way continuous at those points referred to.
- (ii) The Applicant will grant to the Department sufficient land to make the right of way of Metropolitan Boulevard continuous at the point of proposed railway crossing at 25th Avenue, Lachine, near Ballantyne, P.Q., and the Department will be relieved of its obligation contained in an agreement between the parties dated May 2, 1940, concerning a future railway crossing of Metropolitan Boulevard at 25th Avenue, Lachine.

- (iii) The steel structure at mileage 10.12 of the existing Cornwall Sub-division shall be the property of the Applicant; Order No. 58656, dated February 15, 1940, is amended so that the Department of Roads is relieved from future costs of maintenance of the said structure.

4. (a) The Applicant is authorized to construct an overhead bridge with necessary approaches over its tracks at the intersection of its tracks and St. James Street (Upper Lachine Road), Ville St. Pierre, as shown on the said plan; detailed plans thereof shall be submitted for the approval of an Engineer of the Board, and the said bridge shall be constructed in accordance with the provisions of General Order No. 589.

(b) Eighty per cent of the cost of construction of the said overhead bridge and its approaches, not exceeding, however, the sum of \$500,000.00, shall be paid out of The Railway Grade Crossing Fund, \$20,000.00 shall be paid by the Town of Montreal West, and the remainder of the cost of construction shall be paid by the Applicant.

5. (a) The Applicant is authorized to construct a pedestrian underpass with necessary approaches thereto under its tracks at Maple Avenue crossing in Ville St. Pierre, P.Q., and to divert Maple Avenue to join St. James Street, all as shown on the said plan; detailed plans shall be submitted for the approval of an Engineer of the Board and the said pedestrian underpass shall be constructed in accordance with the provisions of General Order No. 589.

(b) Eighty per cent of the cost of construction of the said pedestrian underpass and the highway diversion, not exceeding, however, the sum of \$408,000.00, shall be paid out of The Railway Grade Crossing Fund and the remainder of the said cost shall be borne and paid by the Applicant.

(c) The cost of maintenance of the said pedestrian underpass and its approaches shall be borne and paid by the Applicant.

(d) The cost of maintenance of the overhead bridge authorized by paragraph numbered 4 and of the highway diversion authorized by this paragraph shall be borne and paid fifty per cent by the Town of Ville St. Pierre and fifty per cent by the Town of Montreal West.

6. (a) The Applicant is authorized to construct a subway across the tracks of the Canadian Pacific Railway Company as they may be diverted and a subway across the relocated tracks of the Applicant, both at the 55th Avenue Crossing at Lachine, P.Q., as shown on the said plan; detailed plans of the said subways shall be submitted for approval of an Engineer of the Board, and the said subways shall be constructed in accordance with the provisions of General Order No. 589.

(b) Eighty per cent of the cost of construction of the subway under the Canadian Pacific tracks as may be relocated, including the northerly approach thereto and the southerly approach within the said Canadian Pacific Railway Company right of way as may be relocated, not exceeding, however, the sum of \$260,000.00, shall be paid out of The Railway Grade Crossing Fund, sixty per cent of the remainder shall be paid by the Department of Roads of the Province of Quebec, and forty per cent of the said remainder shall be borne and paid by the Applicant and the Canadian Pacific Railway Company as has been agreed between them, and the entire cost of maintenance of the sub-structure and super-structure of the said subway within its relocated right of way shall be borne and paid by the Canadian Pacific Railway Company.

(c) Eighty per cent of the cost of construction of the subway under the tracks of the Applicant as relocated, including all approaches necessary to give access to the said subway from and to 55th Avenue and Highway No. 2 and the

northerly approach within the Applicant's right of way as relocated, not exceeding, however, the sum of \$500,000.00, shall be paid out of The Railway Grade Crossing Fund, sixty per cent of the remainder shall be borne and paid by the Department of Roads of the Province of Quebec and forty per cent of the said remainder shall be borne and paid by the Applicant, and the entire cost of maintenance of the sub-structure and super-structure of the said subway within its relocated right of way shall be borne and paid by the Applicant.

(d) The cost of construction of the grade separation carrying 55th Avenue under Metropolitan Boulevard, necessitated by the construction of the subways under the tracks of the Canadian National and Canadian Pacific referred to above, shall be borne sixty per cent by the Department of Roads of the Province of Quebec and forty per cent by the Applicant, and the entire cost of maintenance in respect of the said grade separation's sub-structure and super-structure outside the railway rights of way, as well as of approaches, shall be borne and paid by the Department of Roads of the Province of Quebec, all as has been agreed between the Applicant and the Department.

(e) The entire cost of maintenance and operation of the drainage, pumping and light systems of all the subway structures referred to in this paragraph, as well as the roadways and sidewalks, shall be borne and paid by the Department of Roads of the Province of Quebec.

7. That, having regard to the application of the City of Lachine dated May 4, 1959, for a grade separation in the vicinity of 34th Avenue in lieu of subways at 55th Avenue, prior to the preparation of detailed plans for construction of the subways at the said 55th Avenue, the Canadian National Railways, the City of Lachine, Province of Quebec, the Canadian Pacific Railway Company and any other party interested will consider the possibility of locating the proposed grade separations at a more advantageous location and closing the existing level crossing at 55th Avenue, file submissions as to location of the grade separations with the Board for final Order on or before June 1st, 1959, and failing agreement among the parties the question of location will be decided by the Board. Unless the Department of Roads of the Province of Quebec specifically consents to the construction of a grade separation in the vicinity of 34th Avenue, in lieu of subways at 55th Avenue, the said Department of Roads shall not be bound to contribute towards the cost of a grade separation in the vicinity of 34th Avenue.

8. Upon completion of the works authorized at Upper Lachine Road and Maple Avenue the Applicant shall close, within the limits of its right of way, the existing crossing at Maple Avenue in Ville St. Pierre, P.Q.

9. The Applicant is authorized to remove the station agent at Lachine, P.Q. and the caretaker at Dixie, P.Q.

10. Upon completion of the diversion approved in paragraph numbered 1 of this Order, and the elimination of one track of the double track main line of the existing Cornwall Subdivision between Montreal and Lachine, the Applicant is authorized to remove the automatic protection presently installed at First, Tenth and Eighteenth Avenues in Lachine, P.Q.

11. The City of Lachine shall pay to the Applicant the sum of \$200,000.00 toward the cost of diverting the Applicant's Cornwall Subdivision as authorized by this Order, thereby either totally or partially eliminating rail traffic over

seven (7) level crossings within the limits of the said City, all in accordance with the terms and conditions contained in a memorandum of agreement to be entered into between the City of Lachine and the Canadian National Railway Company upon the issuance of this Order, a copy of said draft agreement being on file with the Board.

12. Any public utility in the vicinity of any of the work authorized or approved by this Order shall remove, relocate or protect, as the case may be, its existing facilities to permit the said work, and the question of allocation of the cost of removing, relocating or protecting the said public utilities is reserved until such time as detailed estimates are received from the utilities concerned.

ROD KERR,  
*Chief Commissioner.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 97730 Apr. 24—Amending Order No. 77766 in the matter of installing automatic protection at the crossing of the C.N.R. and Church Lane, Niagara Falls, Ont., Mileage 2.63 Grimsby Subd.
- 97731 Apr. 27—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 97732 Apr. 27—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at Mileage 117.4 Skeena Subd., B.C.
- 97733 Apr. 27—Approving proposed flammable liquid storage facilities of The British American Oil Company Limited at Drummondville, P.Q.
- 97734 Apr. 27—Removing the speed limitation of ten miles per hour at the crossing of the C.N.R. and the highway at Mileage 8.72 Macleod Subd., Alta.
- 97735 Apr. 27—Rescinding Order No. 73608 which approved the plan showing facilities of Reliance Petroleum Limited for the handling and storage of flammable liquids at Toronto, Ont., near the C.N.R.
- 97736 Apr. 27—Dismissing application of the C.N.R. to remove the station agent at South Durham, P.Q.
- 97737 Apr. 27—Authorizing the Dominion Atlantic Railway Company to fill a portion of the trestle approaches at its bridge at Mileage 0.27 Yarmouth Subd., N.S.
- 97738 Apr. 27—Rescinding Order No. 61125 which approved the installation of facilities of the Dept. of National Defence, Air Service, near the C.P.R. at Calgary, Alta.
- 97739 Apr. 27—Approving flammable liquid bulk storage facilities of The British American Oil Company Limited at Princeton, B.C.
- 97740 Apr. 27—Authorizing Imperial Oil Limited to construct a pipe line across and under the pipe line of the Westspur Pipe Line Company in Sec. 9, Twp. 4, Rge. 6, W2M., Sask.
- 97741 Apr. 27—Authorizing Imperial Oil Limited to construct a pipe line across and under the pipe line of the Westspur Pipe Line Company in the NW $\frac{1}{4}$  Sec. 10, Twp. 4, Rge. 6, W.2M., Sask.
- 97742 Apr. 27—Authorizing The Bell Telephone Company of Canada to construct an underground conduit across and over the pipe line of Trans-Northern Pipe Line Co. at Lawrence Ave. East between Lots 5 and 6, Con. 3, East of Yonge St., in the Twp. of North York, Ont.
- 97743 Apr. 27—Approving Standard Freight Tariff C.T.C. No. 44, filed by the Northern Transportation Company Limited under Section 18 of the Transport Act.
- 97744 Apr. 27—Authorizing the C.N.R. to remove the caretaker at Canfield, Ont.
- 97745 Apr. 27—Relieving the C.P.R. from erecting right of way fencing at certain mileages on its Emerson Subd, Man.
- 97746 Apr. 27—Authorizing the C.P.R. to construct a siding extension at Mileage 87.09 Taber Subd., Cranford, Alta.
- 97747 Apr. 27—Authorizing the Rural Munic. of Mantario No. 262, Sask. to construct the highway over the C.N.R. at Mileage 29.96 Mantario Subd.
- 97748 Apr. 27—Approving proposed flammable liquid storage facilities of Shell Oil Company of Canada Limited at Burnaby, B.C.
- 97749 Apr. 27—Authorizing the C.N.R. to reconstruct the east approach of their bridge at Mileage 65.5 Wabamun Subd., Alta.
- 97750 Apr. 27—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at Bounty, Sask.
- 97751 Apr. 27—Authorizing the C.N.R. to remove the station agent at Hepburn, Sask., and appoint a caretaker.
- 97752 Apr. 27—Approving location of the station shelter proposed to be erected by the C.N.R. at New Mills, N.B.

- 97753 Apr. 28—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 97754 Apr. 28—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 97755 Apr. 28—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
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- 97758 Apr. 28—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 97759 Apr. 28—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 97760 Apr. 28—Dismissing application of the C.N.R. for authority to remove the caretaker at Beadle, Sask.
- 97761 Apr. 28—Authorizing the N.Y. Central Railroad Company to construct a movable bridge over the upper lock of the Beauharnois Canal, Soulanges Section of the St. Lawrence Seaway, at Melocheville, P.Q.
- 97762 Apr. 28—Authorizing the removal of the speed limitation at the crossing of St. Dominique Road and the C.P.R. in the City of St. Hyacinthe, P.Q., Mileage 24.9 St. Guillaume Subd.
- 97763 Apr. 28—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. east of the station at Danby, P.Q., Mileage 14.42 St. Hyacinthe Subd.
- 97764 Apr. 28—Approving proposed liquefied petroleum gas storage facilities of Canadian Propane (Ontario) Limited near Vermilion Bay, Ont.
- 97765 Apr. 29—Requiring the C.N.R. to install automatic protection at the crossings of Front St. and their Newmarket Subd., and Front St. and their Midland Subd. or wye track, in the Town of Orillia, Ont.
- 97766 Apr. 29—Authorizing the Town of Orillia to widen West St. where it crosses the C.N.R. at Mileage 85.9 Newmarket Subd.
- 97767 Apr. 29—Authorizing the Ontario Department of Highways to construct Highway No. 401 over the C.P.R. by means of an overhead bridge in Lot 20, Con. 6, Twp. of Blenheim, Co. of Oxford, Ont., Mileage 76.72 Galt Subd.
- 97768 Apr. 29—Approving clearances at the overhead bridge in Lots 25 and 26, Beasley's B.F. Conc. Twp. of Waterloo, Ont., Mileage 5.1 Waterloo Subd., C.P.R.
- 97769 Apr. 29—Authorizing the Ontario Department of Highways to construct Highway No. 68 over the C.P.R. at Mileage 9.78 Little Current Subd.
- 97770 Apr. 29—Approving revised Schedule "B" to Agreement between The Bell Telephone Company of Canada and Canadian Overseas Telecommunication Corporation.
- 97771 Apr. 29—Approving application of the C.P.R. for approval of the clearances at the overhead bridge in Lot 7, Con. 1, Township of Waterloo, Ont., Mileage 1.91 Hespeler Subd.
- 97772 Apr. 29—Authorizing the New Brunswick Dept. of Public Works to reconstruct subway over the main line of C.N.R. near Plaster Rock, N.B., mileage 47.91, Grand Falls Subd.
- 97773 Apr. 29—Approving application of the Munic. of the Twp. of Carling, Ont., for an Order declaring the crossing of the highway and the C.P.R. at Mileage 35.32 Parry Sound Subd., to be a public crossing.
- 97774 Apr. 30—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.

- 97775 Apr. 30—Authorizing the C.P.R. to remove the caretaker and the station building at Orton, Ont.
- 97776 Apr. 30—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Lauzon Road, Township of Sandwich East, Ont., mileage 104.71 Windsor Subd.
- 97777 Apr. 30—Authorizing the C.N.R. to install automatic protection in lieu of the existing manually operated protection at crossing of their railway and King Street, Sherbrooke, P.Q., Mileage 46.94 Sherbrooke Subd.
- 97778 Apr. 30—Authorizing The Bell Telephone Company of Canada to construct an 8-inch cable conduit across and under the pipe line of Trans-Northern Pipe Line Company in the vicinity of Danforth and Cambridge Aves., Toronto, Ont.
- 97779 Apr. 30—Requiring the C.P.R. to install certain protection at the crossing of the Toronto & York Roads Commission Road No. 7, Ontario, Mileage 9.95 MacTier Subd.
- 97780 Apr. 30—Authorizing the C.P.R. to make signal changes to the interlocker at crossing of its railway and the C.N.R. at Carman, Man., Mileage 13.2 Carman Subd. (C.P.R.).
- 97781 May 1—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Hannibal St., Smiths Falls, Ont., Mileage 34.8 Smiths Falls Subd.
- 97782 May 1—Rescinding Order No. 57259 which approved location of facilities of British American Oil Company Limited on the Brampton Subd. of the C.N.R. at Malton, Ont.
- 97783 May 1—Extending the time within which automatic protection is to be installed at crossing of the Niagara, St. Catharines and Toronto Rly. and Fitch St., in Welland, Ont., Mileage 15.77 Welland Subd.
- 97784 May 1—Authorizing the C.N.R. to replace the west end timber approach of the Lagauchetiere bridge in Montreal, P.Q., with a permanent concrete construction, as shown on plan.
- 97785 May 1—Authorizing the Algoma Ore Properties Limited to construct a ropeway and a protection bridge over the Algoma Central and Hudson Bay Railway Company just east of Jamestown Yard, Ont.
- 97786 May 1—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Balsam St., Collingwood, Ont., Mileage 32.45 Meaford Subd.
- 97787 May 1—Approving tolls published in tariffs filed by the C.P.R. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 97788 May 1—Ordering each Canadian railway company subject to the jurisdiction of the Board to have reflective markings placed on each side of each of its new box cars delivered to it during the period May 1, 1959 to Dec. 31, 1960, etc.
- 97789 May 1—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Alma St. at Hebertville, P.Q., Mileage 85.84 Jonquiere Subd.
- 97790 May 1—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at Mileage 23.74 Haliburton Subd., Ont.
- 97791 May 1—Approving proposed flammable liquid bulk storage facilities of Mervin Co-operative Association Limited at Mervin, Sask.
- 97792 May 1—Authorizing the Northern Alberta Railways Company to operate over the bridge at Mileage 50.3 Grande Prairie Subd., City of Grande Prairie, Alta.
- 97793 May 1—Authorizing the Sask. Dept. of Highways and Transportation to widen Highway No. 4 where it crosses the main line of the C.P.R. at Mileage 22.82 McMorran Subd.
- 97794 May 1—Rescinding Order 70764 which approved location of facilities of Haldimand Farmers Co-operative Assoc. for the storage of flammable liquids near the C.N.R. at Cayuga, Ont.

- 97795 May 1—Extending the time within which the C.N.R. are required to install automatic protection at Mileage 11.27 Togo Subd., Ashville, Man.
- 97796 May 1—Authorizing the Indian Affairs Branch of the Dept. of Citizenship and Immigration to construct the highway over the C.N.R. and the highway at Mileage 135.87 Fraser Subd., B.C.
- 97797 May 1—Authorizing the C.P.R. to remove the caretaker at Bender, Sask.
- 97798 May 1—Authorizing the City of Regina, Sask., to construct an underground encased electric cable over the C.P.R. at Winnipeg St., Regina, Sask., Mileage 87.92 Tyvan Subd.
- 97799 May 1—Authorizing The Bell Telephone Company of Canada to construct an underground telephone conduit over the pipe line of Trans-Northern Pipe Line Company in the road allowance between Lots 25 and 26, Con. 3, South of Dundas St., Twp. of Trafalgar, Ont.
- 97800 May 1—Approving liquefied petroleum gas bulk storage facilities of Boundary Electric Limited at Grand Forks, B.C.
- 97801 May 1—Authorizing the C.N.R. to install automatic protection at the crossing of their railway and St. Charlotte Range Road, P.Q., Mileage 117.22 Drummondville Subd.
- 97802 May 4—Authorizing the C.P.R. to remove the caretaker at Savanne Station, Ont.
- 97803 May 4—Approving temporary flammable liquid storage facilities of Imperial Oil Limited at Laretta, B.C., Mileage 110 Mountain Subd.
- 97804 May 4—Rescinding Orders 74795 and 78094 which approved the location of facilities of Imperial Oil Limited near the tracks of the C.N.R. at Leslieville, Alta.
- 97805 May 4—Dismissing application of the C.N.R. for authority to close as an agency the station at Omemee, Ont.
- 97806 May 4—Rescinding Order No. 65431 which approved the location of additional bulk storage tank and pipe lines of Canadian Oil Companies Limited at Melfort, Sask.
- 97807 May 5—Authorizing the C.P.R. to construct a private siding to serve Western Canada Steel Limited, across South Kent Ave., in Vancouver, B.C., Mileage 1.66 Westminster Branch of the Vancouver and Lulu Island Railway.
- 97808 May 5—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. east of station at St. Philippe de Neri, P.Q., Mileage 31.27 Montmagny Subd.
- 97809 May 5—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Rockglen, Sask., Mileage 36.2 Fife Lake Subd.
- 97810 May 5—Authorizing the Twp. of North York to construct a storm sewer across and under the pipe line of Trans Northern Pipe Line Company between Lots 103 and 104 of Registered Plan M. 789, in the Twp. of North York, Ont., formerly in Lot 20, Con. 2, East of Yonge St.
- 97811 May 5—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Howley, Nfld., Mileage 356.43 Bishop's Falls Subd.
- 97812 May 4—Authorizing the Town of Prescott to construct Edward Street over the C.N.R. by means of an overhead bridge in lieu of the existing level crossing at this point, Prescott, Ont., Mileage 113.44 Cornwall Subd.
- 97813 May 4—Authorizing the Town of Brockville to construct William Street over the four tracks of the C.N.R. and one track of the C.P.R. by means of an overhead bridge, in lieu of the existing level crossing at this point, in Brockville, Ont.

- 97814 May 5—In the matter of the application of the C.N.R. for an Order under subsections (1) and (5) of section 253 of the Railway Act, for exemption of certain bridges, tunnels, erections and structures from the operation of said subsection (1).
- 97815 May 6—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under section 8 of the Maritime Freight Rates Act.
- 97816 May 6—Authorizing the Trans-Northern Pipe Line Company to encase its existing pipe line where it crosses under the Windermere Cut-Off, in the City of Hamilton, Ont.
- 97817 May 6—Authorizing the Trans-Northern Pipe Line Company to open for the transportation of petroleum and petroleum products that portion of its pipe line which was relocated at a certain point shown on Drawing C4-662, dated Dec. 31, 1958.
- 97818 May 6—Authorizing Trans-Northern Pipe Line Company to open for the transportation of petroleum and petroleum products that portion of its pipe line which was relocated as authorized by Order No. 97257, dated March 2, 1959.
- 97819 May 6—Authorizing Trans-Northern Pipe Line Company to open for the transportation of petroleum and petroleum products that portion of its pipe line which was relocated as authorized by Order 97496, dated April 2, 1959.
- 97820 May 6—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. in the City of Revelstoke, B.C., Mileage 0.9 Shuswap Subd.
- 97821 May 6—Approving proposed flammable liquid storage facilities of the C.P.R. at Woodstock, Ont.
- 97822 May 6—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Royale St., Louiseville, P.Q., Mileage 62.08 Three Rivers Subd.
- 97823 May 6—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Cap Sable Road, in the Village of Pont Rouge, P.Q., Mileage 135.32 Quebec Subd.
- 97824 May 6—Authorizing the Township of Plummer Additional, Ont., to improve the approach grade on the south side of the crossing of the highway and the C.P.R. at Mileage 89.75 Thessalon Subd.
- 97825 May 6—Authorizing the City of Oshawa to construct Summerville Ave. over the Oshawa Railway Company, at Mileage 4.5, Oshawa, Ont.
- 97826 May 6—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Provincial Highway No. 7, Mileage 18.88 Uxbridge Subd., Ont.
- 97827 May 6—Authorizing the Sask. Dept. of Highways to widen Highway No. 9 where it crosses the Interprovincial Pipe Line Co.'s pipe line at certain locations in the Province of Sask.
- 97828 May 6—Authorizing the Sask. Power Corp. to construct an aerial transmission line over the pipe line of Trans-Canada Pipe Lines Limited, in Sec. 32, Twp. 19, Rge. 25, W.3M., Sask.
- 97829 May 6—Authorizing the Ontario Dept. of Highways to construct Highway No. 400 over the C.N.R. by means of an overhead bridge at Mileage 98.44 Bala Subd., Twp. of Matchedash, Ont.
- 97830 May 6—Authorizing the Saskatchewan Power Corporation to construct an aerial transmission line over and under the pipe line of Trans-Canada Pipe Lines Limited in Sec. 33, Twp. 19, Rge. 25, W.3M., Sask.
- 97831 May 6—Approving clearances on the proposed track to serve Acadia Foods Limited at New Mines, N.S., Mileage 52.95 Halifax Subd. of the Dominion Atlantic Railway Company, C.P.R.
- 97832 May 6—Authorizing the removal of the speed limitation at the crossing of Waddington Road and the Esquimalt and Nanaimo Railway Company near Northfield, B.C., Mileage 74.48 Victoria Subd.

- 97833 May 6—Authorizing the Sask. Power Corporation to construct an aerial transmission line over the pipe line of Trans-Canada Pipe Lines Limited in Sec. 36, Twp. 19, Rge. 26, W.3M.
- 97834 May 6—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at Torrington, Alta.
- 97835 May 6—Approving revisions to tariffs filed by the Canadian National Telegraphs.
- 97836 May 6—In the matter of a re-hearing of the original application of The Hydro-Electric Power Commission of Ontario and the C.N.R. for leave to construct the deviated line of railway over the highways between Mileages 85.70 and 105.19 Cornwall Subd., but with respect only to crossings known as crossings 11 to 18 inclusive, and in the matter of apportionment of cost.
- 97837 May 6—In the matter of apportionment of cost of reconstructing and strengthening the C.P.R. bridge over the Keminstiquia River in Fort William, Ontario.
- 97838 May 6—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 97839 May 7—Relieving the C.N.R. from erecting right of way fencing on both sides of their right of way between Mileages 10.41 and 13.06 Brampton Subd., Twp. of Etobicoke, Ont.
- 97840 May 7—Approving revised Appendix "A" to Traffic Agreement between The Bell Telephone Company of Canada and The Metcalfe Rural Telephone Company Limited.
- 97841 May 7—Approving tolls published in supplement No. 3 to Agreed Charge Tariff filed by the Canadian Freight Association, under sections 3 and 8 of the Maritime Freight Rates Act.
- 97842 May 7—Approving tolls published in tariffs filed by the Canadian Freight Association under sections 3 and 8 of the Maritime Freight Rates Act.
- 97843 May 7—Approving revised Appendix "A" to Traffic Agreement between The Bell Telephone Company of Canada and The Monk Rural Telephone Company Limited.
- 97844 May 7—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Leitch St., City of Cranbrook, B.C., Mileage 98.8 Cranbrook Subd.
- 97845 May 7—Requiring the C.N.R. to install automatic protection at the crossing of their railway and the highway in Chambord, P.Q., Mileage 0.54 Roberval Subd.
- 97846 May 7—Requiring the C.P.R. to install automatic protection at the crossing of its railway and des Forges Road in St. Michel des Forges, P.Q., Mileage 9.8 St. Maurice Valley Subd.



# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

Vol. XLIX

OTTAWA, JUNE 15, 1959

No. 6

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ORDER No. 97931

*In the matter of the application of E. E. Cooper of Fort Nelson, in the Province of British Columbia, hereinafter called the "Applicant", for a licence, under section 10 of the Transport Act:*

File No. 42076.50

TUESDAY, the 19th day of May, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

Licence C.T.C. (W.T.) 360 is issued to the Applicant for the period of one year terminating on the 9th day of February, 1960, licensing the following ships, namely:

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Barge No. 101 .....	Not registered	25 (est.)
Barge No. 102 .....	Not registered	25 (est.)

to transport goods by water between all ports and places on the Nelson and Liard Rivers situated between Fort Nelson, British Columbia, and Fort Simpson, N.W.T. inclusive.

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

## ORDER No. 97954

*In the matter of the application of Canada Steamship Lines Limited for an Order extending the eastern limits of operation of certain of its licensed vessels from Prescott, Ontario to the west end of the Island of Orleans:*

*And in the matter of Order No. 97646, dated April 16, 1959, as amended by Order No. 97726, dated April 24, 1959:*

File No. 42076.4.2

THURSDAY, the 21st day of May, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*H. H. GRIFFIN, *Assistant Chief Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

Order No. 97646, dated April 16, 1959, as amended by Order No. 97726, dated April 24, 1959, is further amended by striking out the words "Prescott, Ontario" in paragraph numbered 2 of the said Order and substituting therefor the words "the west end of the Island of Orleans".

H. H. GRIFFIN,

*Assistant Chief Commissioner.*

## ORDER No. 97975

*In the matter of the application of Canada Steamship Lines Limited for an Order extending the eastern limits of operation of certain of its licensed vessels from Prescott, Ontario, to the west end of the Island of Orleans:*

*And in the matter of Order No. 97647, dated April 16, 1959:*

File No. 42076.4.5

THURSDAY, the 21st day of May, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*H. H. GRIFFIN, *Assistant Chief Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

Order No. 97647, dated April 16, 1959, is amended by striking out the words "Prescott, Ontario" in paragraphs numbered 1 and 2 of the said Order and substituting therefor the words "the west end of the Island of Orleans".

H. H. GRIFFIN,

*Assistant Chief Commissioner.*

## ORDER No. 97998

*In the matter of the application of the Yellowknife Transportation Company Limited, under section 18 of the Transport Act, for approval of Standard Freight Tariff C.T.C. No. 22, on file with the Board under file No. 42082.30:*

FRIDAY, the 22nd day of May, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

*It is hereby ordered as follows:*

The said Standard Freight Tariff C.T.C. No. 22, on file with the Board under file No. 42082.30, is approved.

H. H. GRIFFIN,

*Assistant Chief Commissioner.*

## ORDER No. 98029

*In the Matter of the application of Canada Steamship Lines Limited for a licence under section 10 of the Transport Act:*

File No. 42076.4.2

WEDNESDAY, the 27th day of May, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

J. M. WOODARD, *Commissioner.*

*It is hereby ordered as follows:*

Subject to any exemption granted pursuant to subsection 2 of section 12 of the Transport Act, Licence No. C.T.C. (W.T.) 361 is issued to the Canada Steamship Lines Limited licensing, for the period of one year commencing January 15, 1959, the following ship to transport goods by water between all ports and places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay), and Lake Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans.

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Metis .....	198480	2332.13

H. H. GRIFFIN,

*Assistant Chief Commissioner.*

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
MARCH, 1959.

Railway Accidents .....	181	Killed	13	Injured	174
Level Crossing Accidents ....	42	Killed	12	Injured	54
	223		25		228
Total .....	223		25		228

	Killed	Injured
Passengers .....	—	23
Employees .....	5	149
Others .....	20	56
Total .....	25	228

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

NEWFOUNDLAND

- 1 Pedestrian struck by train.

NOVA SCOTIA

- 1 Pedestrian struck by train.  
— 2 Oil tank truck struck by train. Licence: N.S. C-4353.

NEW BRUNSWICK

- 1 1 Auto truck struck by train. Licence: N.B. C-34559.  
— 1 Auto truck ran into side of train. Licence: N.B. C-10203.

QUEBEC

- 1 Pedestrian struck by R. D. car.  
— 1 Track motor car struck by automobile. Licence: Que. 491-348.  
— 1 Auto truck ran into side of train. Licence: NY 422-474.  
— 1 Tractor trailer struck by train. Licence: Que. L-1093.  
— 3 Automobile struck by train. Licence: Que. 519-277.  
1 1 Automobile struck by train. Licence: Que. T-9121.  
3 3 Automobile struck by train. Licence: Que. 522-246.  
— 1 Automobile struck by train. Licence: Que. 608-194.  
— 1 Automobile struck by train. Licence: Que. T-775.  
— 1 Automobile struck by train. Licence: Que. 346-318.  
1 1 Auto truck struck by train. Licence: Que. N-36188.

ONTARIO

- 1 Auto truck struck by train. Licence: Ont. 21116-C.  
— 1 Automobile struck by train. Licence: Ont. F-29275.  
— 1 Automobile ran into side of train. Licence: Ont. 463-991.  
— 1 Automobile struck by train. Licence: Ont. K-495690.  
1 — Pedestrian struck by train.  
— 1 Automobile ran into side of train. Licence: Ont. J-10577.  
1 6 Automobile struck by train. Licence: Ont. C-99-822.  
— 1 Automobile struck by train. Licence: Ont. 928000.  
— 1 Auto truck ran into side of train. Licence: Ont. 89138-A.  
— 1 Tractor trailer struck by train. Licence: Ont. 17158-T.  
— 1 Motor Scooter ran into side of train. Licence: Ont. 7504-MC.  
— 1 Tractor trailer struck by train. Licence: Ont. 18-502-B.

ONTARIO—*Cont.**Killed Injured*

- |   |   |   |
|---|---|---|
| 1 | 2 | Automobile ran into side of train. Licence not given.     |
| 1 | — | Automobile struck by train. Licence not given.            |
| — | 2 | Automobile ran into side of train. Licence: Ont. 969-412. |
| — | 1 | Automobile ran into side of train. Licence: Ont. 926-896. |
| 1 | — | Child struck by train.                                    |
| — | 1 | Automobile struck by train. Licence: Ont. 742-102.        |

## MANITOBA

- |   |   |  |
|---|---|--|
| — | 1 | Automobile ran into side of train. Licence: Sask. 36-785.    |
| — | 3 | Track motor car struck by automobile. Licence: Man. LIV-518. |
| — | 1 | Auto truck struck by train. Licence: Man. T-10355.           |

## SASKATCHEWAN

- |   |   |   |
|---|---|---|
| 1 | 1 | Automobile struck by train. Licence: Mont. 50321.   |
| — | 1 | Automobile struck by train. Licence: Sask. 134-921. |

## ALBERTA

- |   |   |   |
|---|---|---|
| — | 1 | Auto truck struck by train. Licence: Alta. 120-741. |
|---|---|---|

## BRITISH COLUMBIA

- |   |   |  |
|---|---|--|
| — | 1 | Automobile struck by train. Licence: B.C. 405-322. |
| — | 2 | Automobile struck by train. Licence: B.C. 313923.  |

Of the 42 accidents at highway crossings, 26 occurred at unprotected crossings, 16 at protected crossings, 25 occurred after sunrise and 17 after sunset.

OTTAWA, Ontario, May 22, 1959.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 97847 May 7—Authorizing the Munic. of Metropolitan Toronto to widen Cherry St. and Fleet St. where they cross the C.N.R.
- 97848 May 7—Permitting the removal of slow Order at C.P.R. crossing at Crow Lake, Ont., mileage 34.16, Belleville Subd.
- 97849 May 7—Permitting the removal of slow Order at C.P.R. crossing at Haycroft, Ont., mileage 85.92, Windsor Subd.
- 97850 May 7—Authorizing the C.N.R. to remove the caretaker at station building at Grand Ligne, P.Q.
- 97851 May 7—Dismissing the application of the N.Y.C. Rlr. Co. to remove station agent at Ridgetown, Ont.
- 97852 May 7—Authorizing the C.P.R. Co. to remove the caretaker at Keppel, Sask.
- 97853 May 7—Amending Order No. 82512 which authorizes the City of Fort William, Ont. to divert Kingsway Road to connect with Arthur St. near the right-of-way of the C.N.R.
- 97854 May 7—Authorizing the C.N.R. to operate their trains through the inter-locker near Carman, Man., which crosses the C.P.R.
- 97855 May 8—Permitting the removal of slow Order at C.N.R. crossing east of Station at Red Rock, Ont.
- 97856 May 8—Approving under the Maritime Freight Rates Act tolls published in Supplement to Tariff filed by the Sydney and Louisburg Rly. Co. under Section 8.
- 97857 May 7—Authorizing the C.N.R. to make changes in the signals between Brantford and Paris Junction, Ont.
- 97858 May 8—Authorizing the C.N.R. to discontinue passenger train service between Moncton and Point du Chene, N.B.
- 97859 May 8—Approving under the Maritime Freight Rates Act tolls published in Agreed Charge Tariff filed by the Canadian Freight Assoc.
- 97860 May 8—Requiring the C.N.R. to install certain protection at the crossing of the Highway east of the station at Cap St. Ignace, P.Q., mileage 71.15, Montmagny Subd.
- 97861 May 8—Authorizing the C.N.R. to remove the station agent at Peesane, Sask.
- 97862 May 8—In the matter of filing of tariffs by The Bell Telephone Co. of Canada.
- 97863 May 8—In the matter of filing of tariffs by The Bell Telephone Co. of Canada.
- 97864 May 8—In the matter of the application of C.N.R. on behalf of Progas Ltd., for approval of their loading facilities for the transferring of liquefied petroleum gas directly from tank truck to tank car at Acheson, Alta., mileage 14.2, Wabamun Subd.
- 97865 May 11—Approving under the Maritime Freight Rate Act tolls published in Tariff filed by the Canada and Gulf Terminal Rly. Co. under Sec. 8.
- 97866 May 11—In the matter of the application dated April 29, 1959, from the C.N.R. on behalf of Gibson Petroleum Co. Ltd., for approval of its crude oil loading facilities at Kipling, Sask., mileage 0.41 Glenavon Subd.
- 97867 May 11—In the matter of the application of C.N.R. on behalf of Gibson Petroleum Co. Ltd., for approval of its proposed crude oil loading facilities at Pollockville, Alta., mileage 39.3 Sheerness Subd.
- 97868 May 11—Authorizing the Alta. Dept. of Highways to widen Highway No. 21 across the company pipe lines of Interprovincial Pipe Line Co. at a certain location in the Province of Alberta.
- 97869 May 11—Requiring the C.N.R. to install certain protection at the crossing of Boveri Blvd., St. Johns, P.Q.
- 97870 May 11—In the matter of the application dated April 30, 1959, from the C.N.R. on behalf of Imperial Oil Ltd., for approval of its flammable liquid bulk storage facilities at Calong, Ont., mileage 99.81 Caramat Subd.

- 97871 May 11—In the matter of Order No. 71905, dated Jan. 21, 1949, approving the proposed location of facilities of Canadian Oil Companies Ltd., for the handling and storage of flammable liquids near the right of way of the C.N.R. at Humboldt, Sask.
- 97872 May 11—In the matter of Orders Nos. 63977, dated Sept. 10, 1943, and 64171, dated Nov. 9, 1943, approving location of facilities of Canadian Oil Companies Ltd., near the tracks of C.N.R. at Edmonton, Alta.
- 97873 May 11—Dismissing the application of the C.N.R. to remove the caretaker at Leross, Sask.
- 97874 May 11—In the matter of Order No. 97468, dated March 31, 1959, authorizing the City of Toronto to construct a subway at the crossing of Symington Ave. and the railway of the C.P.R. Co. in the City of Toronto, Ont., mileage 5.41, North Toronto Subd.
- 97875 May 11—Authorizing the Sask. Dept. of Highways and Transportation to widen Highway No. 43 where it crosses the C.N.R. at mileage 75.75, Gravelbourg Subd.
- 97876 May 11—In the matter of the application of C.P.R. Co. for an Order extending the time within which it is required by Order No. 96217, dated Nov. 7, 1958, to install automatic protection at the crossing of its railway and Haines Road, Twp. of Toronto, Ont., mileage 13.62, Galt Subd.
- 97877 May 11—Authorizing the C.N.R. to operate their trains over the St. Louis vertical lift bridge crossing the Beauharnois Canal at mileage 44.2, Alexandria Subd., P.Q.
- 97878 May 11—Authorizing the N.Y.C. Rlr. Co. to operate its trains over the vertical lift bridge south of Valleyfield, P.Q.
- 97879 May 11—Relieving the C.P.R. Co. from erecting cattle guards at certain crossings on its Stewart Valley Subd., Sask.
- 97880 May 12—Approving under the Maritime Freight Rates Act tolls published in Tariff filed by the C.P.R. Co. under Section 8.
- 97881 May 12—In the matter of Order No. 94426, dated May 27, 1958, amending Rule 3 of the Canadian Car Demurrage Rules, Order No. 94888, dated July 14, 1958, suspending the said amendment, and Order No. 97434, dated March 25, 1959, rescinding Order No. 94888 and restoring the said amendment.
- 97882 May 12—Approving under the Maritime Freight Rates Act tolls published in certain tariffs filed by the C.N.R. under section 3.
- 97883 May 13—Authorizing the C.N.R. to divert its line between mileages 7.6 and 10.2 Cornwall Subd., in the Cities of Dorval and Lachine, P.Q.
- 97884 May 13—Approving certain plans showing details of overhead bridge carrying Don Valley Parkway across C.N.R. in the Munic. of Metropolitan Toronto, Ont.
- 97885 May 13—In the matter of the application of C.P.R. Co. for approval of proposed flammable liquid bulk storage facilities at Guelph, Ont., mileage 30.8, Goderich Subd.
- 97886 May 13—In the matter of the application dated April 29, 1959, from the C.N.R. on behalf of the North Star Oil Ltd., for approval of its flammable liquid bulk storage facilities at Edmonton, Alta., mileage 0.83, "Y" line Edmonton Terminal Subd.
- 97887 May 13—In the matter of the application of C.P.R. Co. on behalf of Standard Oil Co. of B.C., for approval of flammable liquid bulk storage facilities at Penticton, B.C.
- 97888 May 13—In the matter of the application of C.N.R. on behalf of the Dept. of National Defence (R.C.A.F.) for approval of additional flammable liquid bulk storage facilities at St. Hubert, P.Q., St. Hyacinthe Subd.

- 97889 May 13—In the matter of the application of the C.N.R. on behalf of Kelso Co-operative Assoc. Ltd., for approval of its flammable liquid bulk storage facilities at Kelso, Sask., mileage 96.94 Cromer Subd.
- 97890 May 13—Requiring the C.N.R. to install certain protection at the crossing of Main St., Acton, Ont., mileage 36.2 Brampton Subd.
- 97891 May 13—Requiring the C.P.R. to install certain protection at the crossing of Highway No. 39, Prov. of Quebec, mileage 17.65 Drummondville Subd.
- 97892 May 13—Requiring the C.P.R. Co. to install certain protection at the crossing of Banwell Road, Twp. of Sandwich East, Ont., mileage 103.67, Windsor Subd.
- 97893 May 13—In the matter of filing of tariffs by The Bell Telephone Co. of Canada.
- 97894 May 13—Authorizing the Sask. Dept. of Highways and Transportation to widen Highway No. 6 which crosses the C.P.R. at mileage 83.34 Melfort Subd., Sask.
- 97895 May 13—Authorizing the Sask. Dept. of Highways and Transportation to widen Highway No. 4 where it crosses the C.N.R. at mileage 69.3 Rosetown Subd., Sask.
- 97896 May 14—Requiring the C.N.R. to install certain protection at the crossing of 4th Range Road, mileage 16.60, Batiscan Subd.
- 97897 May 14—In the matter of the application of the Wabash Rlr. Co. hereinafter called the "Applicant Company", for approval of a resolution adopted by the Board of Directors of the Applicant Company on April 16, 1959, authorizing the Chief of Tariff Bureau of the Applicant Company to prepare and issue tariffs of the tolls to be charged by the Applicant Company, and to submit the same to the Board.
- 97898 May 14—Authorizing the Federal Dept. of Public Works to construct the highway across the C.P.R., Prov. of Alberta, mileage 123.98, Laggan Subd.
- 97899 May 14—In the matter of Order No. 73607, dated Dec. 8, 1949, approving the location of facilities of the British American Oil Co. Ltd. for the handling and storage of flammable liquids near the tracks of the C.N.R. at Exeter, Ont.
- 97900 May 14—Permitting the removal of slow Order at C.P.R. crossing in Pilot Butte, Sask., mileage 84.58, Indian Head Subd.
- 97901 May 15—In the matter of consideration of the question of the cost of construction of the overhead bridge authorized by Order No. 90799, dated January 14, 1957, across the right of way of C.P.R. Co., at mileage 130.3 Laggan Subd., B.C., and in the matter of Order No. 91080, dated February 28, 1957.
- 97902 May 15—In the matter of consideration of the question of the cost of construction of the overhead bridge authorized by Order No. 90810, dated January 28, 1957, across the right of way of C.P.R. Co., B.C., at mileage 132.83, Laggan Subd., and in the matter of Order No. 91079, dated February 28, 1957.
- 97903 May 15—In the matter of Order No. 88511, dated April 5, 1956, authorizing the Dept. of Public Works of Canada to construct and maintain the Trans Canada Hwy. across the right-of-way of C.P.R. Co. by means of an overhead bridge, mileage 1.64 Mountain Subd., B.C., and in the matter of Order No. 90586, January 7, 1957.
- 97904 May 15—Permitting the removal of slow order at C.P.R. crossing west of St. Vincent de Paul, P.Q., mileage 4.76, Trois-Rivieres Subd.
- 97905 May 15—Authorizing the C.P.R. to remove the caretaker at Wellwood, Man.
- 97906 May 15—In the matter of the application of the B.T.C. of Canada for approval of supplement No. 1 to traffic agreement between it and the Telephone System of the Municipality of the Twp. of Johnson.

- 97907 May 15—In the matter of the application of the Northern Alberta Railways Co., for approval of revised plan showing details of the west approach to the bridge over the East Prairie River, Alta., mileage 288.1, Slave Lake Subd.
- 97908 May 15—In the matter of the application of the B.T.C. of Canada for approval of traffic agreement between it and the Telephone System of the Municipality of the Twp. of Humphrey.
- 97909 May 15—In the matter of the application of C.N.R. for an Order rescinding Order No. 57364 dated May 2, 1939, approving clearances of trolley wire owned by the Quebec Railway, Light & Power Co., at Limoilou, P.Q., mileage 0.4, Batiscan Subd.
- 97910 May 15—In the matter of application of the B.T.C. of Canada for approval of supplement No. 3 to traffic agreement between it and the Oro Telephone Co. Ltd.
- 97911 May 15—Authorizing the C.N.R. to remove the station agent at Humbermouth, Nfld.
- 97912 May 15—Authorizing the B.C. Electric Co. to construct a gas main across the tracks of the C.P.R. Co. by fixing it to the highway bridge over the railway at mileage 114.64, Cascade Subd., B.C.
- 97913 May 15—Permitting the removal of slow order at the Chesapeake & Ohio Railway Company and Howard-Harwich Town Line Road, Ridgetown, Ont.
- 97914 May 15—Authorizing the C.N.R. to lengthen the eastern approach track circuit for the protection installed at the crossing of Sir Wilfrid Laurier Boulevard, Greenfield Park, Que., mileage 6.34, Granby Subd.
- 97915 May 15—Authorizing the C.P.R. Co. to remove the caretaker at Kinley, Sask.
- 97916 May 15—In the matter of application of C.N.R. on behalf of The British American Oil Co., Ltd., for approval of flammable liquid bulk storage facilities at Chatham, N.B., mileage 7.40 Loggieville Subd.
- 97917 May 15—In the matter of application of The B.T.C. of Canada for approval of supplement No. 1 to Traffic Agreement between it and the Iron Bridge Telephone Co. Limited.
- 97918 May 15—Authorizing the C.N.R. to remove the station building at Clarkboro, Sask.
- 97919 May 15—In the matter of the application of The B.T.C. of Canada for approval of Supplement No. 2 to Traffic Agreement between it and The Sunderland Telephone Co. Ltd.
- 97920 May 15—In the matter of the application of The B.T.C. of Canada for approval of Supplement No. 2, to Traffic Agreement between it and The Commissioners for the Telephone System of the Municipality of the Township of Haldimand.
- 97921 May 15—Permitting the removal of slow order at C.N.R. crossing at Pointe aux Trembles, P.Q., mileage 1.03, Longue Pointe Subd.
- 97922 May 15—In the matter of Order 79556, dated Aug. 13, 1952, approving the facilities of Mr. O. R. Berg for the handling and storage of flammable liquids near C.N.R. tracks at Ardmore, Alta.
- 97923 May 15—In the matter of the application dated May 6, 1959, from the C.P.R. Co., on behalf of the Gibson Petroleum Co. Ltd., for approval of its proposed flammable liquid bulk storage facilities at Carievale, Sask., mileage 89.8, Estevan Subd.
- 97924 May 15—In the matter of the application of C.N.R. on behalf of Shell Oil Co. of Canada Ltd., for approval of flammable liquid bulk storage facilities at Chandler, P.Q., mileage 46.07, Chandler Subd.
- 97925 May 15—Requiring the C.N.R. to install certain protection at the crossing of Highway No. 83, at Scarth, Man., mileage 47.67 Cromer Subd.
- 97926 May 19—Approving under the Maritime Freight Rates Act tolls published in Tariff filed by the C.P.R. Co. under Section 8.

- 97927 May 19—Authorizing the Man. Dept. of Public Works to construct the Metropolitan-Winnipeg By-Pass of the Trans-Canada Highway as a dual highway across the C.N.R. in the Parish of St. Charles, Man., mileage 3.55, Harte Subd.
- 97928 May 19—Requiring the C.N.R. to install certain protection at the crossing of Cousins St., St. Johns, P.Q.
- 97929 May 19—Requiring the C.P.R. Co. to install certain protection at the crossing of Manhattan Ave., Winnipeg, Man.
- 97930 May 19—In the matter of Order 56676, dated Nov. 14, 1958, approving the location of facilities of the British American Oil Co. Ltd., for the handling and storage of flammable liquids near the right of way of the C.N.R. at Nokomis, Sask.
- 97931 May 19—In the matter of the application of E. E. Cooper at Fort Nelson, B.C., for a licence, under section 10 of the Transport Act.
- 97932 May 19—In the matter of the application of The B.T.C. of Canada for approval of Supplement No. 1 to Service Station Contract between it and the Gatineau Power Company.
- 97933 May 19—In the matter of the application of The B.T.C. of Canada for approval of Supplement No. 1 to Traffic Agreement between it and The Commissioners for the Telephone System of the Municipality of the Twp. of St. Joseph.
- 97934 May 19—In the matter of the application of The B.T.C. of Canada for approval of 4th Revised Schedule "B", to Agreement between it and Canadian Overseas Telecommunication Corporation.
- 97935 May 19—Authorizing the Public Utilities Commission of Burlington to construct a water main under the company pipeline of Trans-Northern Pipe Line Company at Woodview Road, Burlington, Ont.
- 97936 May 19—In the matter of Order 97576 dated April 10, 1959, authorizing the Dept. of Public Works of Man. to construct the North Perimeter Highway at grade across the right of way and track of the C.P.R. Co., Parish of St. Pauls, Man., mileage 5.77 Winnipeg Beach Subd.
- 97937 May 19—In the matter of the application of the C.P.R. Co. for approval of Drawing No. 1 showing details of the subway carrying Victoria Ave. across right of way of the C.P.R. Co., Montreal, P.Q., in lieu of Plan No. 57-503, which was approved under Order 97551.
- 97938 May 19—In the matter of the application of the C.N.R. for an Order extending the time within which they are required by Order 96190 to install two flashing light signals, two short arm gates and one bell at the crossing of their railway and McGuires crossing, N.S., mileage 16.02, Bedford Subd.
- 97939 May 19—Dismissing the application of the C.N.R. for authority to remove the station agent and appoint a caretaker commission agent at Rochester, Alta.
- 97930 May 19—Authorizing the Sask. Dept. of Highways and Transportation to widen Highway No. 18 across the C.N.R. at mileage 19.2 Northgate Subd.
- 97941 May 19—Permitting the removal of slow order at C.N.R. crossing at mileage 20.3, Harte Subd., Man.
- 97942 May 19—Permitting the removal of slow order at C.N.R. crossing of Provincial Highway No. 3, west of station at St. Francois du Lac, P.Q.
- 97943 May 19—Approving location of special design station proposed to be erected by C.N.R. at Thompson, Man.
- 97944 May 19—Requiring the C.P.R. Co. to install certain protection at the crossing of Beech St., Ottawa, Ont.
- 97945 May 20—Approving under the Maritime Freight Rates Act tolls published in Tariff filed by the C.N.R. under section 3.
- 97946 May 20—Authorizing the Twp. of Essa to improve the sight lines at the C.N.R. crossing at mileage 72.27, Milton Subd.

- 97947 May 20—Requiring the C.N.R. to install certain protection at the crossing of Highway No. 4 west of St. Thomas, Ont., mileage 2.61, Chatham Subd.
- 97948 May 20—Requiring the C.N.R. to install certain protection at the crossing of Water Street, Newmarket, Ont., mileage 33.55, Newmarket Subd.
- 97949 May 20—Authorizing the C.N.R. to make certain signal changes at the south portal of the Mount Royal Tunnel, Montreal, P.Q.
- 97950 May 20—Requiring the C.N.R. to install certain protection at the crossing of Frontenac St., City of St. Johns, P.Q., mileage 25.00 Rouses Point Subd.
- 97951 May 20—Requiring the C.N.R. to install certain protection at the crossing of Laurier St., City of St. Jean, P.Q., mileage 24.85 Rouses Point Subd.
- 97952 May 21—In the matter of Order No. 92541, dated Sept. 23, 1957, authorizing C.P.R. Co. to reconstruct and lengthen the bridge over the highway in the south half of Sec. 18, Twp. 46, Rge. 3, W5M., Alta., mileage 57.5, Hoadley Subd.
- 97953 May 21—In the matter of filing of tariffs by The B.T.C. of Canada.
- 97954 May 21—In the matter of the application of Canada Steamship Lines Ltd., for an Order extending the eastern limits of operation of certain of its licensed vessels from Prescott, Ont., to the west end of the Island of Orleans.
- 97955 May 21—Authorizing Triad Oil Co. Ltd., to construct a private road over the pipeline of Westcoast Transmission Co. Ltd., Peace River District, B.C.
- 97956 May 21—Permitting the removal of slow order at C.N.R. crossing at mileage 104.8, Yale Subd., B.C.
- 97957 May 21—Authorizing the C.N.R. to operate under the overhead bridge in the Twp. of Ops, Ont., mileage 85.19, Campbellford Subd.
- 97958 May 21—Authorizing the Saskatchewan Power Corporation to construct a gas main across the company pipelines of Interprovincial Pipe Line Co., in the Prov. of Sask.
- 97959 May 21—Approving under the Maritime Freight Rates Act tolls published in tariff filed by the C.P.R. Co. under section 8.
- 97960 May 21—Permitting the removal of slow order at C.N.R. crossing at Hwy. No. 17, west of station at Carp, Ont., mileage 20.11 Renfrew Subd.
- 97961 May 21—Permitting the removal of slow order at C.P.R. crossing of Bridge St., Almonte, Ont., mileage 23.98, Chalk River Subd.
- 97962 May 21—In the matter of the application of C.N.R. on behalf of Imperial Oil Ltd., for approval of flammable liquid bulk storage facilities at St. Boniface, Man., mileage 150.49, Sprague Subd., Winnipeg Terminals.
- 97963 May 21—In the matter of Order No. 73937, dated Feb. 8, 1950, approving facilities of the Supreme Refineries Ltd. for the handling and storage of flammable liquids near the tracks of the C.P.R., Ogdén, Alta.
- 97964 May 21—In the matter of Order No. 67081, dated March 2, 1946, approving location of facilities of Imperial Oil Ltd., near the tracks of C.P.R. Co., at Hagen, Sask.
- 97965 May 21—In the matter of Order No. 63470, dated Apr. 15, 1943, approving location of facilities of Imperial Oil Ltd., near the tracks of C.P.R. Co., Linacre, Sask.
- 97966 May 21—In the matter of Orders Nos. 72381 and 68801, dated respectively, May 11, 1949 and Apr. 8, 1947, approving location of facilities of Norwich Co-Operative Ltd., near the C.N.R. at Norwich, Ont.
- 97967 May 21—In the matter of Order No. 64266, dated Dec. 4, 1943, approving location of facilities of North Star Oil Ltd., near C.P.R. Co. at Fife Lake, Sask.

- 97968 May 21—In the matter of Order No. 55882, dated May 10, 1938, approving location of facilities of British American Oil Co. Ltd., near the C.P.R. Co. at Wood Mountain, Sask.
- 97969 May 21—In the matter of Order No. 66015, dated May 17, 1945, approving location of facilities of Imperial Oil Ltd., near the C.P.R. Co. at McMahon, Sask.
- 97970 May 21—Requiring the C.P.R. Co. to install certain protection at the crossing of Hwy. No. 36 near Killam, Alta., mileage 25.56, Wetaskiwin Subd.
- 97971 May 21—Requiring the C.N.R. to install certain protection at the crossing of Joliette St., Montreal South, P.Q., mileage 2.18 Sorel Subd.
- 97972 May 21—Requiring the C.N.R. to install certain protection at the crossing of Hwy. No. 36, Two Hills, Alberta, mileage 87.66, Willingdon Subd.
- 97973 May 21—In the matter of the application of The Express Traffic Assoc. of Canada for approval of proposed Supplement No. 11 to Express Classification for Canada No. 9.
- 97974 May 21—In the matter of the application of the C.N.R. for an Order extending the time within which they are required by Order No. 96440, dated Nov. 28, 1958, to install automatic protection at the crossing of their railway and McCowan Road, mileage 323.63 Oshawa Subd., Ont.
- 97975 May 21—In the matter of the application of Canada Steamship Lines Ltd., for an Order extending the eastern limits of operation of certain of its licensed vessels from Prescott, Ont., to the west end of the Island of Orleans.
- 97976 May 21—Authorizing the Twp. of Balfour, Ont., to improve the approaches to the highway crossing of the C.P.R. at mileage 93.7 Cartier Subd.
- 97977 May 21—In the matter of the application of the C.N.R. for an Order extending the time within which they are required by Order No. 96139 dated Oct. 31, 1958, to install two flashing light signals and one bell at the crossing of their railway and Windsor Junction Road at mileage 1.78, Dartmouth Subd., N.S.
- 97978 May 21—In the matter of Order No. 90814 dated Jan. 28, 1957, authorizing C.P.R. and C.N.R. to install improved protection at the crossings of their railways and Lawrence Ave., near Weston Stn., in the Munic. of Metro. Toronto, Ont.
- 97979 May 22—Authorizing the Northland Utilities Ltd. to construct a gas main over the company pipeline of the Trans-Mountain Oil Pipe Line Co. in the Prov. of Alberta.
- 97980 May 22—In the matter of the application of C.N.R. on behalf of Imperial Oil Ltd., for approval of flammable liquid bulk storage facilities at Sillery, P.Q., Champlain Subd.
- 97981 May 22—In the matter of the application of the Village of Amqui, P.Q., for the installation of automatic protection at the crossing of the highway and the C.N.R. Village of Amqui, P.Q., mileage 60.82, Matapedia Subd.
- 97982 May 22—Requiring the C.P.R. to install certain protection at the crossing of Dollard St., LaSalle, P.Q.
- 97983 May 22—Authorizing Northland Utilities Limited to construct a gas main under the company pipeline of Trans Mountain Pipe Line Co., in the Prov. of Alberta.
- 97984 May 22—Authorizing Sask. Power Corp. to construct an aerial transmission line over the company pipeline of Trans Canada Pipeline Ltd., in the Prov. of Sask.
- 97985 May 22—Authorizing the Munic. Corp. of Fort Coulonge, P.Q., to construct a highway across the C.P.R. in the Twp. of Mansfield, County of Pontiac, P.Q., at mileage 66.26, Waltham Subd.
- 97986 May 22—In the matter of the application of C.N.R. for authority to remove the station agent at Port Hastings, N.S.

- 97987 May 22—In the matter of the application of C.P.R. Co. for authority to remove the caretaker at Beresford Stn., Man.
- 97988 May 22—Authorizing the C.P.R. Co. to remove the caretaker and close the station at Larchwood, Ont.
- 97989 May 22—Authorizing the C.P.R. to remove the station building at Byng Inlet, Ont.
- 97990 May 22—Authorizing the C.P.R. to remove the caretaker at Uren, Sask.
- 97991 May 22—Authorizing the C.P.R. to remove the station agent at Verlo, Sask.
- 97992 May 22—Requiring the Sydney and Louisbourg Railway Co. to install certain protection at Mackie's crossing in Gardiner Mines, N.S.
- 97993 May 22—Authorizing the C.P.R. to construct the highway across its right-of-way at mileage 130.46, Nemegos Subd., Ont.
- 97994 May 22—In the matter of the application dated May 13, 1959, from the C.P.R. Co. on behalf of The British American Oil Co. Ltd., for approval of its flammable liquid bulk storage facilities at Penticton, B.C., Carmi Subd.
- 97995 May 22—Authorizing the C.P.R. to construct an industrial spur track along the lane across Jessop Ave., Saskatoon, Sask.
- 97996 May 22—Authorizing Northland Utilities Limited to construct a gas main across the company pipeline of the Trans-Mountain Oil Pipe Line Co., Province of Alberta.
- 97997 May 22—Authorizing Northland Utilities Limited to construct a gas main across the company pipeline of Trans Mountain Oil Pipe Line Co., Province of Alberta.
- 97998 May 22—In the matter of the application of the Yellowknife Transportation Co. Ltd., under section 18 of the Transport Act, for approval of Standard Freight Tariff C.T.C. No. 22.
- 97999 May 22—Approving under the Maritime Freight Rates Act tolls published in certain tariffs filed by the C.N.R. under section 3.
- 98000 May 22—In the matter of the application dated May 13, 1959, from the C.P.R. Co. on behalf of The British American Oil Co. Ltd. for approval of its flammable liquid bulk storage facilities at Port Alberni, B.C., Port Alberni Subd.
- 98001 May 22—Permitting the removal of slow order at C.P.R. crossing at Acres Side Road, mileage 6.25 Carleton Place Subd., Ont.
- 98002 May 22—In the matter of filing of tariffs by C.N. Telegraphs.
- 98003 May 22—Permitting the removal of slow order at C.N.R. crossing of Riverside Drive, Ottawa, Ont., mileage 133.75, Alexandria Subd.
- 98004 May 25—Requiring the C.P.R. to install certain protection at the crossing of Grey St., Winnipeg, Man.
- 98005 May 25—In the matter of the application dated May 13, 1959 from the C.P.R. on behalf of The British American Oil Co. Ltd., for approval of its proposed flammable liquid bulk storage facilities at Port Moody, B.C., mileage 118.25, Cascade Subd.
- 98006 May 25—Permitting the removal of slow order at C.P.R. crossing County Road No. 9, north of the Town of Bolton, Ont., mileage 22.85 MacTier Subd.
- 98007 May 25—Requiring the C.N.R. to install certain protection at the crossing of Hwy. No. 32, Upton, P.Q., mileage 26.43, St. Hyacinthe Subd.
- 98008 May 25—Requiring the C.N.R. to install certain protection at the crossing of St. Roch Road, Tracy, P.Q., mileage 43.69, Sorel Subd.
- 98009 May 25—Authorizing the C.N.R. to operate under the overhead bridge in the Twp. of Ops, Ont., at mileage 1.82, Uxbridge Subd.

- 98010 May 25—In the matter of the application of the C.P.R. for an Order extending the time within which it is required by Order 96309 to install two flashing light signals and one bell at the crossing of its railway and Hwy. 9, west of Orangeville, Ont., mileage 1.42, Owen Sound Subd.
- 98011 May 25—In the matter of the application of C.N.R. for an Order extending the time within which they are required by Order No. 96400, dated Nov. 27, 1958, to install automatic protection at the crossing of their railway and D'Arcy Corner Farnham Road, at D'Arcy Corner, P.Q., mileage 35.95, Granby Subd.

# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

Vol. XLIX

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No. 7

This publication is issued fortnightly, on the 1st and 15th of each month. Annual subscription, \$3.00; single numbers, 20 cents; in quantities, 25 per cent discount. Remittances should be made to the Queen's Printer, Ottawa, by postal money order, express order or accepted cheque. The use of currency for this purpose is contrary to the advice of the postal authorities and entails a measure of risk. Postage stamps, foreign money or uncertified cheques will not be accepted. No extra charge is made for postage on documents forwarded to points in Canada and in the United States, but cost of postage is added to the selling price when documents are mailed to other countries. Early application should be made for copies in quantities. Subscriptions should be sent, in every case, to the Queen's Printer, Ottawa.

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*In the matter of the application of Canadian National Railway Company (hereinafter called "the Applicant"), dated July 30, 1958, for authority to divert a portion of its line between mileage 10.2 near Dorval, P.Q., and mileage 7.6, near Lachine, P.Q., and to cross certain highways including 55th Avenue in the City of Lachine;*

and

*In the matter of the application of the City of Lachine, dated May 4, 1959 for construction of an overpass in the vicinity of 34th Avenue in the City of Lachine in lieu of subways at 55th Avenue, and for closing of the 55th Avenue crossing, and for transfer to the said overpass of the contribution directed in Board's Order No. 97883, dated May 13, 1959 towards the cost of construction of the said subways at 55th Avenue;*

and

*In the matter of the said Order No. 97883.*

Files Nos. 27156, 394 and 48765

Before:

ROD KERR, Q.C., Chief Commissioner.

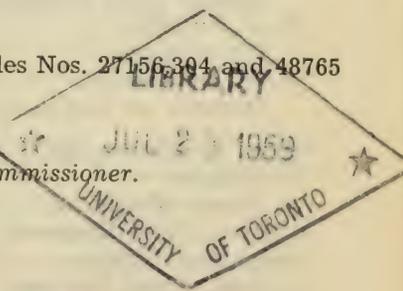
A. SYLVESTRE, Q.C., Deputy Chief Commissioner.

L. J. KNOWLES, Commissioner.

### JUDGMENT

BY THE BOARD:

By its Order No. 97883, the Board in effect authorized the Applicant to divert a portion of its railway line and to carry the said diverted line across 55th Avenue, in the City of Lachine, and to construct a subway under the diverted line at 55th Avenue and a subway under the railway of Canadian Pacific Railway Company as it may be diverted at 55th Avenue.



However, the City of Lachine by its application dated May 4, 1959 proposed that in lieu of the construction of the subways at 55th Avenue there be constructed an overpass (overhead bridge) to carry a proposed highway across the railway lines in the vicinity of 34th Avenue, in the City of Lachine, and that the existing crossing of the railway and 55th Avenue be closed. This proposal involved the construction of new highways in Lachine where no highways now exist. Owing to that application (formally filed at a date when the Board was about to issue its said Order No. 97883, although the Board was aware for some time prior thereto that the City of Lachine was considering the substitution of the overpass in the vicinity of 34th Avenue for the proposed subways at 55th Avenue) the Board included paragraph 7, as follows, in its Order:

"7. That, having regard to the application of the City of Lachine dated May 4, 1959 for a grade separation in the vicinity of 34th Avenue in lieu of subways at 55th Avenue, prior to the preparation of detailed plans for construction of the subways at the said 55th Avenue, the Canadian National Railways, the City of Lachine, Province of Quebec, the Canadian Pacific Railway Company and any other party interested will consider the possibility of locating the proposed grade separations at a more advantageous location and closing the existing level crossing at 55th Avenue, file submissions as to location of the grade separations with the Board for final Order on or before June 1, 1959, and failing agreement among the parties the question of location will be decided by the Board. Unless the Department of Roads of the Province of Quebec specifically consents to the construction of a grade separation in the vicinity of 34th Avenue, in lieu of subways at 55th Avenue, the said Department of Roads shall not be bound to contribute towards the cost of a grade separation in the vicinity of 34th Avenue."

The parties did not agree as to the location of the grade separations and the Board consented to meet with them at Ottawa on June 3, 1959 at a conference to hear their views, discuss the matter with them in an endeavour to resolve the differences between them and be in a position, if possible, to determine the question of location of the grade separations. The following were present at the conference:

Rod Kerr, Q.C., Chief Commissioner,	}	for the Board
A. Sylvestre, Q.C., Deputy Chief Commissioner,		
L. J. Knowles, Commissioner,		
J. E. Dumontier, Director of Engineering,		
Hon. L. Methot, Q.C., Counsel	}	for the Quebec Department of Roads.
J. Omer Martineau, Asst. Chief Engineer,		
Alphonse Gratton, Asst. Chief Engineer,		
Philippe Ewart, P. Eng., Traffic Engineer,		
Jacques Viau, Q.C., City Attorney,	}	for the City of Lachine, Que.
A. J. Deslauriers, City Engineer,		
René Laberge, City Manager,		

G. C. Shaw,	for Bishop Products Limited.
C. L. Ware	for Canadian Motorways Limited, and Motorways (Que.) Ltd.
Hazen Hansard, Q.C.,	for Drummond, McCall & Co. Limited, and Sultana Limited.
H. G. Seybold,	for Drummond, McCall & Co. Limited.
K. D. M. Spence, Q.C., and G. E. Shaw,	} for Canadian Pacific Railway Company.
J. W. G. Macdougall, Q.C., and L. E. Mitchell,	} for Canadian National Railways.
M. Amborough,	for Sultana Limited and Reckitt & Colman (Canada) Limited.
J. E. Davis,	for Sultana Limited and Reckitt & Limited.
Guy Pager, Counsel, R. A. Leblanc, City Manager, R. John Pratt, M.P., Mayor,	} for the City of Dorval, P.Q.

Meanwhile, letters objecting to the proposed closing of 55th Avenue crossing were received by the Board from Canadian Motorways Limited, Canadian Pacific Railway Company, Sultana Limited, Drummond, McCall & Co. Limited and Bishop's Products, Limited. The objections contained in the letters were repeated at the conference.

55th Avenue is a very old highway located in part along the boundary between the City of Lachine and the City of Dorval. The representatives of the City of Dorval described it as a highway used in common by the two cities, and the Board regards it as such. The Board also finds that the general public and industry of considerable size find it convenient and even necessary to use the 55th Avenue crossing and that they would be inconvenienced and put to additional expense if the crossing were closed. On behalf of the City of Dorval, it was stated that the closing of the 55th Avenue crossing would be detrimental to the public.

Canadian Pacific also objected to the closing of the 55th Avenue crossing. The Agreement entered into between Canadian Pacific and Canadian National in the lengthy negotiations that preceded Order No. 97883 was made, in the view of Canadian Pacific, to enable the City of Lachine to have the Canadian National line diverted from its present location through the city and the Agreement contained provision for grade separation at 55th Avenue. Canadian National's plan for diversion of its line in Lachine involves relocation of Canadian Pacific's line crossing 55th Avenue and the taking over by Canadian National of the Canadian Pacific right-of-way there. Canadian Pacific stated that if that grade separation is not to be proceeded with, it will not be bound by the Agreement and will not consent to move from its present location which has the advantages that the 55th Avenue crossing gives.

The Department of Roads of the Province of Quebec indicated that it does not object to the relocation of grade separations proposed by the City of Lachine but that it does not prefer either location over the other. In the case of either location its consent was clearly made subject to certain conditions that need not be set forth here.

Canadian National did not favour one location over the other but urged that time is of the essence in getting on with its whole project of relocating its lines and that if a grade separation is to be built at 55th Avenue an immediate start on such work is essential if the entire project is not to be unduly delayed.

The City of Lachine urged that an overpass has advantages over a subway; that the section of Lachine north of the tracks is developing rapidly and the proposed overpass will be a permanent and final solution to gear with the development of the whole section of Cote de Liesse Road situated either within Dorval, St. Laurent or Lachine; that a grade separation in the vicinity of 34th Avenue will be more central for the whole area of Cote de Liesse Road and will be at a reasonable distance from the existing underpass at Dorval Station; and that the existing level crossing at 55th Avenue may be closed without any inconvenience, due to the vicinity of the existing underpass at Dorval Station and the proposed new roads and overpass.

Upon consideration of all the facts and submissions and the views of the interested parties, the Board has determined that it would not be justified at this time in directing the closing of the 55th Avenue crossing and thereby cause the inconvenience and obstruction to traffic that would result from such closing; and it affirms its authorization in Order No. 97883 to construct subways at 55th Avenue and its directions as to contribution from The Railway Grade Crossing Fund towards the cost thereof. The Board is not prepared to direct a contribution from the Fund towards the cost of construction of the proposed overpass near 34th Avenue in lieu of, or in addition to, contributions towards the subways at 55th Avenue. Contribution from the Fund towards the cost of construction of the overpass was a basic condition of the application for the overpass. The Board therefore declines to grant the application.

An Order will accordingly issue to dismiss the said application of the City of Lachine and to delete paragraph 7 from Order No. 97883.

ROD KERR,

A. SYLVESTRE,

L. J. KNOWLES.

JUNE 5, 1959.

## ORDER No. 98115

*In the matter of the application of the Canadian National Railways dated July 30, 1958 for authority to divert a portion of its line between mileage 10.2 near Dorval, P.Q., and mileage 7.6 near Lachine, P.Q., and to cross certain highways including 55th Avenue in the City of Lachine;*

*and*

*In the matter of the application of the City of Lachine dated May 4, 1959 for construction of an overpass in the vicinity of 34th Avenue in the City of Lachine, in lieu of subways at 55th Avenue, and for closing of the 55th Avenue crossing, and for transfer to the said overpass of the contribution directed in Board's Order No. 97883 dated May 13, 1959 towards the cost of construction of the said subways at 55th Avenue;*

*and*

*In the matter of the said Order No. 97883:*

Files Nos. 27156.304 and 48765

FRIDAY, the 5th day of June, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

*Pursuant to the Judgment herein, dated June 5, 1959, it is hereby ordered as follows:*

1. The said application of the City of Lachine is dismissed.
2. The said Order No. 97883 is amended by deleting paragraph 7 therefrom.

ROD KERR,  
*Chief Commissioner.*

## ORDER No. 98150

*In the matter of Uniform Classification of Accounts approved by Order No. 96404, dated November 27, 1958:*

File No. 45464.2

TUESDAY, the 9th day of June, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

H. H. GRIFFIN, *Assistant Chief Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

The "Uniform Classification of Accounts for Class I Common Carriers by Railway" approved and prescribed by the said Order is amended by cancelling item 26 "Communication systems", on pages 22 and 23, and substituting therefor the following, effective January 1, 1959:

"26. Communication systems.

A. FOR CLASS I CARRIERS

Outside Plant

Buildings—Units of property in accordance with units set forth for primary account No. 16, Station and office buildings.

A complete section of pole line, including crossarms, wires and appurtenances. (This to comprise section of less than 1 mile where complete replacement of facilities involved, subject, of course, to the application of the minimum rule.)

Each pole including guys and anchors installed in programme work. (Labour installing poles to be capitalized while labour removing old poles to be charged expenses.)

A complete tower.

Each crossarm including braces, lag screws and wood pins installed in programme work.

Each mile of one wire including insulators, steel pins and transposition brackets.

A section of 500 feet of cable including strands, clamps, supporting rings, wire and terminals. Cables comprise aerial, underground, buried, submarine and house cable.

Each loading system.

Each mile or complete installation of conduit with manholes and other associated parts.

Each complete installation of pneumatic tubes.

Inside Plant

Terminal (carrier, telephone, etc.) switching equipment, telephone or telegraph switchboard and other similar equipment—A complete bay with or without associated equipment.

A repeater unit (carrier, voice, telegraph, etc.) with or without associated equipment.

Each telex, teletype, facsimile or ticket and other similar transmitting or receiving equipment.

A concentrator unit (telegraph, telex, etc.) with or without associated equipment.

Each operating key position for airways traffic control, or other similar purposes.

Each station installation for airways traffic control, or other similar purposes.

Each operating unit of assignment apparatus.

Each network terminal or repeater for programme transmission including associated equipment.

Radio:

Each one-way radio channel terminal with modulating or demodulating equipment.

Each one-way radio channel repeater with intermediate frequency and modulating or demodulating equipment.

Each antenna and associated transmission line.

Traffic switching systems—Torn tape or similar systems:

Each receiving unit (position)

Each sending unit (position)

Each selector unit and associated equipment.

Traffic switching systems—Reperforator or similar systems:

One complete cabinet, regardless of contents, i.e., receiver concentrator or director—Directing equipment.

One complete cabinet—Sending equipment.

A complete switching system.

Each unit of testing equipment, fixed or portable.

Power plant equipment:

Each battery installation

Each charging unit

Each discharging unit

Each engine generator set and associated equipment.

Each unit of work equipment:

Cable layers

Post hole diggers

Vehicles

Shop equipment

Experimental equipment, etc.

#### B. FOR OTHER THAN CLASS I CARRIERS

A complete mile section or complete installation if less than a mile of pole line including crossarms, wires and appurtenances.

Each mile or complete installation of cable with associated parts.

Each mile or complete installation of conduit with associated parts.

A complete tower.

A complete installation at each location constituting a separate means of communication, such as radio, radar, carrier telephone, teletype, or other communication systems.

For additional items see account No. 16, "Station and office buildings".

H. H. GRIFFIN,

*Assistant Chief Commissioner,*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 98012 May 26—Approving under the Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Section 3.
- 98013 May 26—In the matter of the application of the Bell Telephone Company of Canada for approval of Supplement to Service Station Contract between it and the Township of London.
- 98014 May 27—Authorizing the C.N.R. to remove the caretaker at Glenora, Manitoba.
- 98015 May 27—In the matter of the application of the C.N.R. for authority to remove the station agent at Willowbrook, Sask.
- 98016 May 27—In the matter of Order No. 81090, dated March 27, 1953, approving the location of facilities of Canadian Oil Companies Limited for the handling and storage of flammable liquids near the tracks of the C.N.R. at Wadena, Sask.
- 98017 May 27—Authorizing the C.P.R. to remove station shelter at Victoria Mine, Ont.
- 98018 May 27—Permitting the removal of slow order at C.N.R. crossing of Lorne Ave., Nutana, Sask.
- 98019 May 27—Authorizing the C.P.R. to remove the caretaker-agent and appoint a caretaker at Mascouche, Que.
- 98020 May 27—Authorizing the Public Utilities Commission of the City of London, Ont., to construct a water main under the tracks of the C.N.R. at Hyde Park Road, London, Ont.
- 98021 May 27—In the matter of the application of the C.N.R. for exemption from installing an electric lock on the main track switch of the siding serving Allied Building Products at mileage 10.7, Beachburg Subd., Ont.
- 98022 May 27—In the matter of Order No. 74178, dated March 23, 1950, approving the location of facilities of Delisle Co-operative Association Limited for the handling and storage of flammable liquids near the tracks of the C.N.R. at Delisle, Sask.
- 98023 May 27—Permitting the removal of slow order at C.N.R. crossing east of station at Delia, Alta.
- 98024 May 27—Requiring C.P.R. to install certain protection at the crossing of County Road No. 3 near Drumbo, Ont.
- 98025 May 27—Requiring the C.P.R. to install certain protection at the crossing of County Road No. 4 at Innerkip, Ont.
- 98026 May 27—Requiring C.P.R. to install certain protection at crossing of County Road No. 29 at Drumbo, Ont.
- 98027 May 26—Approving details of the new station proposed to be erected by C.N.R. at A Ma Baie, P.Q.
- 98028 May 26—Approving details of the new station proposed to be erected by the C.N.R. at Roxboro, P.Q.
- 98029 May 27—In the matter of the application of Canada Steamship Lines Limited for a licence under Section 10 of the Transport Act.
- 98030 May 27—Authorizing the C.N.R. to remove the station agent at Weir, P.Q., during certain months of the year and to appoint a caretaker in lieu thereof.
- 98031 May 27—Authorizing the Sask. Power Corporation to construct a transmission line over the company pipe line of Trans-Canada Pipe Lines Limited, in the Province of Sask.
- 98032 May 27—In the matter of the application from the Chesapeake and Ohio Railway Company on behalf of Imperial Oil Limited for approval of its flammable liquid bulk storage facilities at Windsor, Ont., Canadian Division, Subdivision No. 1.
- 98033 May 27—Authorizing the Village of St. Anselme, P.Q., to widen Pont Morrisette Street at grade across the tracks of the Quebec Central Railway Co., mileage 13.39, Levis Subdivision.
- 98034 May 27—Authorizing the C.N.R. to operate its trains under the overhead bridge carrying Ritson Road across its right of way in the City of Oshawa, Ont.

- 98035 May 27—In the matter of the application of the Department of Highways of the Province of Newfoundland for approval of plan showing details of the overhead bridge carrying Trans-Canada Highway across C.N.R. at mileage 40.5 St. John Subdivision.
- 98036 May 27—In the matter of the application of the C.P.R. on behalf of British American Oil Company Limited, for approval of flammable liquid bulk storage facilities at Kelowna, B.C., Okanagan Subdivision.
- 98037 May 28—Permitting the removal of slow order at C.N.R. crossing at mileage 123.44, Touchwood Subdivision, Sask.
- 98038 May 28—In the matter of regulations for the transportation of dangerous commodities by rail.
- 98039 May 28—Requiring the C.N.R. to install certain protection at the highway No. 4 crossing at Brysonville, P.Q.
- 98040 May 28—In the matter of Order No. 66357, dated August 10, 1945, approving the location of two underground storage tanks at Maple Leaf Petroleum Limited near the tracks of the C.P.R. at Dewberry, Alta.
- 98041 May 29—Approving under the Maritime Freight Rates Act tolls published in Agreed Charge Tariff of the C.F.A. under Sections 3 and 8.
- 98042 May 29—In the matter of the application of the C.P.R. for authority to remove the station agent at Fairy Glen, Sask.
- 98043 May 29—In the matter of the application of the C.N.R. for authority to remove the station agent at Beulah, Man.
- 98044 May 29—In the matter of the application of the C.P.R. for authority to remove the caretaker at Unwin, Sask.
- 98045 May 29—Authorizing the Chesapeake and Ohio Railway Company to operate over the diversion of its line in the Town of Wallaceburg, Ont.
- 98046 May 29—In the matter of the application of Northern Alberta Railways Company on behalf of British American Oil Company Limited, for approval of flammable liquid bulk storage facilities at Eaglesham, Alta.
- 98047 May 29—In the matter of Plans Nos. 1 to 16, dated March 31, 1959, showing details of the overhead bridge near Folly Lake, Colchester County, in the Province of Nova Scotia, mileage 25.1, Springhill Subdivision.
- 98048 May 29—In the matter of the application of Canadian Industries Limited, for an Order amending Order No. 97270, dated March 3, 1959, respecting regulation for the Transportation of Dangerous Commodities by Rail.
- 98049 May 29—In the matter of protection at the crossing of Jefferson Avenue and the C.N.R. in the County of Essex, Province of Ontario, mileage 2.04 Chrysler Spur.
- 98050 May 29—Permitting the removal of slow order at C.N.R. crossing of Victoria Street, Sorel, P.Q.
- 98051 June 1—In the matter of the application of British Columbia Department of Highways for an Order extending the time in which the temporary crossing of the highway and the railway of the C.P.R. at mileage 24.25 Cascade Subdivision may be open for use by the public.
- 98052 June 1—Approving clearances on the C.P.R. siding serving the Howell Forwarding Quebec Limited, Montreal, P.Q.
- 98053 June 1—Authorizing the Alberta Department of Highways to widen Highway No. 28-B-1 where it crosses C.N.R. at mileage 65.46, Coronado Subdivision.
- 98054 June 1—In the matter of the application of the C.N.R. for an Order extending the time within which they are required by Order No. 94403, dated May 23, 1958, to install automatic protection at the crossing of their railway and Peppett Street in the Town of North Sydney, Province of Nova Scotia, mileage 99.10 Sydney Subdivision.
- 98055 June 1—Authorizing the C.N.R. to remove the caretaker at Peffers, Ont.
- 98056 June 1—Authorizing the C.N.R. to discontinue passenger train service provided by Trains Nos. 216 and 217 between Hawkesbury and Glen Robertson, Ont.
- 98057 June 1—In the matter of the application of the Province of Ontario for synchronization of traffic signals at intersection of Island Park Drive and Scott Street with the highway crossing signals at Island Park Drive and C.P.R., in the City of Ottawa, Ont.

- 98058 June 1—In the matter of the allocation of cost of reconstruction and future maintenance of the overhead bridge carrying County Road No. 25 across the C.P.R. in the Townships of East Wawanosh and Hullett, all in the Province of Ont.
- 98059 June 1—In the matter of Order No. 78498, dated March 11, 1952, approving the location of facilities of Hydro Electric Power Commission of Ontario, for the handling and storage of flammable liquids near the right of way of the C.N.R. at Niagara Falls, Ont.
- 98060 June 1—Authorizing the Alberta Department of Highways to relocate Highway No. 21 where it crosses the C.N.R. at mileage 17.41 Camrose Subdivision.
- 98061 June 1—Authorizing the Township of Chilliwack to widen Young Road South where it crosses the C.N.R. at mileage 71.94 Yale Subdivision.

The Board of  
**Transport Commissioners for Canada**

**Judgments, Orders, Regulations and Rulings**

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No. 8

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GENERAL ORDER No. 841

*In the matter of Regulations governing the design, location, construction and operation of stationary bulk storage facilities for liquefied petroleum gases:*

File No. 40513

MONDAY, the 27th day of April, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*  
H. H. GRIFFIN, *Assistant Chief Commissioner.*  
H. B. CHASE, C.B.E., *Commissioner.*

*It is hereby ordered as follows:*

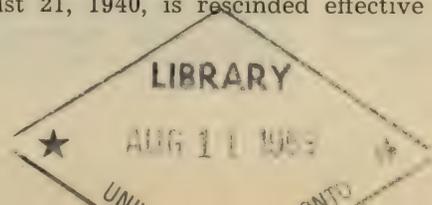
1. The following regulations entitled "Regulations Respecting Liquefied Petroleum Gases" govern the design, location, construction and operation of stationary bulk storage facilities for liquefied petroleum gases on the right of way owned or leased by any railway company subject to the jurisdiction of the Board.

2. (1) These regulations apply to new installations and additions or changes to existing installations;

(2) Notwithstanding the provisions of subsection (1) of this section, installations previously approved by an Order of this Board shall be operated in accordance with the regulations herein prescribed and, if ordered by the Board, shall also be made to conform to those parts of these regulations pertaining to location, construction and design.

3. These Regulations shall come into force on the 1st day of July, 1959.

4. General Order No. 597, dated August 21, 1940, is rescinded effective July 1, 1959.



## REGULATIONS RESPECTING LIQUEFIED PETROLEUM GASES

## PART I

## DEFINITIONS

## 1. In these regulations:

(1) Owing or operating company means the person or company owning or operating the installation, erected with leave of the Board granted upon application made therefor by the railway company concerned, on behalf of such person or company.

(2) Liquefied petroleum gases are gases derived from petroleum or natural gas. They are in the gaseous state at normal atmospheric temperature and pressure, but may be maintained in a liquid state by the application of moderate pressure. The following gases are those most commonly handled as liquefied petroleum gases: Propane, normal Butane, Propylene, Isobutane, Butylenes.

(3) The term "design pressure" is synonymous with the term "maximum allowable working pressure" as used in the A.S.M.E. Boiler and Pressure Vessel Code for Unfired Pressure Vessels.

(4) The word "shall" is used to indicate mandatory regulations. The word "should" is used to indicate recommendatory regulations.

(5) Main Track means a track extending through yards and between stations upon which trains are operated by timetable or train order, or both, or the use of which is governed by block signals or other method of control.

(6) Private Track means a track outside of carrier's right of way, yard and terminals, and of which the carrier does not own either the rails, ties, roadbed or right of way; or a track or portion of a track which is devoted to the purpose of its user, either by lease or written agreement, in which case the lease or written agreement is considered as equivalent to ownership.

(7) Team Track means a track on railway property which is used for loading and unloading purposes by more than one company or person.

(8) Filling density means the percentage figure obtained when the maximum weight of Liquefied Petroleum Gas that may be in the container is divided by the water weight capacity of the tank and the result is multiplied by 100. All capacities shall be measured at a liquid temperature of 60°F.

## PART II

## APPLICATIONS TO THE BOARD

Exemptions.

2. This part does not apply with respect to installations with a total storage capacity not exceeding 2,000 Imperial gallons of water measured 60°F., if such installations otherwise comply with all other applicable requirements of these regulations.

Leave of the Board required.

3. No person shall begin the construction of storage facilities for liquefied petroleum gases without leave of the Board granted upon an application made therefor, through the railway company concerned.

Application to be accompanied by Plan and Profile.

4. The application shall be submitted to the Secretary of the Board together with four copies of all drawings, including plans and profiles, which shall comply with the requirements of sections 5, 6, 7, 8, 9 and 10.

5. The plan shall be drawn to a scale of not less than 50 feet to 1 inch and the profile to a scale of not less than 20 feet to 1 inch.

Scale of  
plan and  
profile.

6. All drawings shall be dated and bear an identification number and the name of the applicant.

Identifica-  
tion of  
drawing.

7. The plan shall show the distances between:

Distances to  
be shown on  
Plan.

(1) The loading or unloading rack or point and:

(a) The gauge side of the nearest rail of the loading or unloading track;

(b) Schools; stations; residential areas; hospitals and other similar places of public assembly within 250 feet of the said loading or unloading rack or point;

(c) All engine houses; railway shops; grain elevators and other similar buildings within 150 feet of the said loading or unloading rack or point.

7. (2) The center line of the loading or unloading track and

(a) The gauge side of the nearest rail of main track; and

(b) The gauge side of the nearest rail of the nearest adjacent track not serving the installation.

(3) The storage tanks and:

(a) Other storage tanks; pumphouses; warehouses; loading and unloading racks; and other structures on the site;

(b) Line of adjoining property;

(c) Gauge side of nearest rail of closest track;

(d) Gauge side of nearest rail of main track;

(e) Stations; schools; residential areas; hospitals, or other similar places of public assembly within 450 feet of the said storage tanks; and

(f) All engine houses; railway shops; grain elevators or other similar buildings within 250 feet of the said storage tanks.

8. (1) The profile shall show the elevation of the installation in relation to the loading and unloading track and any main track within 200 feet of the nearest tank on the said installation.

Distances to  
be shown on  
Profile.

(2) A second profile is required where it is necessary

(a) to show the direction of drainage from the site; or

(b) to give a clear picture of major features of the installation.

9. The drawing shall show the location of the railway right-of-way; property fences; dykes; pipe lines under roadways or railways; sewers; ditches; watercourses; highways and other **similar** structures that are on the installation **site**.

Location of  
right-of-way,  
etc., to be  
shown.

10. The "Notes" or "Legend" on the drawing shall include the following information:

Drawing  
Notes  
or Legend.

(1) Evidence that the Provincial Fire Marshal or other authority having jurisdiction in the surrounding area has no objection to the proposed installation. This evidence may take the form of a plan signature by the authority concerned, or of a letter addressed to the owning or operating company by such authority.

(2) A statement that the storage tank and vapourizer design shall be approved by the Pressure Vessel Inspection Branch of the Provincial Government concerned prior to fabrication of the tanks.

(3) Size, contents, and water capacity in Imperial gallons of all storage tanks.

(4) Type and construction of pumphouse, warehouse, compressor house, bottling house, vapourizer house, and any other building on the site.

(5) Type of motive power to be used for pumps or compressors.

(6) The type of heating to be used for vapourizer.

(7) Indicate whether the track or tracks serving the installation are team tracks or private tracks as defined in Section 1.

### PART III

#### DISTANCES

Distances between loading or unloading tracks and other tracks.

11. (1) The distances prescribed in this Section shall be measured from the gauge side of the nearest rail of the nearest adjacent track not serving the installation or the main track, as the case may be, to the center line of the unloading or loading track.

(2) Loading or unloading tracks, at the loading or unloading site, shall be at least 50 feet from the main track.

(3) Loading or unloading tracks shall be not less than 20 feet from the nearest adjacent track **not** serving the installation. If the nearest adjacent track is a main track, the distance shall be 50 feet.

Clearances for loading or unloading racks.

12. (1) That portion of overhead loading or unloading structures or equipment over 4 feet above the top of rail shall be at least 6 feet from the gauge side of the nearest rail of the loading or unloading track. That portion of the structure 4 feet or less in height above the top of rail shall be at least 3 feet 7 $\frac{1}{2}$  inches from the gauge side of the nearest rail of the loading or unloading track, except for non-standard gauge track in the Province of Newfoundland, where this clearance distance shall be at least 3 feet 10 inches. When the loading or unloading track is curved, the clearance distance shall be increased by one inch per degree of track curvature.

(2) Loading or unloading terminals or structures of an over-all height that is less than 4 feet above the top of rail shall be located not less than 6 feet from the gauge side of the nearest rail of the loading or unloading track.

Distances between loading or unloading racks and buildings.

13. (1) The distances prescribed in this section shall be measured from the center line of the loading and unloading rack or point to the nearest point of the building or property line, as the case may be.

(2) The loading or unloading racks or points shall be at least 200 feet from any station, office building, or other similar place of public assembly on railway property.

(3) It is recommended that the distance of a loading or unloading rack from schools, hospitals, theatres, residential areas, or other similar places of public assembly be not less than 200 feet.

(4) Except as provided in subsection (5) of this section, the distance of loading or unloading racks or points from engine houses, railway shops, grain elevators, or other similar buildings shall be not less than 100 feet.

(5) The distance between a loading or unloading rack or point and any storage tank or building on the installation used exclusively by the owning or operating company shall not be less than 10 feet.

14. (1) In no case shall a liquefied petroleum gas storage tank be located less than 20 feet from the gauge side of the nearest rail of any track, measured from the nearest point on the tank shell.

Distances between storage tanks and tracks.

14. (2) The following minimum distances from the gauge side of the nearest rail of the main track to the nearest point on the tank shall be observed:

Water Capacity (Imperial Gallons) at 60°F., Single Tank	Minimum Distance (Feet)
0 to 2,000	20
2,001 to 10,000	75
10,001 to 25,000	100

(3) It is recommended that the distance of a storage tank from the right-of-way of a Provincial highway be not less than half the distance prescribed in subsection (2) of this section.

15. (1) The distances prescribed in this section shall be measured from the nearest point on the tank shell to the nearest point of the building, property line, etc.

Distances between tanks and buildings, etc.

(2) A storage tank with a water capacity exceeding 2,000 Imperial gallons shall be not less than 50 feet from any location on another property which may be built upon.

(3) For a tank with a water capacity of 2,000 Imperial gallons or less, the distance from any location on another property which may be built upon shall be not less than that prescribed in the current edition of National Fire Protection Association Pamphlet No. 58.

(4) A storage tank with a water capacity exceeding 2,000 Imperial gallons shall be at least 400 feet from any station, office building, or other similar places of public assembly on railway property.

(5) It is recommended that the distance of a storage tank with a water capacity exceeding 2,000 Imperial gallons from schools, hospitals, theatres, residential areas, or other similar places of public assembly be not less than 400 feet.

(6) For a tank with a water capacity of 2,000 Imperial gallons or less, the distance from any of the buildings mentioned in subsections (4) and (5) of this section shall be not less than that prescribed in the current edition of National Fire Protection Association Pamphlet No. 58.

(7) Except as provided in subsection (9) of this section, a storage tank with a water capacity exceeding 2,000 Imperial gallons shall not be less than 200 feet from engine houses, railway shops, grain elevators, or other similar buildings.

(8) For a tank with a water capacity of 2,000 Imperial gallons or less, the distance from any of the buildings mentioned in subsection (7) of this section shall not be less than that prescribed in the current edition of National Fire Protection Association Pamphlet No. 58.

(9) Except as provided in subsection (11) of this section, the distance of a storage tank with a water capacity exceeding 100 Imperial gallons from any building on the installation site which is used exclusively by the company owning or operating the installation shall not be less than 10 feet.

Distances  
between  
tanks and  
buildings,  
etc.  
(cont'd.)

15. (10) A tank with a water capacity of 100 Imperial gallons or less shall not be less than 5 feet horizontally from a building opening located at the same level as the tank vent or below it.

(11) When the construction or occupancy of a building is of such a nature as to constitute a hazard to the storage area, the distance between a building and the closest tank with a water capacity exceeding 100 Imperial gallons shall not be less than 50 feet.

(12) The distance of any storage tank from the fence surrounding the installation shall not be less than 5 feet.

(13) The clear distance between two storage tanks with an individual water capacity exceeding 2,000 Imperial gallons shall not be less than 5 feet.

(14) The clear distance between a tank containing liquefied petroleum gas and a tank containing a flammable liquid shall not be less than 20 feet, except that liquefied petroleum gas installations with a storage capacity exceeding 150,000 Imperial gallons of water measured at 60°F. shall be located not less than 100 feet from the above ground storage of flammable liquids.

(15) A liquefied petroleum gas storage tank shall not be located within a dyked area containing a flammable liquid storage tank. The distance between a tank measured from the nearest point on the tank shell and the center line of a dyke shall not be less than 10 feet.

(16) The distance between any tank of one group and any tank of another group, as defined in section 19, shall not be less than 25 feet.

Distances  
between  
pumps or  
compressors  
and  
buildings,  
etc.

16. (1) Pumphouses or compressor houses and **outdoor** pumps or compressors driven by internal combustion engines shall be located not less than 10 feet from any storage tank, loading or unloading point, or building.

(2) Subsection (1) of this section does not apply to **outdoor** pumps or compressors driven by explosion proof motors marked or labelled Class I, Division I, Group D and wired in accordance with the Canadian Electrical Code for Class I, Division I, Group D locations.

(3) The distance of pumphouses or compressor houses and outdoor pumps or compressors from a source of ignition or any location on another property which may be built upon shall not be less than 25 feet.

Lesser  
distances  
permitted.

17. Where the distances prescribed in this Part cannot be obtained, lesser distances may be approved by the Board if suitable fire barrier walls and fire controlling systems are employed.

## PART IV

### STORAGE TANKS

B.T.C. or  
I.C.C.  
containers.

18. A cylinder or tank with a water capacity not exceeding 100 Imperial gallons and manufactured, filled, operated and maintained in accordance with a Board of Transport Commissioners or an Interstate Commerce Commission specification which is approved by either of these authorities for liquefied petroleum gas is exempt from the regulations of this part, except sections 20, 24 and 29.

19. (1) The water capacity of any storage tank located on carrier's right-of-way and used for liquefied petroleum gas shall not exceed 25,000 Imperial gallons. Maximum Tank Capacity.

(2) The aggregate water capacity of tanks assembled in a group shall not exceed 150,000 Imperial gallons. Groups of tanks shall be segregated as prescribed in Section 15, subsection (16).

20. (1) Except as provided in subsection (7) of this section, storage tanks shall be securely installed on solid foundations of steel or concrete with reinforced concrete footings extending below the frost line, or resting on bedrock. Tank Foundations.

(2) Except as provided in subsection (6) of this section, steel foundations shall be fireproofed with a material having a fire resistance of not less than two hours.

(3) Foundations shall be of sufficient width and thickness to adequately support the tank and its contents.

(4) Provision shall be made for the thermal expansion and contraction of a tank.

(5) Only two saddles shall be used on horizontal tanks.

(6) Steel saddles which are welded to a tank need not be fireproofed if the tank capacity does not exceed 500 Imperial gallons or if the over-all height of the saddle does not exceed 18 inches.

(7) Footings for tanks with a water capacity less than 500 Imperial gallons need not be installed below frost line if adequate provision is made to protect the piping against the effects of settling.

21. (1) Storage tanks shall be constructed in accordance with the 1956 issue of the A.S.M.E. Boiler and Pressure Vessel Code for Unfired Pressure Vessels to a design working pressure not less than 125 per cent of the vapour pressure of the liquefied petroleum gas at 100°F., but not less than 250 psig for liquefied propane. The longitudinal joint efficiency shall not be less than 80 per cent and the factor of safety shall not be less than 4. Tank Design and specifications.

(2) The tank design drawings and specifications shall be approved by the Pressure Vessel Inspection Branch of the Provincial Government concerned prior to fabrication of the tank.

(3) Tank design drawings and specifications shall be in accordance with the requirements of Canadian Standards Association Pamphlet B-51.

(4) Welding to any parts of a tank subject to internal pressure shall be in accordance with the code under which the tank was fabricated. Non-code welding is permitted only on saddle plates, lugs or brackets attached to the container by the tank manufacturer.

22. (1) All tanks shall be inspected and tested prior to operation at the pressure specified by the A.S.M.E. Code by a qualified unfired pressure vessel inspector in accordance with the applicable regulations of the Province concerned. Testing of tanks.

(2) A copy of the tank test and inspection report shall be filed with the Board.

23. The storage tank shall be permanently marked or labelled as required by the A.S.M.E. Code under which the tank was manufactured and the Pressure Vessel Inspection Branch of the Provincial Government concerned. Marking of tanks.

- Location of tanks. 24. (1) Storage tanks shall not be installed inside buildings or in a location which would restrict the natural dispersal of fumes.  
(2) Storage tanks shall not be installed one above the other.
- Grounding of tanks. 25. Each storage tank exceeding 1,000 Imperial gallons water capacity shall be electrically grounded for protection against static electricity and lightning, as prescribed in National Fire Protection Association Pamphlet No. 77. The resistance to electrical discharge to ground should be as low as possible and preferably not more than 6 ohms.
- Filling Density. 26. The filling density for storage tanks of liquefied petroleum gas shall not exceed the maximum filling density prescribed in the current edition of Pamphlet No. 58 of the National Fire Protection Association.
- Liquid level gauges. 27. (1) Unless filling is controlled by weighing, tanks shall be equipped with a fixed tube liquid level, a rotary tube, or an adjustable slip tube gauge, or other gauging device that will ensure that the maximum permitted filling density is not exceeded. If the gauging device is a float type or a pressure differential type, the container shall also be provided with a fixed dip tube, rotary tube or adjustable slip tube gauge.  
(2) Gauge glasses of the columnar type shall be restricted to charging plants where the fuel is withdrawn in the liquid phase only. They shall be equipped with valves having metallic hand wheels; with excess flow valves and with extra heavy glass protected with a metal housing applied by the manufacturer. These gauges shall be shielded against the direct rays of the sun.
- Pressure gauge. 28. Each tank with a water capacity exceeding 2,000 Imperial gallons shall be equipped with a suitable pressure gauge graduated from 0 to 400 psi.
- Below ground installation of tanks. 29. The below ground installation of liquefied petroleum gas tanks is not recommended.

## PART V

### PIPING AND TRANSFER EQUIPMENT

- Pump and compressor specifications. 30. Pumps and compressors used for transferring liquefied petroleum gas shall be of a type suitable for liquefied petroleum gas service, shall be designed for the maximum working pressure to which they will be subjected, and shall be so recommended and permanently marked or labelled by the manufacturer.
- Piping specifications. 31. (1) Pipe lines  $\frac{1}{2}$  inch nominal diameter or under shall be wrought iron, steel, brass or copper pipe; or seamless copper, brass, steel or aluminum tubing. Copper tubing may be of the standard grade K or L or equivalent and shall have a minimum wall thickness of 0.032 inch. Aluminum tubing shall not be used in exterior locations or where it will come in contact with masonry or plaster walls or insulations.  
(2) All piping and fittings over  $\frac{1}{2}$  inch nominal diameter shall be made of steel.  
(3) Pipe joints may be screwed, flanged, welded, soldered or brazed with a material having a melting point exceeding 1,000°F. Joints on seamless copper, brass, steel or nonferrous gas tubing shall

## 31. (3) (cont'd.)

be made by means of approved gas tubing fittings, soldered or brazed with a material having a melting point exceeding 1,000°F. Welded joints or welding flanges are recommended for container connections exceeding 2 inches in diameter.

(4) Welding may only be done by a qualified welder recognized as such by the Boiler and Pressure Vessel Inspection Branch of the Provincial Government concerned.

(5) For working pressures of 125 psig or less, pipe and pipe fittings and tubing shall be designed for a pressure of at least 125 psig, and for working pressures above 125 psig, they shall be designed for the maximum pressure to which they may be subjected or 250 psig, whichever is the greater.

(6) For pressures of 250 psig or greater, extra heavy pipe and fittings shall be used for threaded piping. Tubing shall be of heavy walled seamless construction.

(7) The bursting strength of any pipe or tubing and fittings shall be not less than four times the design pressure of the tank to which they are connected and not less than four times that pressure to which in any instance they may be subjected in service by the action of a pump or other device.

32. (1) Except as provided in subsection (3) of this section, all openings in containers, except those for safety relief valves and those connections protected by an opening not larger than No. 54 drill size (0.0550 inch), shall be equipped with excess flow valves or other suitable automatic valve or device which will automatically prevent loss of the tank contents in the event of a connection or line failure.

Excess  
Flow  
Valves.

(2) Excess flow valves shall be designed with a by-pass not to exceed a No. 60 drill size (0.0400 inch) opening to allow equalization of pressure.

(3) An excess flow valve or other automatic device as prescribed in subsection (1) of this section is not required for withdrawal connections of tanks with a water capacity of 1,500 Imperial gallons or less if the connection is protected by a controlling orifice not exceeding  $\frac{5}{16}$  inch diameter on vapour withdrawal and not exceeding  $\frac{1}{8}$  inch diameter on liquid withdrawal, a manually operated shut-off valve and a pressure-reducing regulator, all of which are assembled to the connection as prescribed in 2.2 (d), Division II of the 1958 edition of National Fire Protection Association Pamphlet No. 58.

(4) Excess flow valves shall be permanently marked or labelled by the manufacturer with their maximum working pressure, rated capacity, and the letters "LPG" to indicate suitability for use in liquefied petroleum gas service.

(5) Excess flow valves or other automatic devices, as referred to in subsection (1) of this section, shall be installed in such a manner that rupture of the line or connection will not adversely affect the protective device.

(6) The line or connection housing an excess flow valve shall have a greater capacity than the rated capacity of the excess flow valve.

Labelling  
tank  
connections.

33. All storage tank inlet and outlet connections, except those for safety relief valves, liquid level gauging devices and pressure gauges, shall be labelled to indicate whether they communicate with the vapour or liquid phase during normal operations.

Shut-off  
valves on  
tanks.

34. All connections, except those for pressure or liquid level gauges, safety relief valves, or plugged openings, shall be provided with shut-off valves located as close to the storage tank as possible.

Valves,  
gauges, etc.,  
suitable  
for L.P.G.

35. (1) All shut-off valves, throttling valves, gauges, fittings and accessory equipment shall be of a type suitable for liquefied petroleum gas service, and designed for not less than the maximum working pressure to which they will be subjected, except that the rated working pressure of valves, fittings, etc., subject to container pressure shall not be less than 250 psig.

(2) All valves, gauges, fittings and accessory equipment mentioned in subsection (1) of this section shall be permanently marked or labelled with the "maximum working pressure" and "L.P.G."; e.g. "250-L.P.G."

(3) Cast iron pipe, valves and fittings are prohibited in piping carrying liquefied petroleum gas in the liquid phase or on liquefied petroleum gas containers and their connections.

Piping  
supports  
and  
protection.

36. (1) Piping shall be carried on permanent supports of steel or concrete and supports for pipe lines more than 4 feet above ground shall rest on footings which extend below the frost line.

(2) Pipe lines shall be protected by guard rails against damage from moving vehicles and other traffic.

(3) Provision shall be made in the pipe line for expansion, contraction, jarring, vibration and settling.

Hose  
specifica-  
tions.

37. (1) Hose and hose connections subject to container pressure shall be designed to have a bursting pressure not less than five times the maximum working pressure to which they may be subjected.

(2) The hose as assembled for use shall be tested for leaks at twice the maximum working pressure to which it may be subjected before being put into service and should be tested annually thereafter at  $1\frac{1}{2}$  times the maximum working pressure.

(3) The hose shall be clearly and permanently marked or labelled "L.P. Gas" together with maximum working pressure, manufacturer's name or symbol, and year of manufacture.

(4) Hose and hose connections shall be resistant to the action of liquefied petroleum gas under the service conditions to which they are subjected.

(5) Testing procedures as prescribed by the Underwriters' Laboratories, Inc. Pamphlet "Hose for Conducting L.P. Gas" are recommended.

(6) Hose and hose connections located on the low pressure side of regulators or reducing valves shall be designed for a working pressure of not less than 125 psig and in no case less than five times the pressure setting of the safety relief devices protecting the system.

(7) Flexible hose connections to appliances shall be as prescribed in the current edition of National Fire Protection Association Pamphlet No. 58.

37. (8) Where hose is to be used for transferring liquid, wet hose is recommended. Such hose shall be equipped with a shut-off valve on the discharge end and provision shall be made to prevent excessive hydrostatic pressure in the hose.

Hose  
specifica-  
tions  
(cont'd.)

(9) The use of non-metallic hose is prohibited for inter-connecting stationary containers.

38. Provision shall be made in loading and unloading lines for relief of pressure before disconnection.

Relief  
of line  
pressure.

39. All piping, subject to external corrosion, shall be painted or otherwise protected.

Painting  
of piping.

40. (1) Pipe lines running parallel to a track, except those between adjacent loading or unloading racks, shall not be closer than 10 feet to the gauge side of the nearest rail of that track and shall comply with subsection (2) of this section.

Pipe  
lines  
near  
track.

(2) Except for pipe lines between adjacent loading or unloading racks, pipe lines on the railway right-of-way and within 20 feet of a track shall be laid not less than 3 feet below ground; or be enclosed in a reinforced concrete or steel trench, as prescribed in Section 41; or be carried on an overhead pipe bridge with a clearance above ground of not less than 13 feet; or be enclosed by a suitable fence.

41. (1) Except as provided in subsections (2) and (3) of this section, below ground liquefied petroleum gas pipe lines shall be laid not less than 3 feet below ground level or be enclosed in a reinforced concrete or steel trench with a recessed removable cover which shall be flush with the ground. The trench shall be of sufficient strength to support all traffic that may pass over it and shall be provided with drainage.

Below  
ground  
pipe  
lines.

(2) Pipe lines under railways shall be installed in accordance with General Order No. 812.

(3) Pipe lines under roadways on railway property shall be enclosed in an encasing pipe of sufficient strength to support all traffic which may pass over it and shall not be less than 3 feet below the surface of the road.

42. (1) The piping system shall be electrically grounded for protection against the build-up of static electricity, as prescribed in the latest edition of the National Fire Protection Association Pamphlet No. 77. The resistance to ground should be as low as possible and preferably not more than 6 ohms.

Grounding  
of piping.

(2) All pipe lines shall be bonded at the joints with a No. 6 electrical conductor where flow to ground is interrupted by a gasket, joint compound, etc.

43. (1) The use of stationary internal combustion engines for the operation of liquefied petroleum gas pumps, compressors, or vapourizers is not recommended, but if necessary, the installation shall be in accordance with subsections (2), (3), (5), (6) and (7) of this section.

Internal  
combustion  
engines.

(2) If housed, an internal combustion engine shall be isolated from the pump or compressor by fireproof and vapourproof walls.

(3) Except for the frame, the building shall be constructed of non-combustible or fire resistant materials.

Internal  
combustion  
engines  
(cont'd.)

43. (4) The spark plugs and ignition system should be shielded and the engine equipped with a spark arrestor muffler.

(5) The entire system shall be maintained in good operating condition at all times.

(6) The exhaust shall terminate outside the building.

(7) The building shall be cross ventilated near the floor level with permanently open louvers.

NOTE: Electric motors used for the operation of liquefied petroleum gas pumps, compressors or vapourizers shall be explosion proof, as prescribed in Section 65.

Joint  
compounds,  
gaskets,  
etc.

44. All materials such as joint compounds, gaskets, valve seats and packing shall be resistant to the action of liquefied petroleum gas under the service conditions to which they are subjected.

Testing  
pipe  
lines.

45. (1) All piping, valves and fittings shall be inspected and tested after assembly and prior to commencing operations for the first time and be proven gastight at a pressure not less than the working pressure of the tank, pump or device to which they are connected, or at 150 psig, if this is a higher pressure.

(2) The results of the test of subsection (1) of this section shall be reported to the Board.

Protection  
of loading  
or unloading  
terminals.

46. When loading or unloading racks are not employed for loading or unloading tank cars, the filling or discharge terminals shall be protected on all sides by a guard rail of metal or other material of equivalent strength and permanence. Guard rails shall be not less than 3 feet in height.

Shut-off  
valves at  
loading or  
unloading  
terminals.

47. Loading or unloading lines shall be equipped with shut-off valves at the tank car end of the line. These valves shall not be used for throttling purposes, but shall be either fully open or fully closed, in order not to interfere with the operation of excess flow valves on the tank car.

## PART VI

### SAFETY RELIEF DEVICES

B.T.C. and  
I.C.C.  
containers.

48. A cylinder or tank with a water capacity not exceeding 100 Imperial gallons and manufactured, filled, operated and maintained in accordance with a Board of Transport Commissioners or an Interstate Commerce Commission specification, which is approved by either of these authorities for liquefied petroleum gas use, is exempt from the provisions of this Part.

Approved  
relief valves.

49. (1) Every storage tank and vapourizer (except as provided in Part VIII) shall be provided with one or more safety relief valves of the spring loaded type or an equivalent type which have been approved for the intended service by the Boiler and Pressure Vessel Committee of the A.S.M.E. or the Compressed Gas Association, Inc., or Underwriters' Laboratories.

(2) Such valves shall be of a size that will ensure a rate of discharge not less than that specified in the current edition of National Fire Protection Association's Pamphlet No. 58.

49. (3) The rate of discharge prescribed in subsection (2) of this section shall be obtained before the pressure is in excess of 120 per cent of the maximum (not including the permitted plus tolerance of 10 per cent) permitted start to discharge pressure setting of the device.

Approved  
relief  
valves  
(cont'd.)

(4) Safety relief valves shall be installed in a manner that will ensure that the full relief requirements are always satisfied.

(5) Storage tank and vapourizer safety relief valves shall be set to start to discharge at pressures as prescribed in the current edition of the National Fire Protection Association's Pamphlet No. 58 for vessels designed according to the 1956 A.S.M.E. Code.

50. A safety relief valve venting to the outside atmosphere shall be installed between each pair of shut-off valves on liquefied petroleum gas liquid lines where liquid may be trapped. The start to discharge pressure setting shall not be in excess of 500 psig. The minimum setting shall not be lower than 140 per cent of the container relief valve setting, except that for I.C.C. or B.T.C. containers, the minimum setting shall not be lower than 400 psig.

Relief  
valves on  
pipe  
lines.

51. (1) For tanks exceeding 2,000 Imperial gallons water capacity, the discharge from tank safety relief devices shall be vented vertically to the outside atmosphere at a point no less than 7 feet above the storage tank. Such discharge should be at least 100 feet and in no case shall it be less than 50 feet from any open flame or source of ignition.

Venting  
and  
location  
of relief  
valves.

(2) For tanks with a water capacity of 2,000 Imperial gallons or less, the discharge from safety relief devices shall be vented vertically to the outside atmosphere in a manner that will prevent the gases from impinging on the tank.

(3) The ends of relief valve discharge pipes shall be fitted with loose rain caps that cannot freeze in place.

(4) All storage tank relief devices shall be located on the storage tank and shall have direct communication with the vapour space of the storage tank.

(5) If the design of the safety relief system is such that liquid can collect on the discharge side of the disc, provision shall be made for drainage of the liquid.

(6) Return bends and restrictive pipe fittings are not permitted in relief valve piping.

(7) Safety relief devices shall be so arranged that the possibility of tampering will be minimized.

(8) External pressure settings or adjustments shall be sealed.

52. The safety relief device shall be permanently marked or labelled with the following information:

Marking  
relief  
valves.

(a) Start to discharge pressure in psig;

(b) Full-open rate of discharge in c.f.m. of air at 60°F. and 14.7 psia;

(c) Manufacturer's name or symbol;

(d) Year of manufacture;

(e) Letters "LPG" to indicate suitability for liquefied petroleum gas service;

(f) A.S.M.E. or Compressed Gas Association or Underwriters' Laboratories approval symbol.

Testing relief valves.

53. Safety relief valves and devices shall be inspected and tested prior to being put into service and shall be tested periodically as prescribed in the Compressed Gas Association Pamphlet "Safety Relief Device Standards for Compressed Gas Storage Containers".

## PART VII

### LOADING AND UNLOADING

Tank car stop sign.

54. (1) The tank car, during loading or unloading operations, shall be protected on the connected end or ends of the siding by a sign of metal or other suitable material 12 x 15 inches in size and reading "STOP—TANK CAR CONNECTED". The word "Stop" shall be in letters at least 4 inches high and the other words in letters at least 2 inches high. Letters shall be white on a blue background.

(2) The "Stop" sign shall be placed on the tank car or on the loading or unloading track in a manner that will ensure it is always visible to the crew of an engine on the same track.

Loading or unloading procedures.

55. (1) During loading or unloading operations, tank car hand brakes shall be kept applied and the wheels at both ends of the tank car shall be blocked.

(2) Tank cars shall be disconnected from pipe lines immediately after the completion of loading or unloading operations.

(3) At least one experienced operator supplied by the consignee or the consignor, as the case may be, shall supervise the loading or unloading operation. During the absence of the operator supervising the loading or unloading operation from the installation site, operations shall be discontinued.

(4) Gas or liquid shall not be vented to the atmosphere to assist in transferring the contents of one container to another.

(5) Loading or unloading operations shall only be carried out during the hours of daylight unless adequate permanent lighting installed in accordance with Section 66 is provided.

Tank car-tank truck transfers.

56. The direct transfer of liquefied petroleum gas between tank trucks and tank cars on carrier's right-of-way is prohibited.

Grounding and bonding of loading or unloading tracks.

57. All loading and unloading tracks shall be grounded and bonded at the loading or unloading site in accordance with the regulations of General Order No. 602.

Loading or unloading on carrier's track.

58. The loading or unloading of tank cars located on carrier's tracks are subject to the following conditions:

(1) Except as provided in subsection (3) of this section, tank car discharge connections shall be equipped with excess flow valves.

(2) Lading shall be piped directly to permanent storage tanks of sufficient capacity to receive the entire contents of the tank car. The tanks and all of the facilities associated with them shall be in accordance with all applicable regulations of this Order.

(3) Tank cars of the I.C.C. 106A type may be loaded or unloaded on carrier's track if written permission is obtained from the carrier concerned and equipment is provided for the safe loading or unloading of the unit tanks, but such tanks shall not be stored on carrier's property except as provided in these regulations.

58. (4) When the carrier's track is a team track, it is recommended that, where practicable, the tank car be protected during loading or unloading by a locked derail located at least one car length from the tank car on the connected end or ends of the team track.

Loading or unloading on carrier's tracks  
(cont'd.)

## PART VIII

### VAPOURIZERS

59. Except as otherwise provided in this Part, vapourizer design, location, construction, and operation shall be in accordance with the current edition of National Fire Protection Association Pamphlet No. 58.

Vapourizer requirements as per N.F.P.A.

60. Vapourizers, heating devices for vapourizers, and vapourizer buildings shall be separated from loading or unloading sites, tanks, location on an adjoining property which may be built upon or other buildings by distances not less than the following:

Vapourizer distances.

- (1) Indirect fired vapourizers—10 feet.
- (2) Heating devices for indirect fired vapourizers—25 feet.
- (3) Direct fired vaporizers with a capacity of 100 gallons per hour or less—25 feet.
- (4) Direct fired vapourizers with a capacity exceeding 100 gallons per hour—50 feet.

61. (1) Vapourizers, if housed, **should** be installed in detached buildings used exclusively for liquefied petroleum gas vapourization and if the vapourizer is installed in a lean-to, shed or room of a building, such building may only be used for liquefied petroleum gas operations.

General requirements, vapourizer building.

(2) The vapourizer building or room, as the case may be, shall be constructed of noncombustible or fire resistant materials, shall be cross-ventilated at the floor and ceiling levels by louvered openings, and **should** be provided with not less than 1 square foot of explosion relief venting on the open side per 40 cubic feet of inside space.

62. (1) A direct fired vapourizer or the heating device which supplies steam, hot water, or other fire-safe heating medium for an indirect fired vapourizer shall be separated from all other liquefied petroleum gas equipment, such as pumps or gas mixing devices by fireproof and vapourproof walls. Access to such vapourizer and heating device shall be from the outside only. The firewall shall be of not less than one hour fire resistance. Other parts of the room housing the heating device shall be constructed of non-combustible or fire resistant material. Cross ventilation shall be provided by other means than doors and windows.

Building for direct fired vapourizer or heating device.

(2) This Section does not apply to domestic water heaters which may supply heat for a vapourizer in a domestic system.

63. The use of a direct gas-fired **tank** heater or the mounting of any vapourizer on a liquefied petroleum gas storage tank is prohibited on the railway right-of-way.

Mounting heater or Vapourizer on tank.

## PART IX

## GENERAL

- House-keeping of grounds. 64. The area within 25 feet of a tank with a water capacity exceeding 200 Imperial gallons, a loading or unloading rack, a pump, building, etc., shall be free of debris, and grass and weeds shall be kept cut to a height not exceeding 6 inches. The general house-keeping and maintenance of buildings, tanks, etc., shall be of the highest standard.
- Repairs. 65. Defective piping, valves or fittings shall be repaired immediately.
- Electrical installations. 66. (1) Installations with a total water capacity not exceeding 2,000 Imperial gallons and which provide fuel directly to heating, cooking or welding appliances on the installation site are exempt from the requirements of this Section.
- (2) All electric motors, switches, motor controllers, circuit breakers, wiring and any other electrical facility inside a building housing a liquefied petroleum gas pump or other similar equipment; or within 25 feet of an outdoor liquefied petroleum gas storage tank, loading or unloading point, pump or other similar equipment shall conform to the regulations set forth in the latest edition of the Canadian Electrical Code for Class 1, Group D, Division I hazardous locations.
- Smoking. 67. Smoking and the use of portable open flame lights or equipment shall be prohibited except in certain isolated and clearly designated safe areas, and signs to this effect shall be posted at the plant entrances and at the loading and unloading sites. (See Section 72 for restrictions applying to welding.)
- Fire prevention. 68. (1) Water, dry powder, carbon dioxide, or other fire extinguishers suitable for liquefied petroleum gas fires shall be available on installations with storage capacities exceeding 2,000 Imperial gallons. At least one fire extinguisher shall be kept on the outside premises.
- (2) Each storage area with a capacity exceeding 2,000 Imperial gallons **should** be protected by at least one standard fire hydrant so located that a 2½-inch hose stream may be used for controlling a fire on the site or cooling a tank in case of adjacent fires. Consultation with the local fire authority on these matters is recommended.
- Painting of tanks. 69. (1) Uninsulated liquefied petroleum gas storage tanks with water capacities exceeding 100 Imperial gallons which are installed out-of-doors shall be painted with a heat reflective paint. Paint should be white enamel or slow chalking, white paint rather than aluminum paint.
- (2) The words "CAUTION—PROPANE" (or other liquefied petroleum gas name) not less than 6 inches high shall be painted on each outdoor storage tank with a water capacity exceeding 2,000 Imperial gallons.
- Fencing. 70. Each liquefied petroleum gas installation with a storage capacity exceeding 2,000 Imperial gallons of water shall be completely enclosed within a steel mesh fence not less than 5 feet high. The mesh shall be made from steel wire of not less than 0.10 inch

diameter. The opening in the mesh shall not be greater than 6 inches. The fence gates shall be locked when the installation is unattended and at least two means of access through the fencing shall be provided.

71. (1) Except for the frame, all buildings, compartments, bottling rooms, lean-tos, or platforms shall be constructed of non-combustible or fire resistant materials. Construction and house-keeping of buildings.

(2) All enclosures where liquefied petroleum gas is handled shall be provided with cross ventilation by means of permanently open louvers near floor level.

(3) Containers of flammable liquids or gases shall not be stored in a room occupied by liquefied petroleum gas equipment.

(4) Buildings shall be maintained in a clean and tidy condition.

72. Welding shall not be permitted within 150 feet of a loading or unloading site while loading or unloading operations are in progress. At other times, welding may only be allowed when carried out under close supervision and in accordance with the provisions of Canadian Standards Association Pamphlet W-117. Welding.

73. (1) All liquefied petroleum gases shall be effectively odourized by an approved agent of such character as positively indicates, by distinct odour, the presence of gas down to concentrations in air of not over one-fifth the lower limit of flammability. For propane the lower limit of flammability is 2.37 per cent. Odourization of liquefied petroleum gas.

(2) Exemption from the requirement of this section may be granted if it is established to the Board's satisfaction that the odourant will be harmful in subsequent processing or use of the gas.

(3) The requirements of subsection (1) of this section shall be deemed to be complied with if 1.0 pound of Ethyl Mercaptan, 1.0 pound of Thiophane, or 1.4 pounds of Amyl Mercaptan per 10,000 gallons of liquefied petroleum gas is used. The listing of odourants in this section is not intended to exclude the use of other odourants which meet the requirements of subsection (1) of this section.

74. Under ordinary circumstances, the dyking of liquefied petroleum gas storage tanks is not required, except that the Board may require erection of a dyke under those circumstances where a dyke would provide protection for adjoining property. Dyking.

75. All liquefied petroleum gas installations are subject to inspection at any time by any duly authorized officer of the Board. Inspection by Board.

76. The owning or operating company shall report immediately by wire to the railway company concerned and to the Director of Operation, Board of Transport Commissioners, Ottawa, Ontario, every fire resulting in damage to the installation, explosion, or major pipe line or tank failure occurring on the installation and shall submit a detailed report by mail of such accident. Reporting accidents.

77. For further details, the following publications are suggested:

(a) Liquefied Petroleum Gas Pamphlets Nos. 58 and 59 published by the National Fire Protection Association, 60 Batterymarch Street, Boston 10, Massachusetts.

(b) "Handbook of Butane and Propane Gases", published by Jenkins Publications, Inc., 198 South Alvarado Street, Los Angeles 4, California. References.

- (c) Compressed Gas Association pamphlet "Safety Relief Device Standards for Compressed Gas Storage Containers", published by the Compressed Gas Association, Inc., 11 West 42nd Street, New York 36, New York.
- (d) Underwriters' Laboratories, Inc. pamphlet "Hose for Conducting LP Gas", published by Underwriters' Laboratories of Canada, P.O. Box 38, O'Connor Postal Station, Toronto 16, Ontario, or Underwriters' Laboratories, Inc., 161 Sixth Avenue, New York 13, New York.

ROD KERR,  
*Chief Commissioner,  
The Board of Transport Commissioners  
for Canada.*

## GENERAL ORDER No. 842

*In the matter of Regulations governing the design, location, construction and operation of stationary bulk storage facilities for anhydrous ammonia:*

File No. 40513.15

MONDAY, the 27th day of April, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

H. H. GRIFFIN, *Assistant Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

*It is hereby ordered as follows:*

1. The following regulations entitled "Regulations Respecting Anhydrous Ammonia" govern the design, location, construction and operation of stationary bulk storage facilities for Anhydrous Ammonia on the right of way owned or leased by any railway company subject to the jurisdiction of the Board.

2. (1) These regulations apply to new installations and additions or changes to existing installations;

(2) Notwithstanding the provisions of subsection (1) of this section installations in operation before the date of this Order shall be operated in accordance with the regulations herein prescribed and, if ordered by the Board, shall also be made to conform to those parts of these regulations pertaining to location, construction and design.

3. These Regulations shall come into force on the 1st day of July, 1959.

## REGULATIONS RESPECTING ANHYDROUS AMMONIA

### PART I

#### DEFINITIONS

1. In these regulations:

(1) Owning or operating company means the person or company owning or operating the installation, erected with leave of the Board granted upon application made therefor by the railway company concerned on behalf of such person or company.

(2) "Anhydrous Ammonia" for the purpose of these regulations is dry ammonia gas in liquefied form. It is not to be confused with aqua ammonia which is a solution of ammonia gas in water.

(3) Design Pressure—The term "design pressure" as used in this Order is synonymous with the term "maximum allowable working pressure" as used in the A.S.M.E. Boiler and Pressure Vessel Code.

(4) The word "shall" is used to indicate mandatory regulations. The word "should" is used to indicate recommendatory regulations.

(5) Main Track—A track extending through yards and between stations upon which trains are operated by time table or train order, or both, or the use of which is governed by block signals or other method of control.

(6) Private Track—A track outside of carrier's right of way, yard and terminals, and of which the carrier does not own either the rails, ties, roadbed or right of way; or a track or portion of a track which is devoted to the purpose of its user, either by lease or written agreement, in which case the lease or written agreement will be considered as equivalent to ownership.

(7) Team Track—A track on railway property which is used for loading or unloading purposes by more than one company or person.

(8) Filling Density—Filling density is the percentage figure obtained when the maximum weight of Anhydrous Ammonia that may be in a container is divided by the water weight capacity of the tank and the result is multiplied by 100. All capacities shall be measured at a liquid temperature of 60°F.

## PART II

### APPLICATIONS TO THE BOARD

- |  |  |
|--|--|
| Exemptions.  | 2. This part does not apply with respect to installations with a total storage capacity not exceeding 2,000 Imperial gallons of water measured at 60°F., if such installations otherwise comply with all other applicable requirements of these regulations.   |
| Leave of the Board required.                       | 3. No person shall begin the construction of storage facilities for Anhydrous Ammonia without leave of the Board granted upon an application made therefor, through the railway company concerned.   |
| Application to be accompanied by plan and profile. | 4. The application shall be submitted to the Secretary of the Board together with four copies of all drawings, including plans and profiles, which shall comply with the requirements of sections 5, 6, 7, 8, 9 and 10.  |
| Scale of plan and profile.                         | 5. The plan shall be drawn to a scale of not less than 50 feet to 1 inch and the profile to a scale of not less than 20 feet to 1 inch.  |
| Identification of drawings.                        | 6. All drawings shall be dated and bear an identification number and the name of the applicant.  |
| Distances to be shown on plan.                     | 7. The plans shall show the distances between: <ol style="list-style-type: none"> <li>(1) The loading or unloading rack or point and:           <ol style="list-style-type: none"> <li>(a) The gauge side of the nearest rail of the loading or unloading track;</li> <li>(b) schools; stations; residential areas; hospitals and other similar places of public assembly within 200 feet of the said loading or unloading rack or point;</li> <li>(c) all engine houses; railway shops; grain elevators and other similar buildings within 125 feet of the said loading or unloading rack or point.</li> </ol> </li> <li>(2) The centre line of the loading or unloading track and           <ol style="list-style-type: none"> <li>(a) the gauge side of the nearest rail of main track; and</li> <li>(b) the gauge side of the nearest rail of the nearest adjacent track not serving the installation.</li> </ol> </li> <li>(3) The storage tanks and;           <ol style="list-style-type: none"> <li>(a) Other storage tanks; pumphouses; warehouses; loading and unloading racks; and other structures on the site;</li> <li>(b) line of adjoining property;</li> <li>(c) gauge side of nearest rail of closest track;</li> <li>(d) gauge side of nearest rail of main track;</li> </ol> </li> </ol> |

7. (2) (cont'd.)

- (e) stations; schools; residential areas; hospitals or other similar places of public assembly within 350 feet of the said storage tanks; and
- (f) all engine houses; railway shops; grain elevators or other similar buildings within 200 feet of the said storage tanks.

Distances to be shown on plan (cont'd.)

8. (1) The profile shall show the elevation of the installation in relation to the loading and unloading track and any main track within 200 feet of the nearest tank on the said installation.

Distances to be shown on profile.

- (2) A second profile is required where it is necessary
  - (a) to show the direction of drainage from the site; or
  - (b) to give a clear picture of major features of the installation.

9. The drawing shall show the location of the railway right-of-way; property fences; dykes; pipe lines under roadways or railways; sewers; ditches; watercourses; highways and other similar structures that are on the installation site.

Location of right-of-way, etc., to be shown.

10. The "Notes" or "Legend" on the drawing shall include the following information:

Drawing notes or legend.

(1) Evidence that the Provincial Fire Marshal or other authority having jurisdiction in the surrounding area has no objections to the proposed installation. This evidence may take the form of a plan signature by the authority concerned, or of a letter addressed to the owning or operating company by such authority.

(2) A statement that the storage tank design shall be approved by the Pressure Vessel Inspection Branch of the Provincial Government concerned prior to fabrication of the tanks.

(3) Size, contents, and water capacity in Imperial gallons of all storage tanks.

(4) Type and construction of pumphouse, warehouse, compressor house, bottling house, and any other building on the site.

(5) Type of motive power to be used for pumps or compressors.

(6) Indicate whether the track or tracks serving the installation are team tracks or private tracks, as defined in Section 1.

PART III

DISTANCES

11. (1) In no case shall an Anhydrous Ammonia storage tank be located less than 20 feet from **any** track. This distance shall be measured from the gauge side of the nearest rail to the nearest point on the tank shell.

Distances between storage tanks and tracks.

(2) The following minimum distance from the gauge side of the nearest rail of the **main** track to the nearest point on the tank shell shall be observed:

Water Capacity (Imperial Gallons) at 60°F., Single Tank	Minimum Distance (Feet)
0 to 2,000	20
2,001 to 10,000	50
10,001 to 25,000	75

Distances  
between  
storage  
tanks and  
tracks  
(cont'd.)

11. (3) It is recommended that the distance of a storage tank from the right-of-way of a Provincial highway be not less than one-half the distance prescribed in subsection (2) of this section.

Distances  
between  
tanks and  
buildings,  
etc.

12. (1) The distances prescribed in this section shall be measured from the nearest point on the tank shell to the nearest point of the building, property line, etc.

(2) A storage tank with a water capacity exceeding 2,000 Imperial gallons shall be not less than 50 feet from any location on another property which may be built upon or from a source of drinking water such as a reservoir, well or spring.

(3) For a tank with a water capacity of 2,000 Imperial gallons or less, the distance from any location on another property which may be built upon shall be not less than 25 feet.

(4) If the storage tank is part of a water treatment system, the distance from a source of drinking water is not prescribed.

(5) A storage tank with a water capacity exceeding 2,000 Imperial gallons shall be at least 300 feet from any station, office building or other similar place of public assembly on railway property.

(6) It is recommended that the distance of storage tanks with water capacities exceeding 2,000 Imperial gallons from schools, hospitals, theatres, residential areas or other similar places of public assembly be not less than 300 feet.

(7) Except as provided in subsection (10) of this section, the distance of a tank with a water capacity of 2,000 Imperial gallons or less from any of the buildings mentioned in subsections (5) and (6) of this section shall not be less than 50 feet.

(8) Except as provided in subsection (10) of this section, a storage tank with a water capacity exceeding 2,000 Imperial gallons shall not be less than 150 feet from engine houses, railway shops, grain elevators or other similar buildings.

(9) For a tank with a water capacity of 2,000 Imperial gallons or less, the distance from any of the buildings mentioned under subsection (8) of this section shall not be less than 25 feet.

(10) Except as provided in subsection (12) of this section, the distance of a storage tank with a water capacity exceeding 100 Imperial gallons from any building on the installation site which is used exclusively by the company owning or operating the installation shall not be less than 10 feet.

(11) A tank with a water capacity of 100 Imperial gallons or less shall not be less than 5 feet horizontally from a building opening located at the same level as the tank vent or within 5 feet above the vent.

(12) When the construction or occupancy of the buildings referred to in subsection (10) is of such a nature as to constitute a hazard to the storage area, the distance between a building and the closest tank with a water capacity exceeding 100 Imperial gallons shall not be less than 50 feet.

(13) The clear distance between two Anhydrous Ammonia storage tanks with an individual water capacity exceeding 2,000 Imperial gallons shall not be less than 5 feet.

12. (14) The clear distance between a tank containing Anhydrous Ammonia and a tank containing a flammable liquid shall not be less than 20 feet, except that installations with a storage capacity exceeding 150,000 Imperial gallons of water measured at 60°F. shall be located not less than 100 feet from the above ground storage of flammable liquids.

Distances between tanks and buildings, etc.  
(cont'd.)

(15) An Anhydrous Ammonia storage tank shall not be located within a dyked area containing a flammable liquid storage tank.

(16) The distance between any tank of one group and any tank of another group as defined in Section 19 shall not be less than 25 feet.

13. (1) The distances prescribed in this section shall be measured from the gauge side of the nearest rail of the nearest adjacent track not serving the installation or the main track, as the case may be, to the center line of the unloading or loading tracks.

Distances between loading or unloading tracks and other tracks.

(2) The unloading or loading tracks at the loading or unloading site shall be at least 50 feet from the **main** track.

(3) The unloading or loading tracks shall be at least 20 feet from the nearest **adjacent** track **not** serving the installation. If the nearest adjacent track is a main track, the distance shall be 50 feet.

14. (1) That portion of loading or unloading racks or other structures over four feet high shall be at least 6 feet from the gauge side of the nearest rail of the loading or unloading track. That portion of the structure four feet or less in height shall be at least 3 feet 7 $\frac{3}{4}$  inches from the gauge side of the nearest rail of the loading or unloading track, except for non-standard gauge track in the Province of Newfoundland where this clearance distance shall be at least 3 feet 10 inches. When the track is curved, the clearance distance shall be increased one inch per degree of track curvature.

Clearances for loading or unloading racks.

(2) Loading and unloading terminals or structures of an overall height that is less than 4 feet shall be located at least 6 feet from the gauge side of the nearest rail of the loading or unloading track.

15. (1) The distances prescribed in this section shall be measured from the loading or unloading point to the nearest point of the building or property line, as the case may be.

Distances between loading or unloading racks and buildings.

(2) The loading or unloading racks or points shall be at least 150 feet from any station, office building or other similar place of public assembly on railway property.

(3) It is recommended that the distance of loading or unloading racks from schools, hospitals, theatres, residential areas, or other similar places of public assembly be not less than 150 feet.

(4) Except as provided in subsection (5) of this section, the loading or unloading racks or points shall not be less than 75 feet from engine houses, rail shops, grain elevators, or other similar buildings.

(5) The distance of loading or unloading racks from a tank or building used exclusively by the owning or operating company shall not be less than 10 feet.

16. (1) Pumphouses or compressor houses and **outdoor** pumps or compressors driven by non-explosion proof motors or internal combustion engines shall be located not less than 10 feet from any storage tank, loading or unloading point, or building.

Distances between pumps, compressors and buildings, etc.

Distances between pumps, compressors and buildings, etc.  
(cont'd.)

16. (2) The distance requirement of subsection (1) of this section does not apply to **outdoor** pumps or compressors driven by explosion proof motors marked or labelled Class I, Division I, Group D and wired in accordance with the Canadian Electrical Code for Class I, Division I, Group D locations.

(3) The distance of pumphouses or compressor houses and outdoor pumps or compressors from any location on another property which may be built upon shall not be less than 25 feet.

Distances between tank trucks and tank cars.

17. The distance between a tank truck and a tank or tank car during loading or unloading operations shall not be less than 10 feet measured between the nearest points on the two tank shells.

## PART IV

### STORAGE TANKS

B.T.C. or I.C.C. containers.

18. A cylinder or tank with a water capacity not exceeding 100 Imperial gallons and manufactured, filled, operated and maintained in accordance with a Board of Transport Commissioners or an Interstate Commerce Commission specification which is approved by either of these authorities for Anhydrous Ammonia, is exempt from the regulations of Sections 19 to 25 inclusive of this Part and all sections of Part VI.

Maximum tank capacity.

19. (1) The water capacity (measured at 60°F.) of any unrefrigerated Anhydrous Ammonia storage tank located on carrier's right-of-way shall not exceed 25,000 Imperial gallons.

(2) The aggregate water capacity of tanks assembled in one group shall not exceed 150,000 Imperial gallons and groups of tanks shall be segregated as prescribed in Section 12, Subsection (16).

Tank design and specifications.

20. (1) Unrefrigerated tanks shall be constructed in accordance with the 1956 issue of the A.S.M.E. Boiler and Pressure Vessel Code for Unfired Pressure Vessels to a design working pressure not less than 250 psig, a safety factor of not less than 4, and a longitudinal joint efficiency of not less than 80 per cent.

(2) The tank design shall be approved by the Pressure Vessel Inspection Branch of the Province concerned.

(3) Tank design drawings and specifications shall be in accordance with the requirements of Canadian Standards Association Pamphlet B-51 (1957).

(4) Refrigerated tanks shall be designed in accordance with the directions of subsection (1) of this Section to a minimum design working pressure of 60 psig.

(5) Containers exceeding 36 inches in diameter or 200 Imperial gallons water capacity shall be stress relieved after fabrication in accordance with the Code; or cold formed heads, when used, shall be stress relieved; or hot formed heads shall be used.

(6) Welding to any parts of a tank subject to internal pressure shall be in accordance with the code under which the tank was fabricated. Non-code welding is permitted only on saddle plates, lugs or brackets attached to the container by the tank manufacturer.

21. (1) All tanks shall be inspected and tested prior to being put into use at the pressure specified by the A.S.M.E. Code by a qualified unfired pressure vessel inspector in accordance with the applicable regulations of the Province concerned. Testing of tanks.
- (2) A copy of the tank test and inspection report shall be filed with the Board.
22. The tank shall be permanently marked or labelled as required by the A.S.M.E. Code under which the tank was manufactured and the Pressure Vessel Inspection Branch of the Provincial Government concerned. Marking of tanks.
23. Each above ground tank with a water capacity exceeding 1,000 Imperial gallons shall be electrically grounded for protection against lightning with the resistance to ground being as low as possible and preferably not in excess of 6 ohms. Grounding of tanks.
24. Each tank with a water capacity exceeding 2,000 Imperial gallons shall be equipped with a suitable pressure gauge graduated from 0 to 400 psi. Pressure gauges on tanks.
25. Each tank with a water capacity exceeding 5,000 Imperial gallons should be equipped with a suitable thermometer unless some other provision is made for determining the liquid temperature. Thermometers on tanks.
26. The below ground installation of Anhydrous Ammonia tanks on the carrier's right-of-way is prohibited. Below ground installation of tanks.
27. (1) Except as provided in subsection (7) of this Section, storage tanks shall be securely installed on solid foundations of steel or reinforced concrete with reinforced concrete footings extending below the frost line or resting on bedrock. Tank foundations.
- (2) Except as provided in subsection (6) of this section, steel foundations shall be fire-proofed with a material having a fire resistance rating of not less than two hours.
- (3) Foundations shall be of sufficient width and thickness to adequately support the tank and its contents.
- (4) Provision shall be made for the thermal expansion and contraction of a tank.
- (5) Only two saddles shall be used for horizontal tanks.
- (6) Steel saddles which are welded to a tank need not be fire-proofed if the tank capacity does not exceed 500 Imperial gallons, or if the over-all height of the saddle does not exceed 18 inches.
- (7) Footings for tanks with a water capacity less than 500 Imperial gallons need not be installed below frost line if adequate provision is made to protect the piping against the effects of settling.
28. (1) Storage tanks shall not be installed in a building, unless the building is to be used exclusively for the storage of Anhydrous Ammonia and is ventilated to prevent the accumulation of fumes. Location of storage tanks.
- (2) Storage tanks shall not be installed in outdoor locations where the natural dispersal of fumes would be seriously restricted.
29. (1) The filling density of above ground unrefrigerated tanks shall not exceed 56 per cent for uninsulated tanks and 57 per cent for insulated tanks. For volume filling at various liquid temperatures, refer to chart of figure 23, Pamphlet G-2 of Compressed Gas Association, Inc. Filling density.

Filling  
density  
(cont'd.)

29. (2) The maximum amount of Anhydrous Ammonia which may be charged into a **refrigerated** storage container shall be that which theoretically would make the container liquid full at a pressure equal to 120 per cent of the design pressure of the container under equilibrium conditions of temperature and pressure.

Liquid  
level  
gauges.

30. (1) Unless filling is controlled by weighing, tanks shall be equipped with a fixed tube liquid level, a rotary tube, an adjustable slip tube gauge, or other gauging device that will ensure that the maximum permitted filling density is not exceeded. If the gauging device is a float type or pressure differential type, the tank shall also be provided with a fixed tube, rotary tube, or adjustable slip tube gauge.

(2) Gauge glasses of the columnar type shall be equipped with shut-off valves having metallic hand wheels; excess flow valves; and extra heavy glass adequately protected by a metal housing applied by the manufacturer. The gauge shall be protected from the direct rays of the sun.

## PART V

### PIPING AND TRANSFER EQUIPMENT

Pump and  
compressor  
specifica-  
tions.

31. Pumps and compressors used for transferring Anhydrous Ammonia shall be of a type suitable for Anhydrous Ammonia service, shall be designed for not less than 250 psig working pressure, and shall be so recommended and permanently marked or labelled by the manufacturer.

Piping at  
pumps or  
compressors.

32. Piping at pumps and compressors shall be so arranged as to ensure the safe operation of this equipment.

Refrigera-  
tion load.

33. Refrigeration load and equipment for **refrigerated** storage systems shall be in accordance with the current edition of Agricultural Ammonia Institute pamphlet, "Standards for the Storage and Handling of Anhydrous Ammonia".

Hose  
specifica-  
tions.

34. (1) Hose and hose connections subject to container pressure shall be designed for a working pressure of not less than 350 psig with a factor of safety of not less than five.

(2) The hose, as assembled for use, shall be tested for leaks at not less than twice the maximum working pressure before being put into service and **should** be tested at least annually thereafter at not less than  $1\frac{1}{2}$  times the maximum working pressure.

(3) The hose shall be permanently and clearly marked or labelled "For Anhydrous Ammonia" or "NH<sub>3</sub>", or "A.A.", together with the maximum working pressure, manufacturer's name or symbol and year of manufacture.

(4) Hose coupling shall be of steel.

(5) Hose materials shall be resistant to the action of Anhydrous Ammonia under the service conditions to which they will be subjected.

(6) Hose and hose connections located on the low pressure side of flow control or pressure reducing valves or devices, discharging to atmospheric pressure, shall be designed for a minimum working pressure of 60 psig.

34. (7) Where hose is to be used for transferring liquid, wet hose is recommended. Such hose shall be equipped with a shut-off valve on the discharge end and provision shall be made to prevent excessive hydrostatic pressure in the hose.

Hose specifications  
(cont'd.)

(8) The use of non-metallic hose is prohibited for interconnecting stationary containers.

35. (1) Piping shall be schedule 40 mild steel with welded joints and welding type fittings, or schedule 80 mild steel with either screw type or welded joints and welding type fittings.

Piping specifications.

(2) Brazed joints are prohibited.

(3) Unless the dryness of the ammonia can be assured, copper; copper, silver or zinc alloys, including brass or bronze; or galvanized pipe, valves or fittings shall not be used.

(4) The use of cast iron pipe, valves or fittings in Anhydrous Ammonia service is prohibited.

(5) Anhydrous Ammonia shall not be allowed to come in contact with mercury in manometers and other equipment.

(6) Joint compounds and pipe dopes shall be suitable for ammonia service.

(7) Welding shall only be done by a qualified welder recognized as such by the Boiler and Pressure Vessel Inspection Branch of the Provincial Government concerned.

36. All storage tank connections, except those for safety relief valves or gauges, shall be labelled to indicate whether they communicate with the vapour or liquid phase during normal operations.

Labelling tank connections.

37. All storage tank connections, except those for gauges, safety relief valves or plugged openings, shall be provided with shut-off valves located as close to the tank as possible.

Shut-off valves on tanks.

38. (1) All shut-off valves, throttling valves, gauges, and accessory equipment shall be of a type suitable for Anhydrous Ammonia service and shall be designed for not less than the maximum working pressure to which they may be subjected, except that the rated working pressure of valves, etc., subject to container pressure shall not be less than 250 psig.

Valves, gauges, etc., suitable for NH<sub>3</sub>.

(2) All valves, gauges, fittings, and accessory equipment mentioned in subsection (1) of this section shall be permanently marked or labelled with their maximum working pressure and the letters "A.A." or "NH<sub>3</sub>" to indicate their suitability for Anhydrous Ammonia service; e.g., "250-A.A."

39. (1) Except as provided in subsection (4) of this section, all openings in unrefrigerated containers, except those for safety relief valves and those connections protected by an opening not larger than a No. 54 drill size (0.0550 inch), shall be equipped with excess flow valves or other suitable automatic valve or device which will automatically prevent loss of the tank contents in the event of a connection or line failure.

Excess flow valves.

(2) Connections on refrigerated containers shall be protected with excess flow valves or other devices as prescribed in the current edition of Agricultural Ammonia Institute pamphlet, "Standards for the Storage and Handling of Anhydrous Ammonia".

Excess  
flow  
valves  
(cont'd.)

39. (3) Excess flow valves shall be designed with a bypass not to exceed a No. 60 drill size (0.0400 inch) opening to allow equalization of pressures.

(4) An excess flow valve or other automatic device as prescribed in subsection (1) of this section is not required for withdrawal connections of unrefrigerated tanks with a water capacity not exceeding 1,500 Imperial gallons, if the connection is protected by a controlling orifice not exceeding 5/16 inch diameter for vapour withdrawal and 1/8 inch diameter for liquid withdrawal, a manually operated shut-off valve, and a pressure-reducing regulator, all of which shall be assembled to the connection as prescribed in 2.2 (d), Division II of the 1958 edition of National Fire Protection Association pamphlet No. 58.

(5) Excess flow valves shall be permanently marked or labelled by the manufacturer with their maximum working pressure, rated capacity and the letters "A.A." or "NH<sub>3</sub>" to indicate their suitability for use in Anhydrous Ammonia service.

(6) Excess flow valves or other automatic devices, as referred to in subsection (1) of this section, shall be installed in such a manner that rupture of the line or connection will not adversely affect the protective device.

(7) The connection or line housing an excess flow valve shall have a greater capacity than the rated capacity of the excess flow valve.

Portable  
engines,  
motors,  
etc.

40. Portable engines, motors, pumps and compressors are not recommended, but if used, shall be securely mounted on a rigid base and every precaution taken to ensure that the installation is stable and well protected against possible physical damage.

Locking  
tank  
valves.

41. Unless the installation is enclosed by a wire mesh fence not less than 5 feet in height and provided with a locked gate, tank shut-off valves shall be shut tight and locked during the absence of the attendant.

Piping  
supports  
and  
protection.

42. (1) Piping shall be carried on permanent steel or concrete supports, and supports for pipe lines more than 4 feet above ground shall rest on footings extending below frost line.

(2) Provision shall be made in the piping for expansion, contraction and settling.

(3) Pipe lines shall be protected by metal guard rails against damage from trucks and other traffic.

Below  
ground  
pipe  
lines.

43. (1) Except as provided in subsections (2) and (3) of this section, below ground ammonia lines shall be laid not less than 3 feet below ground or be enclosed in a reinforced concrete or steel trench with a recessed removable cover which shall be flush with the ground. The trench shall be of sufficient strength to support all traffic which may pass over it and shall be provided with drainage.

(2) Pipe lines under roadways on railway property shall be enclosed in an encasing pipe of sufficient strength to support all traffic which may pass over it and shall be not less than 3 feet below the surface of the roadway.

(3) Pipe lines under railways shall be installed in accordance with General Order No. 812.

44. (1) Except for pipe lines between adjacent loading or unloading racks, pipe lines on the railway right-of-way within 20 feet of the gauge side of the nearest rail of a track shall be laid not less than 3 feet below ground; or be enclosed in a reinforced concrete or steel trench as prescribed in subsection (1) of Section 43; or be carried on an overhead pipe bridge with a clearance above ground of not less than 13 feet; or be enclosed by a fence.

Pipe  
lines  
near  
tracks

(2) Pipe lines running parallel to a track, except those between adjacent unloading or loading racks, shall not be closer than 10 feet to the gauge side of the nearest rail of that track and shall comply with subsection (1) of this section.

45. Provision shall be made in loading or unloading lines for relief of pressure before disconnection.

Relief of  
line  
pressure.

46. When loading or unloading racks are not employed for loading or unloading tank cars, the filling or discharge terminals shall be protected on all sides by a guard rail of metal or other material of equivalent strength and permanence. The guard rail shall be not less than 3 feet in height.

Protection  
of loading  
or unloading  
terminals.

47. Tank car loading or unloading lines shall be equipped with shut-off valves located at the tank car end of the loading or unloading line. These valves shall not be used for throttling purposes, but shall be either fully open or fully closed in order not to interfere with the operation of excess flow valves on the tank car.

Shut-off  
valves at  
loading or  
unloading  
terminals.

48. All piping **inside buildings** where Anhydrous Ammonia is stored or handled shall be grounded to prevent the build-up of static electricity. The resistance to ground shall be as low as possible and preferably not more than 6 ohms.

Grounding  
of piping.

49. (1) All piping, valves and fittings shall be inspected and tested after assembly and prior to commencing operations for the first time and be proven gastight at a pressure not less than the working pressure of the tank, pump or device to which they are connected, or at 150 psig if this is a higher pressure.

Testing  
pipe  
lines.

(2) The results of the piping inspection and test shall be reported to the Board.

50. (1) If housed, pumps or compressors driven by internal combustion engines or non-explosion proof motors shall comply with subsections (3), (4), (5) and (6) of this section.

Internal  
combustion  
engines  
and non-  
explosion  
proof  
motors.

(2) The pump or compressor should be separated from the engine or motor by a fireproof and vapour proof wall.

(3) Except for the frame, the building shall be constructed of noncombustible or fire resistant materials.

(4) Engine exhausts shall terminate outside the building.

(5) The building shall be cross ventilated near the ceiling level.

(6) The entire system shall be maintained in good operating condition at all times.

## PART VI

## SAFETY RELIEF DEVICES

Approved  
relief  
valves.

51. (1) Each unrefrigerated tank shall be equipped with one or more safety relief valves of the spring loaded type or an equivalent type which have been approved for the intended service by the Boiler and Pressure Vessel Committee of A.S.M.E., or the Compressed Gas Association, Inc., or Underwriters' Laboratories.

(2) Such valves shall be of a size that will ensure a rate of discharge not less than that specified in the current edition of the Agricultural Ammonia Institute pamphlet "Standards for the Storage and Handling of Anhydrous Ammonia".

(3) The rate of discharge prescribed in subsection (2) of this section shall be obtained before the pressure is in excess of 120 per cent of the maximum permitted start to discharge pressure setting of the device.

(4) The rate of discharge for relief valves on **refrigerated** tanks shall be in accordance with the current edition of Agricultural Ammonia Institute pamphlet, "Standards for the Storage and Handling of Anhydrous Ammonia".

(5) Safety relief valves on unrefrigerated tanks shall be set to start to discharge at pressures as prescribed in the current edition of Agricultural Ammonia Institute pamphlet, "Standards for the Storage and Handling of Anhydrous Ammonia".

(6) Relief valves on **refrigerated** containers shall be set to discharge at a pressure not in excess of the design working pressure of the container.

(7) Safety relief valves shall be installed in a manner that will ensure that the full relief requirements are always satisfied.

Venting  
and  
location  
of relief  
valves.

52. (1) All storage tank relief devices shall be located on the storage tank and shall have direct communication with the vapour space of the tank.

(2) If the design of the relief system is such that liquid can collect on the discharge side of the disc, the valve shall be equipped with a suitable drain.

(3) Tank safety relief valves shall be vented vertically to the outside atmosphere at a safe location and at least 7 feet above the tank; except that for a tank of 2,000 Imperial gallons capacity or less and not provided with a ladder or other means of access to the top, the top of the vent shall be not less than 7 feet above ground level.

(4) The end of the vent pipe shall be fitted with a loose rain cap that will not freeze in place.

(5) Safety relief devices shall be so arranged that the possibility of tampering will be minimized.

(6) Return bends and restrictive piping are not permitted in relief valve piping.

(7) External pressure settings or adjustments shall be sealed.

Testing  
relief  
valves.

53. Safety relief valves and devices shall be inspected and tested prior to being put into service and shall be retested periodically as prescribed in the Compressed Gas Association pamphlet, "Safety Relief Device Standards for Compressed Gas Storage Containers".

54. (1) A safety relief valve venting to the outside atmosphere at a height not less than 7 feet above ground level shall be installed between each pair of shut-off valves in an ammonia line where liquid may be trapped. The start to discharge pressure shall not be less than the setting of the container relief valve and not in excess of 400 psig.

Relief valves on pipe lines.

(2) Sections of pipe lines between shut-off valves and compressors, or shut-off valves and positive displacement pumps, shall be equipped with safety relief valves or bypasses set to discharge at a pressure not less than 240 psig and not over 400 psig.

55. Each safety relief device shall be permanently marked or labelled by the manufacturer with the following information:

Marking relief valves.

- (a) Start to discharge pressure in psig;
- (b) Full-open rate of discharge in c.f.m. of air at 60°F. and 14.7 psia;
- (c) Letters "NH<sub>3</sub>" or "A.A." to indicate its suitability for use in Anhydrous Ammonia service;
- (d) Manufacturer's name or symbol;
- (e) Year of manufacture;
- (f) A.S.M.E. or Compressed Gas Association, or Underwriters' Laboratories symbol.

## PART VII

### LOADING AND UNLOADING

56. (1) The tank car, during loading or unloading operations, shall be protected on the connected end or ends of the siding by a sign of metal or other suitable material 12 x 15 inches in size and reading "STOP—TANK CAR CONNECTED". The word "Stop" shall be in letters at least 4 inches high and the other words in letters at least 2 inches high. Letters shall be white on a blue background.

Tank car stop sign.

(2) The "Stop" sign shall be placed on the tank car or on the loading or unloading track in a manner that will ensure it is always visible to the crew of an engine on the same track.

57. (1) At least one experienced operator supplied by the consignor or the consignee, as the case may be, shall supervise the loading or unloading operations. During the absence of this operator from the installation site, loading or unloading shall be discontinued.

Loading or unloading procedures.

(2) During loading or unloading operations, tank car hand brakes shall be kept applied and the wheels at both ends of the tank car shall be blocked.

(3) Tank cars shall be disconnected from pipe lines immediately after the completion of loading or unloading operations.

(4) Loading or unloading operations shall be carried out only during the hours of daylight unless fixed permanent electric lighting is provided in accordance with Section 63.

58. (1) Except as provided in subsection (2) of this section, the direct transfer of Anhydrous Ammonia between tank cars and tank trucks on carrier's right-of-way is prohibited.

Tank car-tank truck transfers.

Tank car-  
tank truck  
transfers  
(cont'd.)

58. (2) If the location is sufficiently isolated and operating procedures are employed which will ensure that there will be no increase in hazard, the Board will consider applications for relief from subsection (1) of this section at temporary loading or unloading sites where not more than ten tank cars of Anhydrous Ammonia per year will be handled.

Loading or  
unloading  
on carrier's  
track.

59. The loading or unloading of tank cars located on a carrier's track are subject to the following conditions:

(1) Except as provided in subsection (4) of this section, tank car liquid discharge connections shall be equipped with excess flow valves.

(2) Except as provided in subsection (2) of Section 58, lading shall be piped directly to permanent storage tanks of sufficient capacity to receive the entire contents of the tank car. The tanks and all of the facilities associated with them shall be in accordance with all applicable regulations of this Order.

(3) When the carrier's track is a team track, it is recommended that where practicable, the tank car be protected during loading or unloading by a locked derail located at least one car length from the tank car on the connected end or ends of the team track.

(4) Tank cars of the I.C.C. 106A type may be loaded or unloaded on carrier's track if written permission is obtained from the carrier concerned, and equipment is provided for the safe unloading or loading of the unit tanks, but such tanks shall not be stored on carrier's property except as provided in these regulations.

Grounding  
and  
bonding of  
loading or  
unloading  
tracks.

60. Loading or unloading tracks which cross street railway tracks or show evidence of stray electric currents shall be insulated from the rest of the track at the loading or unloading site in accordance with section (3) of General Order No. 602. Loading or unloading tracks equipped for electrical operation shall comply with sections 3, 5 and 6 of General Order No. 602.

## PART VIII

### GENERAL

House-  
keeping of  
grounds.

61. The area within 25 feet of a storage tank exceeding 200 Imperial gallons, a loading or unloading rack, pump, building, etc., shall be kept free of debris, and grass and weeds shall be kept cut to a height not exceeding 6 inches. The general housekeeping and maintenance of buildings, tanks, etc., shall be of the highest standard.

Repairs.

62. Defective piping, valves, or fittings shall be repaired immediately.

Electrical  
installations.

63. All electrical equipment, fixtures, switches, and wiring **inside buildings** where Anhydrous Ammonia is stored or handled shall conform to the requirements of the latest edition of the Canadian Electrical Code for Class I, Division II hazardous locations and any local or provincial requirements of a higher standard. Electrical installations in other locations within 25 feet of any Anhydrous Ammonia storage tank, equipment, or loading or unloading point shall conform to the requirements of the latest edition of the Canadian Electrical Code for corrosive atmospheres (Category 2).

64. (1) All uninsulated storage containers with a water capacity exceeding 100 Imperial gallons which are installed out-of-doors shall be painted with a white heat reflective coating, preferably an enamel or self-cleaning paint. Painting of tanks.

(2) The words "Caution—Ammonia" in letters not less than 6 inches high shall be painted on each outdoor tank with a water capacity exceeding 2,000 Imperial gallons.

65. (1) Except for the frame, pumphouses, compressor houses, or buildings in which Anhydrous Ammonia is handled shall be constructed of noncombustible or fire resistant materials. Construction and house-keeping of buildings.

(2) All enclosures where Anhydrous Ammonia is handled shall be cross ventilated with permanently open louvers at the ceiling level.

(3) Containers of flammable liquids or gases shall not be stored in a room occupied by Anhydrous Ammonia equipment.

(4) Buildings shall be maintained in a clean and tidy condition.

66. Smoking and the use of portable open flame lights or equipment shall be prohibited except in certain isolated and clearly designated areas. Signs to this effect shall be posted at the plant entrances and at the loading and unloading sites. (See Section 69 for restrictions applying to welding.) Smoking.

67. All Anhydrous Ammonia installations are subject to inspection at any time by any duly authorized officer of the Board. Inspection by Board.

68. The owning or operating company shall report by wire to the railway company and the Director of Operation, Board of Transport Commissioners, Ottawa, every fire resulting in damage to the installation, explosion, or major pipe line or tank failure occurring on the installation, and shall submit a detailed report by mail. Reporting accidents.

69. Welding shall not be permitted within 100 feet of a loading or unloading site while loading or unloading operations are in progress. At other times, welding shall only be allowed when carried out under close supervision and in accordance with the provisions of Canadian Standards Association pamphlet W-117. Welding.

70. (1) Each storage area with a water capacity exceeding 2,000 Imperial gallons **should** be protected by at least one standard fire hydrant so located that a 2½-inch hose stream may be used for controlling a fire on the site or for cooling a tank in case of adjacent fires. Consultation with the local fire authority is recommended. Fire prevention.

(2) Fire extinguishers suitable for small fires shall be available on installations with a storage capacity exceeding 2,000 Imperial gallons. At least one fire extinguisher shall be kept on the outside premises.

71. The principal hazards associated with the handling of Anhydrous Ammonia are as follows: Hazards.

(1) Mixtures of air and Anhydrous Ammonia consisting of 16 to 25 per cent by volume of Anhydrous Ammonia are flammable and may ignite at a temperature as low as 1204°F. in the presence of iron. For outdoor installations, this condition is not likely to be obtained

Hazards  
(cont'd.)

71. (1) (cont'd.)

except as a result of a tank or pipe line rupture. However, serious fires and explosions have occurred in which Anhydrous Ammonia was a contributing factor. Anhydrous Ammonia becomes slightly unstable at 840-930°F. and dissociates into hydrogen and nitrogen. The presence of small quantities of oil or other combustible material in Anhydrous Ammonia will increase the fire hazard.

(2) One hundred p.p.m. is the maximum average atmospheric concentration of ammonia to which workers may be repeatedly exposed without adverse effect on their health. Exposure to concentrations of 250 p.p.m. for 30 minutes is considered dangerous and an exposure of 30 minutes' duration to concentrations of 5,000 p.p.m. is considered to be fatal. Industrial gas masks of a type approved for use in ammonia atmospheres **should** be located in a convenient place. Approximately 400 p.p.m. will cause immediate throat irritation and 700 p.p.m. will cause immediate eye irritation.

(3) In addition to the above mentioned hazards, Anhydrous Ammonia is shipped and stored under pressure and those general safety precautions prescribed for the handling of compressed gases should be observed.

Safety  
equipment.

72. Safety equipment, as prescribed in the current edition of Agricultural Ammonia Institute pamphlet, "Standards for the Storage and Handling of Anhydrous Ammonia", should be provided at all bulk storage installations.

References.

73. For further details, the following publications are suggested:
- (a) "Standards for the Storage and Handling of Anhydrous Ammonia", by the Agricultural Ammonia Institute of Memphis, Tennessee.
  - (b) "Anhydrous Ammonia Pamphlet G-2", by the Compressed Gas Association, Inc., 11 West 42nd Street, New York 36, New York.
  - (c) "Chemical Safety Data Sheet SD-8", by the Manufacturing Chemists' Association, Inc., 1625 Eye Street N.W., Washington 6, D.C.
  - (d) Compressed Gas Association pamphlet "Safety Relief Device Standards for Compressed Gas Storage Containers", published by the Compressed Gas Association, Inc., 11 West 42nd Street, New York 36, New York.
  - (e) Liquefied Petroleum Gas pamphlets No. 58 and No. 59 by the National Fire Protection Association, 60 Batterymarch Street, Boston 10, Massachusetts.

ROD KERR,

*Chief Commissioner,*

*The Board of Transport Commissioners  
for Canada.*

## GENERAL ORDER No. 843

*In the matter of regulations governing the construction, filing and posting of telegraph and telephone tariffs by telegraph and telephone companies:*

File No. 10041.155

WEDNESDAY, the 1st day of April, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*L. J. KNOWLES, *Commissioner.*

*It is hereby ordered as follows:*

1. The regulations attached hereto as Tariff Circular 3, entitled "Regulations Governing the Construction, Filing and Posting of Telegraph and Telephone Tariffs by Telegraph and Telephone Companies", are prescribed for the use of telegraph and telephone companies who are required to file tariffs with the Board.

2. General Order No. 658 and General Order No. 661 are rescinded.

3. This General Order shall come into force on the date shown in the said Tariff Circular 3.

ROD KERR,  
*Chief Commissioner.*

## GENERAL ORDER No. 844

*In the matter of rules governing the preparation of accounts in respect of the cost of relocation of a public utility plant that is part of a work ordered or approved by the Board and for which a grant may be made from The Railway Grade Crossing Fund:*

File No. 11026.74

FRIDAY, the 10th day of April, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*H. B. CHASE, C.B.E., *Commissioner.*L. J. KNOWLES, *Commissioner.*

*It is hereby ordered as follows:*

The following rules entitled "Rules Governing the Preparation of Accounts by a Public Utility Company in Respect of the Cost of Relocation of a Public Utility Plant" are approved and apply to accounts required to be submitted to the Board by a public utility company in respect of the cost of relocation of a public utility plant that is part of a work approved or ordered by the Board and for which a grant may be made from The Railway Grade Crossing Fund.

*Rules Governing the Preparation of Accounts by a Public Utility Company in Respect of the Cost of Relocation of a Public Utility Plant.*

1. In these rules,

"Public utility company" means a public utility company or a Commission with authority to construct or maintain lines, wires, other conductors, or other structures or appliances for telegraphic or telephonic purposes, or for the

conveyance of power or electricity for other purposes and includes a company, Commission or other public body lawfully engaged in the distribution of gas to the public and such other company, Commission or public body as the Board may from time to time determine.

2. The cost of relocation of sewers and water lines shall not be included in any account submitted pursuant to these rules.

3. Unless otherwise directed by the Board, accounts shall be prepared in accordance with these rules.

4. (1) Labour Cost

All labour shall be shown as payroll hours worked on the project and at actual payroll rates. In addition, there may be included in the accounts a proportion of wages allowed for statutory holidays and a proportion of wages allowed for vacation pay.

(2) Surcharges

To all items of labour cost there may be added surcharges to cover the following:

(i) Supervision, Accounting and use of tools ..	10%
(ii) Pensions .....	A percentage may be added to direct labour in accordance with the utility company's or Commission's actual pension costs.
(iii) Workmen's Compensation .....	2%
(iv) Unemployment Insurance .....	1%
(v) Health and Welfare benefits .....	1.75%

The surcharges covering supervision, accounting and use of small tools are in lieu of the costs of all salary and expense of any general or supervising officer, or other person regularly employed, having supervision over the utility company's or Commission's operation or maintenance, including all overhead office expense, cost of draughting-room, accessories, etc., all stenographic or clerical forces employed in head, divisional, or district offices, handling matters pertaining to the work, all charges for minor equipment and small tools.

(3) Special Engineering Services

(a) Only a direct charge is allowed for engineering services when it is necessary for their employment continuously and exclusively on the particular work, plus the surcharges herein provided.

(b) Under this item the wages of office engineers and draughtsmen assigned to the work in the preparation of plans after the issue of the Board's Order, plus the surcharges herein provided may be charged.

(c) The word "assigned" in paragraph (b) of this subsection means continuous service for one day, or more, solely in connection with the particular project, but does not permit accumulation of short intermittent periods to equal one day.

### 5. Workmen's Compensation

Award in payment of compensation claims for injury or death are not allowed.

### 6. Transportation of Men

Reasonable charges may be allowed for transportation of the utility company's or Commission's labour or employees to and from the project.

### 7. Material

(1) To the invoice price (including freight, customs duty, sales tax and exchange) of all items of materials and supplies used, add 15 per cent to cover supervision, store expense, inspection, accounting, handling and transportation from the utility company's or Commission's stores to the project.

(2) Proper credit is allowed for salvage materials, less 15 per cent to cover expense of supervision, inspection, store expense, accounting, handling and transportation.

### 8. Contract Work

To the contract price of work done by an outside contractor, there may be added a premium of 3 per cent to cover supervision, accounting and inspection.

### 9. Rental of Equipment

Equipment rental charges may be allowed at rates relative to the rental of similar types of equipment in the area involved. Percentage allowance shall not be added to equipment rentals.

ROD KERR,

*Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

### GENERAL ORDER NO. 845

WEDNESDAY, the 13th day of May, A.D. 1959.

*In the matter of rules governing the preparation of accounts by a Road Authority in respect of the cost of a work ordered or approved by the Board and for which a grant may be made from The Railway Grade Crossing Fund.*

File No. 11026.74

ROD KERR, Q.C., *Chief Commissioner.*

H. H. GRIFFIN, *Asst. Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

*It is hereby ordered as follows:*

The following rules entitled "Rules Governing the Preparation of Accounts by a Road Authority" are approved and apply to accounts required to be submitted to this Board by a Road Authority in respect of the cost of:

- (a) the elimination of an existing level crossing by a grade separation;
- (b) the reconstruction and improvement of an existing grade separation; and
- (c) the improvement at an existing level crossing of a public highway and any railway under the jurisdiction of this Board that is part of a work approved or ordered by the Board and for which a grant may be authorized from The Railway Grade Crossing Fund.

1. Unless otherwise directed by the Board, accounts shall be prepared in accordance with these rules.

2. (1) *Labour Cost*: All labour shall be shown as payroll hours worked on the project and at actual payroll rates. In addition, there may be included in the accounts a proportion of wages allowed for statutory holidays and for vacation pay.

(2) *Surcharges*: To all items of labour cost there may be added surcharges to cover the following:

- (i) Supervision, Accounting and use of tools .....10%
- (ii) Pensions.....A percentage may be added to direct labour in accordance with the Road Authority's actual pension costs.
- (iii) Workmen's Compensation ..... 2%
- (iv) Unemployment Insurance ..... 1%
- (v) Health and Welfare benefits ..... 1.75%

The surcharges covering supervision, accounting and use of small tools are in lieu of the costs of all salary and expense of any general or supervising officer, or other person regularly employed, having supervision over the Road Authority's operation or maintenance, including all overhead office expense, cost of draughting-room, accessories, etc., all stenographic or clerical forces employed in head, divisional, or district offices, handling matters pertaining to the work, all charges for minor equipment and small tools.

(3) *Special Engineering Services*:

- (a) Only a direct charge is allowed for engineering services when it is necessary for their employment continuously and exclusively on the particular work, plus the surcharges herein provided.
- (b) Under this item the wages of office engineers and draughtsmen assigned to the work in the preparation of plans after the issue of the Board's Order, plus the surcharges herein provided may be charged.
- (c) The word "assigned" in paragraph (b) of this subsection means continuous service for one day, or more, solely in connection with the particular project, but does not permit accumulation of short intermittent periods to equal one day.
- (d) Where consulting engineers' services are used for any portion of the work, a charge for the consultant's fees is allowed in the account of the Road Authority for the consulting engineers' services but shall not exceed the prevailing rates for consulting engineering services in the province involved.

3. *Workmen's Compensation*:

Award in payment of compensation claims for injury or death are not allowed.

4. *Transportation of Men*:

Reasonable charges may be allowed for transportation of the Road Authority's labour or employees to and from the project.

5. *Material*:

(1) To the invoice price (including freight, customs duty, sales tax and exchange) of all items of materials and supplies used, an amount up to 15 per cent may be added to cover supervision, store expense, inspection, accounting, handling and transportation from the Road Authority's stores to the project.

(2) Proper credit should be allowed for salvage materials, less an amount up to 15 per cent to cover expense of supervision, inspection, store expense, accounting, handling and transportation.

6. *Contract Work:*

(1) To the contract price of work done by a contractor there may be added a premium to cover supervision, accounting and inspection of 3 per cent on amounts up to \$50,000.00; of 2 per cent on the excess of \$50,000.00 up to \$100,000.00; and of 1 per cent on the excess over \$100,000.00.

(2) Where a consulting engineer handles the complete project for the Road Authority, that is, complete supervision, accounting and inspection, then no premium shall be added.

7. *Land Purchases and Damages:*

To the purchase price of land and property damages, registration fees, special taxes, fees paid into court, and commissions paid for purchase settlement, there may be added a premium to cover supervision, accounting, etc., of 3 per cent, on amounts up to \$50,000.00; of 2 per cent on the excess of \$50,000.00 up to \$100,000.00; and of 1 per cent on the excess over \$100,000.00.

8. *Rental of Equipment:*

Equipment rental charges may be allowed at rates relative to the rental of similar types of equipment in the area involved. Percentage allowance shall not be added to equipment rentals.

ROD KERR,  
*Chief Commissioner.*

GENERAL ORDER No. 846

*In the matter of testing and repairing of highway crossing protective devices:*

File No. 15382

FRIDAY, the 29th day of May, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

H. H. GRIFFIN, *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

*It is hereby ordered as follows:*

1. That all highway crossing protective devices upon the line of any railway company subject to the legislative authority of the Parliament of Canada, installed for the purpose of protection, shall be efficiently maintained by the railway company upon whose line the protection is installed and shall be tested as follows:

- (a) For all crossings protected by bell and danger signs, or by mechanical gates, or by wig-wag signals, the tests shall be made at least once a day, except during week-ends and legal holidays when such tests may be made once every two days.
- (b) For all crossings protected by flashing light signals and bells; or by flashing light signals, bells and gates the tests shall be made at least once in each calendar week.

2. The method of tests shall be such as will indicate whether or not the highway crossing protective devices are in good working order. If the highway crossing protective devices fail to operate or operate improperly, notice shall be given at once by the railway employee discovering such failure or improper operation, either to the station agent nearest such highway crossing protective device, or to the train dispatcher, whose duty it shall be to report the matter at once to the Department having charge of the operation and repair of such highway crossing protective devices. As soon as possible after the receipt of such notice a flagman shall be placed at such crossing in order that all users of the said crossing may be protected until the highway crossing protective device concerned has been repaired. If the protection is for more than four tracks two flagmen shall be used.

3. General Orders Nos. 755 and 789, dated the 19th day of May, 1951, and the 7th day of August, 1953, respectively, are rescinded.

ROD KERR,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
APRIL, 1959.

Railway Accidents .....	153	Killed	8	Injured	165
Level Crossing Accidents ....	31	Killed	10	Injured	39
	184		18		204
Total .....					

		Killed	Injured
Passengers .....	—	—	16
Employees .....	2	2	154
Others .....	16	16	34
	18	18	204
Total .....			

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

QUEBEC

- 1 — Pedestrian struck by train.
- 1 Automobile struck by train. Licence: Que. 352-835.
- 2 Automobile ran into side of train. Licence: Que. 521-461.
- 2 — Automobile struck by train. Licence: Que. 559-782.
- 1 — Auto truck struck by train. Licence not given.
- 3 Auto truck ran into side of train. Licence: Que. FH-6381.
- 1 Automobile ran into side of train. Licence: Que. 269-903.
- 1 Automobile ran into side of train. Licence not given.

ONTARIO

- 1 1 Automobile struck by train. Licence: Ont. 995-760.
- 1 Gasoline truck struck by train. Licence: Ont. 585-420.
- 2 Automobile ran into side of train. Licence: Ont. C-54143.
- 1 Dump truck struck by train. Licence: Ont. 463-62-2.
- 2 Automobile ran into side of train. Licence: Ont. H-85942.
- 1 Automobile ran into side of train. Licence: Ont. D-7055.
- 1 Automobile struck by train. Licence: Ont. 741-549.
- 2 Auto truck struck by train. Licence: Ont. 60019-C.
- 1 Auto truck struck by train. Licence: Ont. 61001-C.
- 1 1 Automobile ran into R.D. Car. Licence: Ont. A-12719.
- 1 — Automobile ran into side of train. Licence: Ont. 668-929.

MANITOBA

- 1 Automobile ran into side of train. Licence: Man. 4-J-97.
- 5 Track motor car struck by automobile. Licence: Man. 2-B-750.

SASKATCHEWAN

- 1 Automobile struck by train. Licence: Sask. 72-210.
- 1 — Auto truck struck by train. Licence: Sask. C-9-777.

ALBERTA

- 1 — Auto truck ran into side of train. Licence: Alta. PS-24738.
- 1 Automobile ran into side of train. Licence: Alta. ND-270.
- 4 Track motor car struck school bus. Licence: Alta. FB-100-769.
- 1 — Automobile struck by train. Licence: Alta. EK-907.

*Killed Injured*

## BRITISH COLUMBIA

- 1 Track motor car struck automobile. Licence not given.
- 2 Automobile ran into side of train. Licence: B.C. 396-494.
- 1 Pedestrian attempted to board train at crossing and fell.
- 2 Automobile struck by train. Licence: B.C. 356-334.

Of the 31 accidents at highway crossings 20 occurred at unprotected crossings, 11 at protected crossings, 19 occurred after sunrise and 12 after sunset.

OTTAWA, Ontario, June 29, 1959.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 98062 June 2—Approving tolls published in tariffs filed by the Canadian Freight Assoc. under sections 3 and 8 of the Maritime Freight Rates Act.
- 98063 June 2—Authorizing the Township of MacDiarmid Statute Labour Board to relocate the public crossing of the highway and the C.N.R. at Mileage 36.64 Dorion Subd.
- 98064 June 2—Approving application of the Quebec Dept. of Roads for the installation of automatic protection at crossing of the C.N.R. and St. Andre Road in Chambord, Mileage 64.12 Jonquiere Subd.
- 98065 June 2—Authorizing the City of St. Johns, P.Q. to install automatic protection at the crossing of the C.N.R. and Mercier St., in St. Johns, Mileage 24.76 Rouses Point Subd.
- 98066 June 2—Authorizing the Quebec North Shore and Labrador Railway Company to make signal changes between Mileage 340 and Mileage 357 Menihek Subd., Nfld.
- 98067 June 2—Approving flammable liquid bulk storage facilities of North Star Oil Limited at Flin Flon, Man.
- 98068 June 2—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Airport Road, Mileage 15.06 Brampton Subd., and Rexdale Blvd., Mileage 14.94 Brampton Subd., in Malton, Ont.
- 98069 June 2—Rescinding Order 62795 which approved facilities of Canadian Oil Companies Limited near the tracks of the C.N.R. at Belleville South, Ont.
- 98070 June 2—Approving proposed petroleum gas bulk storage facilities of Quintane Gas Company at Kingston, Ont. (C.P.R.)
- 98071 June 2—Authorizing the Alberta Dept. of Highways to construct Highway 41 over the C.P.R. in Sec. 21, Twp. 40, Rge. 6, W.4M.
- 98072 June 2—Authorizing the Manitoba Dept. of Public Works to construct a by-pass of the Trans-Canada Highway by means of an overhead bridge over the C.N.R. at Mileage 10.46 Gladstone Subd.
- 98073 June 2—Authorizing the N.S. Dept. of Highways to reconstruct the highway over the C.N.R. at Stewiacke, N.S.
- 98074 June 3—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 98075 June 3—Authorizing the C.N.R. to remove the station agent at Laura, Sask., and to appoint a caretaker.
- 98076 June 3—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at Silton, Sask.
- 98077 June 3—Authorizing the City of Brantford, Ont., to construct and maintain a public pedestrian crossing over the Lake Erie and Northern Railway Company and the C.N.R. south of Wharf St., Brantford, Ont.

- 98078 June 3—Approving proposed flammable liquid bulk storage facilities of North Star Oil Limited at Sceptre, Sask. (C.P.R.)
- 98079 June 3—Approving changes in rate groupings of certain tariff exchanges of the B.C. Telephone Company.
- 98080 June 3—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and the Cumberland Telephone System.
- 98081 June 3—Approving proposed flammable liquid bulk storage facilities of British American Oil Company Limited at Vernon, B.C.
- 98082 June 3—Authorizing the removal of the speed limitation at crossing of the C.N.R. and the highway north of station at Lucknow, Ont., Mileage 41.86 Kincardine Subd.
- 98083 June 3—Authorizing the removal of the speed limitation at crossing of the highway and the C.P.R. in Woodstock, Ont., Mileage 86.48 Galt Subd.
- 98084 June 3—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Quebec-Telephone (Division de l'Est).
- 98085 June 3—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Addison Rural Independent Telephone Company.
- 98086 June 3—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Quebec-Telephone (Region de Kamouraska).
- 98087 June 3—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Quebec-Telephone (Region du Golfe St-Laurent).
- 98088 June 3—Authorizing the removal of the speed limitation at the crossing of The Chesapeake and Ohio Railway Company and Murray St. in Wallaceburg, Ont., Mileage 40.8 No. 2 Subd.
- 98089 June 3—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Heward, Sask., Mileage 6.69 Tyvan Subd.
- 98090 June 4—Requiring the C.N.R. to install improved protection at the crossing of their railway and Raglan St., Renfrew, Ont., Mileage 53.9 Renfrew Subd.
- 98091 June 4—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Bridge Road (Route 36) at Blackville, N.B., Mileage 21.7 Nashwaak Subd.
- 98092 June 4—Requiring the C.P.R. to install two flashing light signals and one bell manually operated by the use of push-buttons, at crossing of its railway and Governor's Road in the County of Oxford, Ont., Mileage 3.78 St. Mary's Subd.
- 98093 June 4—Authorizing the Sask. Power Corporation to construct a high pressure gas main over and under the pipe line of the Interprovincial Pipe Line Company in Sec. 16, Twp. 30, Rge. 14, W.3M.
- 98094 June 4—Authorizing the Rural Munic. of Invergordon No. 430, Sask., to construct the highway over the C.P.R. between Sections 28 and 33, Twp. 43, Rge. 24, W.2M., East of Tway, Sask., Mileage 71.42 Prince Albert Subd.
- 98095 June 4—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Erin Community Telephone Company Limited.
- 98096 June 4—Authorizing the C.N.R. to relocate the automatic protection at the crossing of their railway and Arlington and Springvale Avenues at Armdale, N.S., Mileage 1.21 Chester Subd.
- 98097 June 4—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Westport Telephone Company Limited.

- 98098 June 4—In the matter of apportionment of cost of maintenance and operation of protection at the crossing of Markham Road and the C.N.R. in the Village of Richmond Hill, Ont., Mileage 20.85 Bala Subd.
- 98099 June 4—Requiring the C.N.R. to install protection at the crossing of the highway and the C.N.R., known as Harcourt School Crossing, Mileage 38.36 Harcourt Subd., N.B.
- 98100 June 4—In the matter of the application of the C.N.R. for an Order amending Order No. 95884 authorizing the installation of additional protection at crossing of their railway and Hwy. No. 2 at Mileage 46.43 Chatham Subd., Ont.
- 98101 June 4—Requiring the C.N.R. to install automatic protection at the crossing of their railway and the by-road at Sisson Ridge, N.B., Mileage 49.97 Grand Falls Subd.
- 98102 June 4—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Hwy. No. 45 east of station at Dupuy, P.Q., Mileage 33.14 Macamic Subd.
- 98103 June 4—Requiring the C.N.R. to install automatic protection at the crossing of their railway and High Street (Hwy. No. 26) in the Town of Collingwood, Ont., Mileage 32.45 Meaford Subd.
- 98104 June 4—Relieving the C.P.R. from erecting cattle guards at certain highway crossings on its Dunelm Subd., Sask.
- 98105 June 4—Requiring the C.N.R. to install automatic protection at the crossing of their railway and the highway at Harcourt, N.B., Mileage 38.16 Harcourt Subd.
- 98106 June 4—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Hwy. No. 2 at Mileage 30.32 Oshawa Subd., Ont.
- 98107 June 4—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Hwy. No. 8 west of Parker Station, N.B., Mileage 5.78 Nashwaak Subd.
- 98108 June 4—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under Section 8 of the Maritime Freight Rates Act.
- 98109 June 5—Approving proposed flammable liquid bulk storage facilities of North Star Oil Limited at Endeavour, Sask. (C.N.R.)
- 98110 June 5—Relieving the C.P.R. from erecting cattle guards at the crossing of its railway and certain highway crossings on its Outlook Subd.
- 98111 June 5—Relieving the C.P.R. from erecting cattle guards at certain mileages on both sides of the crossings of its railway and the highway on its Expanse Subd., Sask.
- 98112 June 5—Requiring the C.N.R. to install improved protection at the crossing of its railway and Timothy St., in the Town of Newmarket, Ont., Mileage 33.64 Newmarket Subd.
- 98113 June 5—Amending Order No. 90145 which authorized the County of Grey to improve the approach of the crossing of County Road 8A and the C.N.R., Twp. of Normanby, Ont.
- 98114 June 5—Relieving the C.P.R. from erecting cattle guards on both sides of its railway and the highway at Mileage 19.83 Shaunavon Subd., Sask.
- 98115 June 5—Amending Order 97883 in the matter of the application of the City of Lachine for the construction of an overpass in the vicinity of 34th Ave.
- 98116 June 5—Rescinding Order No. 65794 which approved the location of facilities of North Star Oil Limited for the storage of flammable liquids near the tracks of the C.P.R. at Constance, Sask.
- 98117 June 5—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at Warren Ont.
- 98118 June 5—Authorizing the C.P.R. to remove the caretaker at Cairns, Alta.

- 98119 June 5—Rescinding orders in the matter of removal of the speed limitation at the crossing of the C.N.R. and Dawson Road, in the City of St. Boniface, Man., Mileage 149.92 Sprague Subd.
- 98120 June 5—Approving flammable liquid bulk storage facilities of the British American Oil Company Limited at Harbor Grace, Nfld.
- 98121 June 5—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at White Bear, Sask. (C.N.R.)
- 98122 June 5—Approving proposed temporary flammable liquid bulk storage facilities of the Royalite Oil Company Limited at Albert Canyon, B.C. (C.P.R.)
- 98123 June 5—Approving proposed liquefied petroleum gas storage facilities of Oughton Unigas Limited at Castle Mountain, Alta. (C.P.R.)
- 98124 June 5—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Onslow Road, N.S., Mileage 2.47 Springhill Subd.
- 98125 June 5—Approving flammable liquid bulk storage facilities of Shell Oil Company Limited at Dorval, P.Q. (C.P.R.)
- 98126 June 5—Requiring The Toronto, Hamilton and Buffalo Railway Company to install automatic protection at the crossing of their railway and Highway No. 24, Mount Pleasant Road, Mileage 63.29 Waterford Subd., and the crossing of Highway No. 53, Colborne St., Mileage 63.37 Waterford Subd.
- 98127 June 8—Approving revisions to tariffs filed by the C.P.R.
- 98128 June 8—Authorizing the Manitoba Dept. of Public Works to construct a crossing of Hwy. No. 13 at the intersection of the existing road allowance and the C.N.R. in the Town of Carman, Man., at Mileage 43.47 Carman Subd.
- 98129 June 8—Authorizing the C.N.R. to install improved protection at the crossing of their railway and Pitt Street, Cornwall, Ont.
- 98130 June 8—Authorizing the Township of Ascot, P.Q., to relocate the highway where it crosses the Quebec Central Railway Company at Mileage 4.66 Quebec Subd.
- 98131 June 8—Approving clearance on private siding (C.N.R.) serving Great Atlantic and Pacific Tea Company Ltd. in the Twp. of Etobicoke, Ont.
- 98132 June 8—Approving flammable liquid bulk storage facilities of North Star Oil Limited, at Vulcan, Alta. (C.P.R.)
- 98133 June 8—Authorizing the C.P.R. to operate over that portion of its Oshawa Subd. between Mileage 105.2 and Mileage 105.9, in the Munic. of Metropolitan Toronto, Ont.
- 98134 June 8—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 98135 June 9—Authorizing the removal of the speed limitation at the crossing of the highway and the Northern Alberta Railways Company immediately west of the west switch at Dunvegan Yards, Alta., Mileage 1.25 Edmonton Subd.
- 98136 June 9—Authorizing the Manitoba Dept. of Public Works to construct at its own expense, Highway No. 10 over the C.N.R. at Mileage 40.88 Erwood Subd., Man.
- 98137 June 9—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Kendry, Ont., Mileage 30.4 Peterboro Subd.
- 98138 June 9—Authorizing the C.P.R. to construct a siding extension over the road allowance at Mileage 79.28 Carberry Subd., Man.
- 98139 June 9—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Hopetown Telephone Company Limited.

- 98140 June 9—Authorizing the C.N.R. to reconstruct their bridge over the Armstrong River at Mileage 234.9 Thicket Subd., Man.
- 98141 June 9—Authorizing the C.P.R. to construct an extension of its siding track across Stephens St. in the City of Portage la Prairie, Man., Mileage 54.55 Carberry Subd.
- 98142 June 9—Authorizing the C.N.R. to construct a bridge at Mileage 0.35 Hogarth A-2 Mine, across the mine shaft, Ont.
- 98143 June 9—Approving proposed flammable liquid bulk storage facilities of British American Oil Company Limited near Jamestown, Ont. (A.C. & H.B. Rly. Co.)
- 98144 June 9—Approving revisions to tariffs filed by British Columbia Telephone Company.
- 98145 June 9—Rescinding Order No. 64469 which approved location of facilities of Imperial Oil Limited near the tracks of the C.N.R. at Meskanaw, Sask.
- 98146 June 9—Rescinding Order No. 67159 which approved location of facilities of Imperial Oil Limited near the C.N.R. tracks at Zelma, Sask.
- 98147 June 9—Rescinding Order No. 66985 which approved location of facilities of Imperial Oil Limited near the tracks of the C.N.R. at Beatty, Sask.
- 98148 June 9—Authorizing Northwestern Utilities Limited to construct a high pressure gas main across and under the pipe line of Interprovincial Pipe Line Company in Sec. 2, Twp. 39, Rge. 3, W.4M., Alta.
- 98149 June 9—Rescinding Order 65474 which approved location of facilities of Imperial Oil Limited near the tracks of the C.P.R. at Kyle, Sask.
- 98150 June 9—Amending the "Uniform Classification of Accounts for Class 1 Common Carriers by Railway".
- 98151 June 9—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under Section 8 of the Maritime Freight Rates Act.
- 98152 June 9—Amending Order No. 95826 re apportionment of cost of installing improved protection at crossing of the highway and the C.P.R. near Orangeville, Ont., Mileage 7.36 Teeswater Subd.
- 98153 June 9—Rescinding Order No. 66409 which approved the proposed location of facilities of Meacham Co-operative Association Limited for the handling of flammable liquids at Meacham, Sask. (C.N.R.)
- 98154 June 9—Authorizing the C.N.R. to construct a bridge to replace an existing culvert at Mileage 86.98 Albreda Subd., B.C.
- 98155 June 9—Authorizing the Ontario Dept. of Highways to widen Highway No. 17 where it crosses the C.P.R. in the Twp. of Ross, Ont., Mileage 70.91 Chalk River Subd.
- 98156 June 9—Authorizing Nottingham Gas Limited to construct a gas main over and under the pipe line of the Westspur Pipe Line Company in the SE $\frac{1}{4}$  Sec. 5, Twp. 6, Rge. 33, W.1M., Sask.
- 98157 June 9—Authorizing the Sask. Power Corporation to construct an aerial transmission line over the pipe line of Westspur Pipe Line Company in the SW $\frac{1}{4}$  Sec. 16, Twp. 5, Rge. 8, West 2M., Sask.
- 98158 June 9—Authorizing Nottingham Gas Limited to construct a gas main over and under the pipe line of the Westspur Pipe Line Company in the SW $\frac{1}{4}$  Sec. 4, Twp. 6, Rge. 33, W.1M., Sask.
- 98159 June 9—Authorizing the Carnduff Gas Limited to construct a gas main across and under the pipe line of the Westspur Pipe Line Company in the NE $\frac{1}{4}$  Sec. 8, Twp. 5, Rge. 32, W.1M., Sask.
- 98160 June 9—Authorizing the C.P.R. to construct and maintain a siding at grade across the road allowance between Secs. 25 and 26, Twp. 10, Rge. 15, W.5M., Man., Mileage 107.38 Carberry Subd.
- 98161 June 9—Authorizing the Sask. Power Corporation to construct an aerial transmission line across and over the pipe line of the Westspur Pipe Line Company in the SW $\frac{1}{4}$  Sec. 16, Twp. 6, Rge. 32, WPM., Sask.

- 98162 June 9—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and The Corporation of the Town of Dryden.
- 98163 June 9—Approving proposed Diesel fuel oil storage facilities of the C.N.R. at Edmonton, Alta., Mileage 3.63 "C" Line Edmonton Terminals.
- 98164 June 9—Amending Order No. 56307 to provide that the maintenance cost placed upon the Dept. of Highways for Ontario, in paragraph three of the Order, be borne and paid from the date of this Order by the Town of Copper Cliff.
- 98165 June 10—Authorizing Imperial Oil Limited, on behalf of Nottingham Gas Limited, to construct a gas main across the pipe line of Westspur Pipe Line Company in the NE $\frac{1}{4}$  Sec. 29, Twp. 4, Rge. 32, WPM., Sask.
- 98166 June 10—Authorizing the Saskatchewan Power Corporation to construct an aerial transmission line across and over the pipe line of Westspur Pipe Line Company in the SW $\frac{1}{4}$  Sec. 4, Twp. 7, Rge. 31, WPM., Sask.
- 98167 June 10—Authorizing The Consumers' Gas Company to construct a gas main across and under the pipe line of Trans-Northern Pipe Line Company at Neilsons Road, between Lots 14 and 15, Conc. 4, Twp. of Scarborough, Ont.
- 98168 June 10—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Realm, B.C., Mileage 33.98 Okanagan Subd.
- 98169 June 10—Amending Order No. 97749 which authorized the C.N.R. to reconstruct the approaches of their bridge at Mileage 65.5 Wabamun Subd., Alta.
- 98170 June 10—Authorizing the Saskatchewan Dept. of Highways and Transportation to relocate and widen Highway No. 49 where it crosses the C.N.R. at Mileage 24.01 Assiniboine Subd.
- 98171 June 10—Approving proposed flammable liquid bulk storage facilities of North Star Oil Limited at Regina, Sask., Mileage 91.8 Indian Head Subd., C.P.R.
- 98172 June 10—Authorizing the C.N.R. to increase the speed of their trains to 35 miles per hour at the crossing of their railway and Marion Street, St. Boniface, Man., Mileage 150.3 Sprague Subd.
- 98173 June 11—Authorizing the Ottawa Suburban Roads Commission to raise the approaches and to widen the existing crossing of Woodroffe Ave. and the main line of the C.N.R. in the Twp. of Nepean, Ont., Mileage 8.60 Beachburg Subd.
- 98174 June 11—Authorizing the C.P.R. to construct an extension of its siding across the road allowance at Mileage 106.35 Carberry Subd., Man.
- 98175 June 11—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Highway No. 544, at Larchwood, Ont., Mileage 95.73 Cartier Subd.
- 98176 June 11—Approving application of Imperial Oil Limited on behalf of Nottingham Gas Limited, for leave to construct a gas main across and under the pipe line of Westspur Pipe Line Company at certain locations in Sec. 33, Twp. 4, Rge. 32, W.1M., Sask.
- 98177 June 11—Approving application of Imperial Oil Limited on behalf of Nottingham Gas Limited, for leave to construct a gas main across and under the pipe line of Westspur Pipe Line Company in the SW $\frac{1}{4}$  Sec. 19, Twp. 5, Rge. 32, WPM., Sask.
- 98178 June 11—Approving application of Imperial Oil Limited on behalf of Nottingham Gas Limited, for leave to construct a gas main across and under the pipe line of Westspur Pipe Line Company in the NW $\frac{1}{4}$  Sec. 32, Twp. 5, Rge. 33, WPM., Sask.
- 98179 June 11—Approving application of Imperial Oil Limited on behalf of Nottingham Gas Limited, for leave to construct a gas main across and under the pipe line of Westspur Pipe Line Company in the NE $\frac{1}{4}$  Sec. 23, Twp. 5, Rge. 33, W.1M., Sask.

- 98180 June 11—Authorizing Nottingham Gas Limited to construct gas mains across and under the pipe line of Westspur Pipe Line Company at certain locations in the Province of Sask.
- 98181 June 11—Approving application of Imperial Oil Limited on behalf of Nottingham Gas Limited to construct a gas main across and under the pipe line of Westspur Pipe Line Company at certain locations in the Province of Sask.
- 98182 June 11—Authorizing the removal of the speed limitation at the crossing of Caradoc St. and the C.N.R. in Strathroy, Ont., Mileage 19.85 Strathroy Subd.
- 98183 June 11—Authorizing Imperial Oil Limited to construct gas mains across and under the pipe line of Westspur Pipe Line Company at certain locations in the Province of Sask.
- 98184 June 11—Amending Order No. 95561 re apportionment of cost of installing protection at the crossing of the C.P.R. and Front St., Mileage 92.09, and Pinnacle St., Mileage 92.03, Belleville Subd., Belleville, Ont.
- 98185 June 11—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 98186 June 12—Requiring the Chesapeake & Ohio Railway Company to install automatic protection at the crossing of County Road No. 16 and its railway, near Ridgetown, Ont., Mileage 87.3 No. 1 Subd.
- 98187 June 12—Requiring the C.N.R. to install automatic protection at the crossing of its railway and Highway No. 2 at Hillman, N.B., Mileage 123.49 Centreville Subd.
- 98188 June 12—Requiring the C.N.R. to install automatic protection at the crossing of their railway and First Range Road in Charette, Co. of St. Maurice, P.Q., Mileage 62.35 Grand'Mere Subd.
- 98189 June 12—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Baseline Road, Twp. of Toronto, Ont., Mileage 19.25 Galt Subd.
- 98190 June 12—Requiring the Chesapeake and Ohio Railway Company to install automatic protection at the crossing of its railway and County Road No. 29, just south of Dresden Stn., Ont., Mileage 40.64 Sarnia and Erieau Subd.
- 98191 June 12—Granting leave to Trans Mountain Oil Pipe Line Company to carry its pipe line loop across the two public highways as shown on plans filed with the Board, in the New Westminster District of B.C.
- 98192 June 12—Authorizing the C.N.R. to install signals from Mileage 90.0 to Mileage 116.4 Yale Subd., B.C.
- 98193 June 12—Authorizing Consumers' Gas Company to construct a gas main across and over the right of way of the C.P.R. by fixing the said gas main to the overhead bridge carrying Victoria Park Ave. in the Twp. of North York, Ont., Mileage 99.82 Oshawa Subd.
- 98194 June 12—Amending Order No. 95250, as amended by Order No. 95821, re apportionment of cost of improving the approach grades at crossing of the highway and the C.P.R. in the Twp. of Amaranth, near Orangeville, Ont., Mileage 3.93 Owen Sound Subd.
- 98195 June 12—Authorizing the Manitoba Dept. of Public Works to construct the Trans-Canada Highway (Winnipeg By-Pass) across the C.P.R. in the Parish of St. Norbert, at Mileage 6.71 Emerson Subd.
- 98196 June 12—Approving Drawing RW-5700, Rev. 2, submitted by Trans Mountain Oil Pipe Line Company showing its pipe line loop as constructed in certain locations in the Prov. of Alta.
- 98197 June 12—Approving flammable liquid bulk storage facilities of North Star Oil Limited at Swan River, Man., C.N.R.
- 98198 June 12—Authorizing Consumers' Gas Company to construct a gas main across and under the pipe line of the Trans-Northern Pipe Line Company at Finch Ave., Twp. of North York, Ont.

- 98199 June 15—Authorizing the City of Corner Brook, Nfld., to construct a subway at the crossing of Petrie St. and the C.N.R., Mileage 408.8 Port aux Basques Subd.
- 98200 June 15—Amending Order No. 92388 re apportionment of cost of constructing 14th Avenue across the C.N.R. by means of an overhead bridge in the City of Lachine, P.Q.
- 98201 June 15—Exempting the C.P.R. from erecting cattle guards at certain highway crossing on its Matador Subd., Sask.
- 98202 June 15—Authorizing the C.P.R. to construct an industrial spur track at Mileage 90.8 Indian Head Subd. and across Dewdney Ave. and Tenth Ave., in the City of Regina, Sask.
- 98203 June 15—Exempting the C.P.R. from erecting right of way fencing between certain mileages on its Bredenburg Subd., Man.
- 98204 June 15—Authorizing The Consumers' Gas Company to construct a gas main across and under the pipe line of Trans-Canada Pipe Lines Limited on the road allowance between Concs. 8 and 9, Lots 27 and 28, Twp. of Markham, Co. of York, Ont.
- 98205 June 15—Rescinding Order No. 70964 which approved the proposed location of facilities of P.M. Fleming Limited, near the C.N.R. at Kapuskasing, Ont.
- 98206 June 15—Rescinding Order No. 74973 which approved the location of facilities of Imperial Oil Limited near the tracks of the C.P.R. at Woolford, Alta.
- 98207 June 15—Approving clearances on the siding serving Massey-Ferguson Limited, in the City of Woodstock, Ont., C.N.R.
- 98208 June 15—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and D'Arcy St., in the Town of Cobourg, Ont., Mileage 263.4 Oshawa Subd.
- 98209 June 15—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 37, near Chatham, N.B., Mileage 10.60 Loggieville Subd.
- 98210 June 15—Approving facilities of Gibson Petroleum Company Limited, at Gem, Alta., for its proposed crude petroleum, tank truck to tank car transfers.
- 98211 June 15—Authorizing the removal of the speed limitation at the crossing of Provincial Highway No. 2 and the C.P.R. at Mileage 90.05 Belleville Subd., Ont.
- 98212 June 15—Approving revised Schedule "B" to Agreement between The Bell Telephone Company of Canada and Canadian Overseas Telecommunication Corporation.
- 98213 June 15—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Claremont, Ont., Mileage 74.17 Peterboro Subd.
- 98214 June 15—Authorizing the Township of Etobicoke to construct a water main on Belfield Road across the pipe line of the Trans-Northern Pipe Line Company in the Twp. of Etobicoke, Co. of York, Ont.
- 98215 June 15—Authorizing Supertest Petroleum Corporation Limited to construct two pipe lines across and under the pipe line of Trans-Northern Pipe Line Company in Lot 22, Conc. 3, Twp. of North York, Co. of York, Ont.
- 98216 June 15—Approving proposed flammable liquid bulk storage facilities of Imperial Oil Limited at Vibank, Sask., Mileage 61.9 Glenavon Subd., C.N.R.
- 98217 June 15—Rescinding Order 62105 which approved the location of facilities of Imperial Oil Limited for storage of flammable liquids near the right of way of the C.P.R. at Schuler, Alta.

- 98218 June 15—Approving proposed flammable liquid storage facilities of B.P. Canada Limited at Laverlochere, Ont., C.P.R., Mileage 106.52 Timiskaming Subd.
- 98219 June 15—Authorizing the C.P.R. to construct a siding across the unopened lane of block east of Marshall Ave., in the City of Medicine Hat, Alta., to serve Alberta Wheat Pool Elevators Limited.
- 98220 June 15—Authorizing the Saskatchewan Power Corporation to construct a power line across and over the pipe line of Trans-Canada Pipe Lines Limited, in the SW $\frac{1}{4}$  Sec. 30, Twp. 15, Rge. 7, W.2M., Sask.
- 98221 June 15—Authorizing the Saskatchewan Power Corporation to construct a power line across and over the pipe line of Trans-Canada Pipe Lines Limited in the NE $\frac{1}{4}$  Sec. 5, Twp. 18, Rge. 5, W.3M., Sask.
- 98222 June 15—Approving flammable liquid bulk storage facilities of British American Oil Company Limited at St. Lambert, P.Q., St. Hyacinthe Subd., C.N.R.
- 98223 June 15—Authorizing the C.N.R. to construct a car ferry slip on Okanagan Lake, Kelowna, B.C.
- 98224 June 15—Approving Drawing submitted by Trans Mountain Oil Pipe Line Company showing the location of its pipe line loop at certain locations on the Kamloops Division, Yale District of B.C.
- 98225 June 15—Authorizing The Consumers' Gas Company to construct a gas main across and under the pipe line of the Trans-Northern Pipe Line Company on Overland Drive in Don Mills, City of Toronto, Ont.
- 98226 June 15—Rescinding Orders Nos. 69888 and 76882 which approved the location of facilities of Imperial Oil Limited, near the tracks of the C.P.R. at Spring Coulee, Alta.
- 98227 June 15—Approving application of the City of Waterloo, Ont., for authority to relocate Dearborn Street West where it crosses the C.N.R.
- 98228 June 15—Approving plan, profile and book of reference submitted by the C.P.R. showing the diversion of their track between Mileages 16.2 and 18.1 Lomond Subd., Alta., and authorizing the construction of the said diversion.
- 98229 June 15—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 98230 June 16—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 27.7 Carman Subd.
- 98231 June 16—Approving proposed flammable bulk storage facilities of Shell Oil Company of Canada Limited at Ste. Agathe, P.Q., Mileage 43.8 Ste. Agathe Subd., C.P.R.
- 98232 June 16—Authorizing the C.N.R. to widen the existing overhead bridge at the intersection of their railway and Cote de Liesse, Co. of Jacques Cartier, P.Q., Mileage 4.5 Mount Royal Subd.
- 98233 June 16—Requiring the C.N.R. to install improved protection at the crossing of their railway and Highway No. 2 west of Chatham, Ont., Mileage 64.50 Chatham Subd.
- 98234 June 16—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 45, in the Twp. of Taschereau, P.Q., Mileage 1.74 Makamic Subd.
- 98235 June 16—Requiring the C.P.R. to install improved protection at the crossing of its railway and the crossing of Parent Ave., Mileage 13.31 and Avenue du Palais, Mileage 13.38 Ste. Agathe Subd., in the City of St. Jerome, P.Q.
- 98236 June 16—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Main St. in the Village of Drayton, Ont., Mileage 62.81 Fergus Subd.
- 98237 June 16—Requiring the C.N.R. to install improved protection at the crossing of their railway and Wellington Street, in the Village of Drayton, Ont., Mileage 61.53 Fergus Subd.

- 98238 June 16—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 98239 June 16—Authorizing the Town of Mount Royal to construct a temporary level crossing at the intersection of Alexis Nihon Blvd. and the C.N.R. at Mileage 41.9 L'Assomption Subd., and to construct an industrial spur to serve Canada Dry in the Town of Mount Royal, P.Q., Mileage 0.23 of the industrial spur.
- 98240 June 16—Authorizing the C.N.R. to discontinue passenger train service provided by trains Nos. 173 and 174 between Lynden and Guelph Junction, Ont.
- 98241 June 17—Authorizing the C.P.R. to close the station shelters at Gordon Bay, Mileage 5.1, Manbert, Mileage 52.5, and Dill, Mileage 116.2 Parry Sound Subd., Ont.
- 98242 June 17—Requiring the C.P.R. to install automatic protection at the crossing of its railway and old Highway No. 17, at Mileage 7.71 M. & O. Subd., P.Q.
- 98243 June 17—Approving application of the Village of Stoughton, Sask., for an Order declaring the private crossing of the highway and the C.P.R. just west of the station at Stoughton, Mileage 25.0 Kisbey Subd., to be a public crossing.
- 98244 June 17—Relieving the C.P.R. from erecting cattle guards at highway crossings at certain mileages on its Vanguard Subd., Sask.
- 98245 June 17—Authorizing the County of Essex to widen the highway at the intersection of Town Line Road and the main line of The Chesapeake and Ohio Railway Company between the Twps. of Sandwich South and Colchester North, Co. of Essex, Ont., Mileage 10.9 St. Thomas Subd.
- 98246 June 17—Authorizing The Consumers' Gas Company to construct a gas pipe line across and under the pipe line of the Trans-Northern Pipe Line Company on Sheppard Ave., Twp. of North York, Co. of York, Ont.
- 98247 June 17—Authorizing the Ontario Dept. of Highways to construct a temporary crossing of its relocated Highway No. 133 across the C.N.R. in the Twp. of Smith, Ont., Mileage 69.67 Campbellford Subd.
- 98248 June 17—Authorizing Imperial Oil Limited to construct a 6-inch ethylene pipe line across and under the pipe line of Interprovincial Pipe Line Company in Lot 4, Range 7, in the City of Sarnia, Ont.
- 98249 June 17—Authorizing Imperial Oil Limited to construct an oil pipe line across and under the pipe line of the Interprovincial Pipe Line Company in Lot 15, Block A, registered Plan No. 13, Twp. of Sarnia, Co. of Lambton, Ont.
- 98250 June 17—Authorizing Imperial Oil Limited to construct an oil pipe line across and under the company pipe line of Interprovincial Pipe Line Company, in the S.¼ of Lot 2, Block B, Registered Plan No. 13, Twp. of Sarnia, Ont.
- 98251 June 17—Authorizing Imperial Oil Limited to construct a pipe line across and under the pipe line of the Interprovincial Pipe Line Company in Lot 20, Conc. 12, Twp. of Moore, Co. of Lambton, Ont.
- 98252 June 18—Authorizing the Quebec Dept. of Roads to widen Lafleur St. where it crosses the C.P.R. and to construct one additional lane across the C.P.R. to connect with the new movable bridge over the Lachine Canal in the Town of LaSalle, P.Q.
- 98253 June 18—Extending the time within which the C.P.R. is required to install two flashing light signals and one bell at the crossing of its railway and E.C. Row Ave., Third Conc. Road, Twp. of Sandwich East, Ont.
- 98254 June 18—Authorizing the Munic. of Metropolitan Toronto to reconstruct and improve the overhead bridge carrying Kingston Road across the C.N.R. at West Hill, Twp. of Scarborough, Ont., Mileage 321.45 Oshawa Subd.

- 98255 June 18—Authorizing the C.P.R. to remove the station agent at Fannystelle, Man.
- 98256 June 18—Dismissing application of the C.P.R. for authority to remove the caretaker at Nairn, Ont.
- 98257 June 18—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Suburban Road No. 93, near Wallenstein Stn., Ont.
- 98258 June 18—Authorizing Northland Utilities Limited to construct a gas pipe line across and under the pipe line of the Trans-Mountain Oil Pipe Line Company in the SW $\frac{1}{4}$  Sec. 11, Twp. 46, Rge. 1, W.6M., Alta.
- 98259 June 18—Extending the time within which the C.P.R. is required to install two flashing light signals and one bell at the crossing of its railway and Stevenson St. in the City of Guelph, Ont., Mileage 30.58 Goderich Subd.
- 98260 June 18—Authorizing Northland Utilities Limited to construct a gas pipe line across and under the pipe line of Trans-Mountain Oil Pipe Line Company in the NE $\frac{1}{4}$  Sec. 15, Twp. 46, Rge. 1, W.6M., Alta.
- 98261 June 18—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Highway No. 39, at Mileage 92.81 Windsor Subd., Ont.
- 98262 June 18—Approving proposed flammable liquid bulk storage facilities of Temiskaming Construction Company at Mileage 80.95 Fort Frances Subd., C.N.R.
- 98263 June 18—Amending Order No. 97993, dated May 22, 1959, in the matter of apportionment of cost of constructing the highway across the C.P.R. at Mileage 130.46 Nemegos Subd., Ont.
- 98264 June 18—Authorizing the Twp. of Etobicoke, Ont., to construct a water main across and under the pipe line of Trans-Northern Pipe Line Company in Twp. Lot 17, Conc. 3 F.T.H.R.
- 98265 June 18—Exempting the C.P.R. from erecting right of way fencing between certain mileages on its Sutherland Subd., Sask.
- 98266 June 18—Authorizing the Montreal Metropolitan Corporation to construct an overhead bridge to replace the existing level crossing at the intersection of Cote de Liesse Road and the C.N.R. between the Town of Mount Royal and the Town of St. Laurent, P.Q.
- 98267 June 18—Authorizing the C.N.R. to close as an agency their station at Scotia, Ont.
- 98268 June 18—Authorizing the C.P.R. to remove the caretaker at Two Creeks, Man.
- 98269 June 18—Authorizing the Municipality of Metropolitan Toronto to construct Lawrence Ave. across the C.P.R. by means of a subway at Mileage 100.24 Oshawa Subd., Ont.
- 98270 June 18—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Monte Creek, B.C., Mileage 111.6 Shuswap Subd.
- 98271 June 18—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 98272 June 18—Approving revised Drawing and Plan showing details of the proposed location of additional facilities of Shell Oil Company of Canada Limited for the handling and storage of flammable liquids at Prince Rupert, B.C., C.N.R.
- 98273 June 18—Extending the time within which the C.P.R. is required to install two flashing light signals and one bell at the crossing of its railway and Highway No. 4 at Mileage 9.14 Walkerton Subd., Ont.
- 98274 June 18—Authorizing the Twp. of Bentinck to improve the sight lines at the crossing of the highway and the C.P.R. in the Twp. of Bentinck, Co. of Grey, Ont., Mileage 26.8 Walkerton Subd.
- 98275 June 19—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Estevan, Sask., Mileage 139.0 Portal Subd.

- 98276 June 19—Authorizing the C.P.R. to close the station and remove the station building at Carling, Ont.
- 98277 June 19—Authorizing the Alberta Dept. of Highways to widen Highway No. 21-A where it crosses the C.N.R. in the SE $\frac{1}{4}$  Sec. 13, Twp. 28, Rge. 26, W.4M., Alta., Mileage 91.23 Three Hills Subd.
- 98278 June 19—Dismissing application of the C.N.R. for authority to remove the station agent at Truax, Sask.
- 98279 June 19—Approving proposed flammable liquid storage facilities of North Star Oil Limited at Calgary, Alta., near Mileage 173.6 Brooks Subd., C.P.R.
- 98280 June 19—Approving proposed flammable liquid storage facilities of Champlain Oil Products Limited at Causapsca, P.Q., C.N.R., Mileage 46.98 Matapedia Subd.
- 98281 June 19—Authorizing the Saskatchewan Power Corporation to construct a four wire power line across and over the pipe line of the Interprovincial Pipe Line Company in the NW $\frac{1}{4}$  Sec. 12, Twp. 14, Rge. 8, W.2M., Sask.
- 98282 June 19—Authorizing the Saskatchewan Power Corporation to construct a one wire power line across and over the pipe line of the Interprovincial Pipe Line Company in the SE $\frac{1}{4}$  Sec. 36, Twp. 31, Rge. 18, W.3M., Sask.
- 98283 June 19—Approving proposed additional storage tank of North Star Oil Limited at Rainy River, Ont., Mileage 0.18 Sprague Subd., C.N.R.
- 98284 June 19—Authorizing the County of Essex, Ont. to widen Windsor Suburban Road No. 5 where it crosses the C.P.R. in the Co. of Essex, Ont., Mileage 108.33 Windsor Subd.
- 98285 June 19—Extending the time within which the C.P.R. is required to install two flashing light signals and one bell at the crossing of its railway and Highway No. 4, at Mileage 32.85 Walkerton Subd., Ont.
- 98286 June 19—Authorizing the Saskatchewan Power Corporation to construct a one wire power line across the pipe line of the Interprovincial Pipe Line Company in the NW $\frac{1}{4}$  Sec. 26, Twp. 18, Rge. 23, W.2M., Sask.
- 98287 June 19—Authorizing the C.P.R. to replace the south timber approach and south timber pier with a new steel pier of Bridge No. 54.4 MacTier Subd., Ont.
- 98288 June 19—Authorizing the Saskatchewan Power Corporation to construct a one wire power line across and over the pipe line of the Interprovincial Pipe Line Company in the SW $\frac{1}{4}$  Sec. 4, Twp. 21, Rge. 26, W.2M., Sask.
- 98289 June 19—Authorizing the Saskatchewan Dept. of Highways and Transportation to construct Highway No. 47 across the C.N.R. at Mileage 12.11 Lewvan Subd., Sask.
- 98290 June 19—Authorizing the Ontario Department of Highways to construct Development Road No. 471 across the Chesapeake and Ohio Railway Company in Lot 24, Front Concession, Twp. of Moore, Mileage 60.73 No. 2 Subd., Ont.
- 98291 June 19—Ordering that all movements over the crossing of the C.N.R. and Marie Victorin Road (Quebec Provincial Highway No. 3) in the Town of Tracy, P.Q., Mileage 42.38 Sorel Subd., shall be flagged by a member of the train crew.
- 98292 June 19—Authorizing the C.N.R. to construct a bridge over a private road at Mileage 127.74 St. Felicien-Chibougamau Branch Line, P.Q.
- 98293 June 19—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Apohaqui, N.B., Mileage 47.81 Sussex Subd.



# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

Vol. XLIX

OTTAWA, AUGUST 1, 1959

No. 9

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LIBRARY  
AUG 24 1959  
GENERAL ORDER No. 847

*In the matter of Regulations governing the design, location, construction and operation of Natural Gas, Pintsch Gas and Liquefied Petroleum Gas fuel systems on railway cars:*

File No. 4739.8

WEDNESDAY, the 3rd day of June, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*

J. M. WOODARD, *Commissioner.*

*It is hereby ordered as follows:*

1. The following regulations entitled "Regulations Respecting Gas Fuel Systems on Railway Cars" govern the design, location, construction and operation of systems employing Natural Gas, Pintsch Gas or Liquefied Petroleum Gas as a fuel for heating, lighting, refrigeration, cooking, etc., on the railway cars of all railway companies subject to the jurisdiction of the Board.

2. (1) These regulations apply to new systems and to additions or changes to existing systems;

(2) Notwithstanding the provisions of subsection (1) of this Section, systems installed before the date of this Order shall be operated in accordance with the regulations herein prescribed and, if ordered by the Board, shall also be made to conform to those regulations pertaining to location, construction and design.

3. These regulations shall become effective on the 1st day of July, 1959.

4. The following General Orders are rescinded, effective July 1, 1959:

General Order No. 25 dated January 25, 1909;

General Order No. 67 dated December 9, 1910;

General Order No. 82 dated November 27, 1911;

General Order No. 282 dated January 29, 1920.

## REGULATIONS RESPECTING GAS FUEL SYSTEMS ON RAILWAY CARS

### PART I

#### DEFINITIONS

Section 1. In these regulations:

(1) Natural Gas is a mixture of low molecular weight hydrocarbon gases of which Methane is the principal constituent. These gases are formed underground, frequently in association with petroleum or coal, as a result of natural processes.

(2) Pintsch Gas is the product obtained by "cracking" oil and compressing the oil gas to 10 to 14 atmospheres.

(3) Liquefied Petroleum Gases are light hydrocarbon gases, such as Propane, Normal butane, Propylene, Iso-butane and Butylene which are derived from the processing of petroleum or natural gas. They are in the gaseous state at normal atmospheric temperatures and pressures, but may be maintained in a liquid state by the application of moderate pressure.

(4) The term "System" as used in these regulations refers to an assembly of equipment consisting essentially of cylinders, relief valves, excess flow valves, pressure regulators, shut-off valves, piping, and appliances used for heating, cooking, lighting, refrigeration, etc.

(5) The word "shall" is used to indicate mandatory regulations. The word "should" is used to indicate recommendatory regulations.

(6) Service Pressure shall mean the pressure which is marked on the gas storage container of the system. For example, for a container marked BTC 3A 300, the service pressure is 300 pounds per square inch gauge.

### PART II

#### APPLICATIONS TO THE BOARD

- |                            |  |
|----------------------------|--|
| <b>Rule.</b>               | Section 2. A person may install a system without leave of the Board if it complies with these regulations.   |
| <b>Leave of the Board.</b> | Section 3. No person shall install a system which does not comply with these regulations without leave of the Board.   |
| <b>Application.</b>        | Section 4. Applications for leave to install a system that does not comply with these regulations shall be submitted to the Secretary of the Board, together with two copies of all drawings and specifications. |

### PART III

#### STORAGE CONTAINERS

- |                           |   |
|---------------------------|---|
| <b>B.T.C. Containers.</b> | Section 5. The storage container of the system shall comply with one of the following Board of Transport Commissioners Specifications: 3A, 3AA, 3B, 4, 4A, 4B, 4BA, 51, as prescribed in the latest edition of the Board's regulations for the "Transportation of Dangerous Commodities by Rail". |
|---------------------------|---|

Section 6. (1) The Service pressure of the storage container, as specified in the Board's regulations, shall not be less than the pressure of the contents at 70°F. Service pressure.

(2) The pressure in the storage container at 130°F. shall not exceed 125 per cent of the service pressure.

Section 7. (1) Except as provided in subsection (4) of this Section, each storage container shall be equipped with one or more safety relief devices of a type approved for the intended service by the Bureau of Explosives, 30 Vesey Street, New York 7, New York. Safety relief devices.

(2) The safety relief devices shall have a rate of discharge that will prevent rupture of the normally charged container when it is placed in a fire.

(3) The safety relief devices shall be installed in such a manner that the full relief requirements are always satisfied.

(4) Safety relief devices are not required on containers charged with non-liquefied gas under pressures not exceeding 300 pounds per square inch gauge at 70°F.

Section 8. Storage cylinders shall be retested in accordance with Section 73.34(j) and portable tank containers shall be retested in accordance with Section 73.32(e) of the latest edition of the Board's regulations for the "Transportation of Dangerous Commodities by Rail". Retest of containers.

Section 9. (1) The liquid portion, if any, of the gas or mixture of gases shall not completely fill the storage container at 130°F. Filling of storage containers.

(2) Except as provided in subsection (3), the amount of liquefied gas charged into storage containers shall be determined by weighing.

(3) Storage containers with a water capacity of 200 pounds or more charged with **liquid petroleum gas** with a specific gravity of 0.504 or greater at 60°F. may have their contents determined by a fixed length dip tube gauging device which shall comply with the requirements of Section 73.301(h)(1) of the latest edition of the Board's regulations for the "Transportation of Dangerous Commodities by Rail".

(4) A storage container filled with a non-liquefied gas shall be equipped with a pressure gauge suited to the intended service.

(5) Filling of car storage containers in place is not recommended, but if necessary, should only be done when the car is unoccupied and spotted at a location as remote from main tracks, occupied buildings, etc., as possible and where conditions can be rigidly controlled and supervised.

(6) All Liquefied Petroleum Gas **bulk** storage installations shall comply with the regulations of General Order No. 841 and the location, design, construction and operation of other flammable compressed gas **bulk** storage installations located on the right-of-way shall be approved by the Board prior to being put into operation.

- Installation of containers. Section 10. (1) Storage containers shall be installed on the outside of the railway car in a place and in a manner that will minimize the possibility of mechanical damage.
- (2) Installation of the storage containers and accessory equipment shall be in strict compliance with all clearance regulations of the Board.
- (3) Storage containers shall be secured in place by fastenings having a minimum factor of safety of four and designed to withstand loadings in any direction equal to four times the filled weight of the storage container.
- Container shut-off valve. Section 11. Each storage container shall be equipped with an individual shut-off valve.

## PART IV

## ACCESSORY EQUIPMENT

- Outside valves and fittings. Section 12. (1) Accessory equipment arranged in sequence from the manual shut-off valve of the storage container to the manual shut-off valve of the appliance shall consist of the following: Check valve, first stage or high pressure regulator, and a high pressure excess flow valve, all located on the outside of the railway car.
- (2) In addition, the system **should** contain a second stage or low pressure regulator and a low pressure excess flow valve, all located on the outside of the railway car.
- (3) A master manually operated shut-off valve shall be provided inside the railway car. This is in addition to the shut-off valve normally provided on each appliance.
- Second stage regulation. Section 13. All valves, gauges, regulators and other accessory equipment shall be of a type suitable for the intended service and shall be designed for not less than the maximum working pressure to which they will be subjected, as prescribed in Part VI.
- Inside shut-off valve. Section 14. (1) High pressure excess flow valves shall close at not more than 300 cubic feet per hour.
- (2) Low pressure excess flow valves shall close at not more than 125 cubic feet per hour.
- Type of control equipment required. Section 15. The filling end of the storage container and the accessory equipment mentioned in subsections (1) and (2), Section 12, shall be protected against physical damage, the weather and tampering by a metal cabinet or shield.
- Flow rates for excess flow valves. Section 15. The filling end of the storage container and the accessory equipment mentioned in subsections (1) and (2), Section 12, shall be protected against physical damage, the weather and tampering by a metal cabinet or shield.
- Protection of control equipment. Section 15. The filling end of the storage container and the accessory equipment mentioned in subsections (1) and (2), Section 12, shall be protected against physical damage, the weather and tampering by a metal cabinet or shield.

## PART V

## APPLIANCES

- Approved types of appliances. Section 16. (1) All appliances installed in or on a railway car and which are used for heating, cooking, lighting, refrigeration, etc., shall be approved for the intended service by a nationally recognized Canadian or United States testing laboratory, such as Underwriters' Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, and shall be permanently marked or labelled to indicate that this approval has been granted.

(2) Approval to use a fuel gas other than the one specified on the rating plate of the appliance shall be obtained from one of the nationally recognized testing laboratories referred to in subsection (1) of this Section.

Section 17. Except as otherwise provided in these regulations, appliances shall be installed in accordance with the current recommended practices of the National Fire Protection Association for the fuel gas being employed.

Installation  
of  
appliances.

## PART VI

### PIPING AND TUBING

Section 18. (1) For working pressures of 125 psig or less, piping and tubing, including fittings, valves, gauges, regulators, and other accessory equipment, shall be designed for a working pressure of at least 125 psig.

Design  
pressure.

(2) For working pressures above 125 psig, piping and tubing, including fittings, valves, gauges, regulators and other accessory equipment, shall be designed for the maximum pressure to which they may be subjected, but in no case shall the maximum pressure selected for design purposes be less than 250 psig.

Section 19. The bursting strength of piping and tubing, including fittings, valves, gauges, regulators, and other accessory equipment, shall not be less than four times the maximum pressure to which they may be subjected.

Bursting  
strength.

Section 20. Cast iron piping, including fittings and valves, are prohibited on the high pressure side of the system.

Cast iron  
prohibited.

Section 21. Piping and tubing, including valves, fittings, gauges, regulators and other accessory equipment, shall be fabricated from materials which will not be appreciably corroded or otherwise detrimentally affected by the external or internal environments to which they will be exposed in service.

Corrosion  
resistance.

Section 22. Except as otherwise prescribed in these regulations, the installation of piping and tubing, including supports, sizing, threads, concealed piping, etc., shall be in accordance with the current recommended practice of the National Fire Protection Association for the fuel gas being employed.

Installation.

Section 23. (1) That portion of the system between the container and the appliance shall be tested and proven gastight after installation and prior to operation at not less than  $1\frac{1}{2}$  times the normal operating pressure and a record of this test shall be placed on the files of the railway company.

Testing.

(2) All exposed joints in the system should be checked for leaks at normal operating pressure by means of a soap-water or other suitable solution at least once a year.

## PART VII

## GENERAL

- Responsible employee in charge. Section 24. Every railway car employing a gas fuel system as prescribed by these regulations shall, during use, be in charge of a competent and reliable employee who has received instruction in the operation of the system and has been acquainted with the hazards involved.
- Identification of system. Section 25. A label or sign bearing the name of the fuel used in the system shall be prominently displayed near the storage containers.
- Posting instructions. Section 26. Printed instructions concerning the operation of the system and the hazards involved shall be posted in a convenient place as close to the appliance utilizing the gas as possible.
- Repairs. Section 27. Any defective parts in the system which in any way impair its strength, tightness, etc., shall be replaced immediately.
- Fire extinguishers. Section 28. A suitable fire extinguisher shall be provided in each occupied car as prescribed in General Order No. 803.
- Minimum safety requirements. Section 29. The regulations contained herein shall be considered as minimum safety requirements. Compliance with these regulations does not relieve the railway company of responsibility for the safety of the fuel gas system under any and all conditions including those not specifically covered by this Order.

H. H. GRIFFIN,  
Assistant Chief Commissioner.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
MAY, 1959.

Railway Accidents .....	182	Killed	12	Injured	285
Level Crossing Accidents ...	30	Killed	20	Injured	23
Total .....	212		32		308

	<i>Killed</i>	<i>Injured</i>
Passengers .....	—	123
Employees .....	3	148
Others .....	29	37
Total .....	32	308

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

NOVA SCOTIA

- 1 — Pedestrian struck by train.
- 1 Automobile struck by train. Licence: N.S. 133-773.

QUEBEC

- 1 Automobile struck by train. Licence: Que. 487-307.
- 2 — Automobile struck by train. Licence: Que. 410-913.
- 1 Automobile struck by train. Licence: Que. 398-245.
- 1 — Automobile struck by train. Licence: Que. 152-732.
- 1 — Cyclist struck by R.D. car. Lachute Licence 549.

ONTARIO

- 1 Tractor trailer struck by train. Licence: Ont. 77-528-B.
- 1 — Tractor trailer struck by train. Licence: Ont. 609-56-C.
- 3 — Automobile struck by train. Licence: Ont. N-17638.
- 1 — Auto truck ran into side of train. Licence: Ont. 92077-C.
- 1 — Automobile ran into side of train. Licence: Ont. A-50129.
- 1 — Cyclist struck by train.
- 1 Automobile ran into side of train. Licence: Ont. A-71305.
- 1 1 Automobile ran into side of train. Licence: Ont. 368-708.
- 1 Automobile struck by R.D. car. Licence: Ont. 56897-X.
- 1 — Automobile struck by train. Licence: Ont. 300-60-X.
- 2 — Automobile struck by train. Licence: Ont. J-85399.
- 1 — Auto truck struck by train. Licence: Ont. 54384-B.
- 1 Automobile ran into side of train. Licence: Ont. N-95859.

MANITOBA

- 1 Auto truck struck by train. Licence: Man. T-10423.

SASKATCHEWAN

- 2 — Automobile ran into side of train. Licence: Sask. 33-608.
- 1 Farm tractor struck by train.
- 1 Track motor car struck automobile. Licence: Sask. 163-656.
- 2 Automobile struck by train. Licence: Sask. 189-182.

## ALBERTA

*Killed Injured*

- 1 Automobile struck by train. Licence: Alta. LD-881.
- 1 Automobile struck by train. Licence not given.
- 1 Automobile struck by train. Licence: Alta. AC-038.

## BRITISH COLUMBIA

- 6 Automobile ran into side of train. Licence: B.C. 238-882.
- 1 1 Auto truck struck by train. Licence: B.C. CH-6220.

Of the 30 accidents at highway crossings, 22 occurred at unprotected crossings, 8 at protected crossings, 21 occurred after sunrise and 9 after sunset.

OTTAWA, Ontario, July 17, 1959.

## ORDER No. 98424

*In the matter of the Freight Rates Reduction Act and Order of the Board No. 96300, dated November 17, 1958.*

File No. 48771

FRIDAY, the 10th day of July, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

J. M. WOODARD, *Commissioner.*

Whereas Sections 2 and 3 of the Freight Rates Reduction Act, Statutes of Canada 1959, which came into force on the 8th day of July 1959, are as follows:

"2. In this Act

- (a) "company" means a transportation company that by Order No. 96300 was authorized to increase its rates on freight traffic;
- (b) "Board" means the Board of Transport Commissioners for Canada; and
- (c) "Order No. 96300" means the order of the Board No. 96300 dated November 17, 1958.

3. (1) Forthwith upon the coming into force of this Act, the Board shall by order require the companies to revise such of their class rates and commodity rates (other than competitive rates) in effect at the commencement of this Act as were, pursuant to Order No. 96300, increased by seventeen per cent, so that in the opinion of the Board the estimated aggregate gross revenues of the companies on freight traffic during the period of one year commencing on the day on which the order becomes effective will be reduced by twenty million dollars.

(2) In any order made by the Board under this section the Board shall specify the manner in which rates shall be revised and the period, not exceeding one year, during which and the traffic in respect of which the revised rates shall be applicable."

*It is therefore hereby ordered as follows:*

1. The companies that were authorized by Order of the Board No. 96300, dated November 17, 1958, to increase rates and charges on freight traffic shall reduce such of their class and commodity rates (other than competitive rates) in effect at the commencement of the said Act as were, pursuant to the said Order No. 96300, increased by 17%, by substituting an increase of 10% for the said 17%.

2. The said reduction in rates shall be made effective on the 1st day of August 1959 and the reduced rates shall not be increased during the period of one year next thereafter, unless otherwise authorized by the Board.

3. Revised rates established pursuant to this Order may be published either by appropriate amendment to existing individual tariffs or by making them subject to a master tariff; and departure from the terms of Tariff Circular No. 1 as to notice, form of tariffs and supplements or volume of supplemental matter is permitted.

4. The provisions of Order No. 96300 as to Differentials, Disposition of fractions and Combination Rates apply to revised rates established pursuant to this Order.

5. Each of the said companies shall file with the Board, as soon as possible after the end of each calendar month, a statement in duplicate, certified by its Accounting Department, of the diminution in its gross revenue resulting from an order made by the Board under the said Act, in such detail as the Board may from time to time request.

ROD KERR,  
*Chief Commissioner.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 98294 June 19—Extending the time within which the C.P.R. is required to install two flashing light signals and one bell at the crossing of its railway and Hutton Side Road in the Twp. of London, Ont., Mileage 2.32 Windsor Subd.
- 98295 June 22—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 98296 June 22—Authorizing the Saskatchewan Dept. of Highways and Transportation to construct Highway No. 15 across the C.P.R. at Mileage 0.5 McMorran, Subd., Sask.
- 98297 June 22—Approving flammable liquid storage facilities of Texaco Canada Limited at Chatham, N.B., Mileage 7.43 Loggieville Subd.
- 98298 June 22—Authorizing the City of Cote St. Luc to construct a subway at the existing crossing of Westminster Ave. and the C.P.R. at Mileage 0.85 St. Luc Branch, and to construct Wolseley Ave. over the C.P.R., also in the City of St. Luc.
- 98299 June 22—Authorizing the Manitoba Dept. of Public Works to widen Provincial Highway No. 13 where it crosses the C.P.R. at Mileage 11.98 Carman Subd.
- 98300 June 22—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. in the Township of Gloucester, Ont., Mileage 127.5 Alexandria Subd.
- 98301 June 22—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Steeles Ave. near Sherring, Ont., Mileage 83.86 Peterboro Subd.
- 98302 June 22—Authorizing the removal of the speed limitation at the crossing of the highway and the New York Central Railroad Company at second public crossing east of Cornell, Ont., Mileage N.F. 84.57 Main Line Subd.
- 98303 June 22—Authorizing the removal of the speed restriction of 10 miles per hour over the crossing of the C.P.R. and Highway No. 54 at Innisfail, Alta., Mileage 75.12 Red Deer Subd.
- 98304 June 22—Authorizing Consumers' Gas Company to construct a gas pipe line across and under the pipe line of the Trans-Northern Pipe Line Company on Yonge St., Conc. 1E and 1W, Lot 21, Twp. of North York, Co. of York, Ont.
- 98305 June 23—Approving Service Station Contract between The Bell Telephone Company of Canada and Fraser Companies Limited.
- 98306 June 23—Approving Traffic Agreement between The Bell Telephone Company of Canada and Le Telephone de Contrecoeur Limitée.
- 98307 June 23—Authorizing the Saskatchewan Dept. of Highways and Transportation to construct Highway No. 18 across the C.P.R. at Mileage 27.43 Bromhead Subd., Sask.
- 98308 June 23—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Mavis Road, Twp. of Toronto, Ont., Mileage 16.5 Galt Subd.
- 98309 June 23—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and St. Charlotte Range Road, being the second public crossing east of station at St. Edward, P.Q., Mileage 117.22 Drummondville Subd.
- 98310 June 23—Relieving the C.N.R. from the necessity of maintaining watchman at the crossing of Montreuil Road and the C.N.R. at Windsor, Ont.
- 98311 June 23—Authorizing the Munic. of Metropolitan Toronto to construct a pedestrian subway on each side of the Dufferin Street Subway, Mileage 0.9 Belt Line Subd., C.N.R.
- 98312 June 24—Authorizing the City of Barrie, Ont. to construct Mary Street across the C.N.R., Mileage 63.88 Newmarket Subd.
- 98313 June 24—Authorizing the C.N.R. to remove the station agent at Ridgeville, Man.

- 98314 June 24—Authorizing the Alberta Department of Highways to install automatic protection at the crossing of their railway and Highway No. 21 near Bashaw, Alta., Mileage 84.93 Camrose Subd.
- 98315 June 24—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 21 near Dorenlee, Alta., Mileage 72.97 Camrose Subd.
- 98316 June 24—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 98317 June 24—Authorizing the City of Barrie, Ont., to construct Main St. across the C.N.R. at Mileage 0.46 Meaford Subd.
- 98318 June 24—Authorizing the Saskatchewan Dept. of Highways and Transportation to relocate Highway No. 47 across the pipe line of Westspur Pipe Line Company east of the NE $\frac{1}{4}$  of Sec. 10, Twp. 5, Rge. 8, West 2nd M.
- 98319 June 24—Authorizing the C.N.R. to operate over the bridge over Interurban Road, City of Victoria, B.C., Mileage 2.4 Cowichan Subd.
- 98320 June 24—Relieving the C.P.R. from erecting cattle guards on the west side of the crossing of its railway and the highway at Mileage 57.36 Shaunavon Subd., Sask.
- 98321 June 25—Approving tolls published in tariff filed by the Canadian Freight Association, under Sections 3 and 8 of the Maritime Freight Rates Act.
- 98322 June 25—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 135.9 Gladstone Subd., Man.
- 98323 June 25—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 21.9 Kashabowie Subd., Ont.
- 98324 June 25—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Belmont, N.S., Mileage 7.50 Springhill Subd.
- 98325 June 25—Authorizing the Alberta Department of Highways to widen Highway No. 41-B-1 where it crosses the pipe line of the Interprovincial Pipe Line Company between Sections 32 and 33, Twp. 40, Rge. 6, W.4M.
- 98326 June 25—Authorizing the C.N.R. to operate under the Liverpool Road overhead bridge in Lot 22, Conc. 1, Twp. of Pickering, County of Ontario, Ont., Mileage 313.1 Oshawa Subd.
- 98327 June 25—Authorizing the Village of Charny, P.Q., to reconstruct and improve the subway at the intersection of St. Jean St. and the C.N.R., Mileage 103.2 Armagh Subd.
- 98328 June 25—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Pontiac Rural Telephone Company Limited.
- 98329 June 25—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Tompkins, Sask.
- 98330 June 25—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Lac du Bonnet, Man.
- 98331 June 25—Approving facilities of Gibson Petroleum Company Limited, for the loading of crude petroleum into tank cars from tank trucks at Glenevis, Alta., Mileage 44.5 Sangudo Subd.
- 98332 June 25—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 21 near Erwick, Alta., Mileage 75.55 Wetaskiwin Subd.
- 98333 June 25—Approving proposed liquefied petroleum gas facilities of the C.P.R. at St. Luc Yard, Montreal Terminals Division, P.Q.
- 98334 June 25—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R., being the first public crossing west of station at Alsask, Sask., Mileage 44.4 Oyan Subd.
- 98335 June 25—Authorizing the C.N.R. and C.P.R. to operate their engines, cars and trains over the relocated trackage of The Toronto Harbour Commissioners along Queen's Quay West and across Spadina Ave. and Rees St. in Toronto, Ont.
- 98336 June 25—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at Enfield, N.S., Mileage 29.72 Bedford Subd.

- 98337 June 25—Authorizing the Twp. of Etobicoke to construct Belfield Road across the pipe line of Trans-Northern Pipe Line Company in Lots 24 and 25, Conc. 1 FH., Twp. of Etobicoke, Ont.
- 98338 June 25—Authorizing the C.P.R. to remove the caretaker and close the station at Shawanaga, Ont.
- 98339 June 25—Authorizing the Saskatchewan Dept. of Highways and Transportation to make alterations in the crossing of Highway No. 9 and the pipe line of the Westspur Pipe Line Company, in the NE $\frac{1}{4}$  Sec. 13, Twp. 4, Rge. 3, W2M.
- 98340 June 25—Approving changes in rate grouping of certain telephone exchanges of The Bell Telephone Company of Canada.
- 98341 June 25—Authorizing the C.P.R. to remove the caretaker and close the station at Pakesley, Ont.
- 98342 June 25—Authorizing the removal of the speed limitation at the crossing of St. Albert St. and the C.N.R. in Casselman, Ont., Mileage 104.42 Alexandria Subd.
- 98343 June 25—Approving proposed flammable liquid bulk storage facilities of Marvin Construction Company Limited, at Regina, Sask., Mileage 115.44 Lewvan Subd.
- 98344 June 25—Authorizing the removal of the speed restriction at the crossing of the C.P.R. and Provincial Highway No. 12 at Lacombe, Alta., Mileage 18.47 Leduc Subd.
- 98345 June 25—Authorizing the Village of Notre Dame de Portneuf, P.Q., to widen Lemay Road where it crosses the C.N.R. at Mileage 29.76 La Tuque Subd.
- 98346 June 28—Authorizing Imperial Oil Limited to construct an ethylene pipe line across and under the pipe line of Interprovincial Pipe Line Company in Lot 72, Front Conc., Twp. of Moore, Co. Lambton, Ont.
- 98347 June 29—Authorizing the Ontario Department of Highways to construct Highway No. 37 across the C.N.R. by means of an overhead bridge in Lot 9, Conc. 3, Twp. of Thurlow, Ont.
- 98348 June 29—Authorizing the C.P.R. to replace pier No. 4 of its bridge near Headingley, Man., Mileage 10.2 Glenboro Subd.
- 98349 June 29—Authorizing The Bell Telephone Company of Canada to construct, operate, repair and maintain its lines of telephone under and along the C.N.R. in the Twp. of Edwardsburgh, Co. Grenville, Ont.
- 98350 June 29—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 1.78 Cartier Subd., Ont.
- 98351 June 29—Authorizing the removal of the speed limitation at the crossing of the Township Road and the C.N.R., Mileage 13.24 Dunnville Subd., Ont.
- 98352 June 29—Approving tariffs filed by The Bell Telephone Company of Canada.
- 98353 June 29—Rescinding Order No. 73867 which approved the location of facilities of Electro Porcelain Limited for the handling and storage of Class II flammable liquids near the C.N.R. at Kitchener, Ont.
- 98354 June 29—Authorizing The Bell Telephone Company of Canada to construct, etc. its telephone lines under and along the C.N.R. in the City of Joliette, and in the Parishes of St. Charles Borromeo and St. Paul, Co. of Joliette, P.Q.
- 98355 June 29—Requiring the C.N.R. to install automatic protection at the crossing of County Road No. 55 and its railway in the Twp. of Minto, Co. Wellington, Ont., Mileage 6.62 Durham Subd.
- 98356 June 29—Authorizing the Quebec Department of Roads to reconstruct the subway at Mileage 62.86 Joniquiere Subd., C.N.R., in the Parish of Chambord, P.Q.
- 98357 June 29—Approving flammable liquid bulk storage facilities of Shell Oil of Canada Limited at Riviere du Loup, P.Q., Mileage 83.44 Rimouski Subd.
- 98358 June 29—Rescinding Orders 66838 and 69493 which approved the location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids near the C.P.R. at Middle Lake, Sask.

- 98359 June 29—Authorizing the C.P.R. to remove the caretaker at Vantage, Sask.
- 98360 June 29—Authorizing the Algoma Central and Hudson Bay Rly. Co. to relocate the station at Stavert, Ont., Mileage 287.28 Main Line, to Jogues, Ont., Mileage 287.08 Main Line.
- 98361 June 29—Authorizing the Corbett Lumber Company to construct private roads across and over the pipe line of Trans Mountain Oil Pipe Line Company, at certain locations in the Province of B.C.
- 98362 June 29—Authorizing the C.N.R. to operate over the bridge crossing Wilkinson Road, Dist. of Saanich, B.C., Mileage 3.6 Cowichan Subd.
- 98363 June 29—Amending Order No. 91884, re apportionment of cost of installing protection at the crossing of St. Joseph Blvd. and the C.N.R. in the City of Drummondville, P.Q.
- 98364 June 29—Amending Order 87815, as amended by Order 94303, which authorized the Town of Victoriaville, P.Q. to construct a viaduct between Gamache and Carignan Blvds., to eliminate the level crossing of the C.N.R. and Octave St.
- 98365 June 30—Authorizing the removal of the speed limitation at the crossing of Otter Lake Road and the C.N.R. at Mileage 69.48 Okanagan Subd., B.C.
- 98366 June 30—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 19.52 Chandler Subd., P.Q.
- 98367 June 30—Authorizing the Twp. of North York to construct a steel water main across and over the C.P.R. by fixing the said water main to the overhead bridge carrying Vilectoria Park Ave. across the right of way at Lawrence Ave. East, Mileage 99.82 Oshawa Subd., Ont.
- 98368 June 23—Approving flammable liquid storage facilities of Imperial Oil Limited at Dinsmore, Sask., Mileage 22.4 Elrose Subd.
- 98369 June 30—Rescinding Order No. 74055 which approved facilities of Dominion Viscose Products Limited, near the C.N.R. tracks at Ajax, Ont.
- 98370 June 30—Rescinding Order No. 65031 which approved the location of facilities of Great West Distributors Limited, near the C.N.R. tracks at Fort Kent, Alta.
- 98371 June 30—Approving revised Appendix "A" and Supplement to Traffic Agreement between The Bell Telephone Company of Canada and Quebec-Telephone (Region de Kamouraska).
- 98372 June 30—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de Squateck.
- 98373 June 30—Requiring the C.P.R. to install automatic protection at the crossing of their railway and Young's Cove Road (Route No. 9) at Mileage 64.85 Minto Subd., N.B.
- 98374 June 30—Authorizing the C.P.R. to operate under the overhead bridge in the Twp. of Thessalon, Dist. of Algoma, Ont., Mileage 83.04 Thessalon Subd.
- 98375 July 2—Requiring the C.N.R. to flag all train movements over the crossing of their railway and Cavan Road, Millbrook, Ont., Mileage 0.85 Lakefield Subd., by a member of the train crew.
- 98376 July 2—Requiring the C.P.R. to install automatic protection at the crossing of their railway and County Road No. 74 in the Co. of Wellington, Ont., Mileage 26.09 Teeswater Subd.
- 98377 July 2—Rescinding Order No. 79781 which approved the location of facilities of Canadian Gulf Oil Company near the C.N.R. tracks at Big Valley, Alta.
- 98378 July 2—Requiring the C.P.R. to install automatic protection at the crossing of its railway and County Road No. 12, in the Co. of Essex, Ont., Mileage 85.92 Windsor Subd.
- 98379 July 2—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de St-Jean Baptiste de Roxton.
- 98380 July 2—Approving flammable liquid storage facilities of the British American Oil Company Limited at Leader, Sask.

- 98381 July 2—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 2 near Aroostook Junction, N.B., Mileage 0.44 Aroostook Subd.
- 98382 July 2—Authorizing the C.P.R. to construct a concrete rock shed over its track at Mileage 10.2 Cascade Subd., B.C.
- 98383 July 2—Authorizing the C.P.R. to provide the necessary circuits for the synchronization of the traffic light signals at intersection of Lorne and Douglas Streets, with the highway crossing protection at the above location in the City of Sudbury, Ont.
- 98384 July 2—Authorizing the Township of Etobicoke, Ont., to construct a water main across and under the pipe line of the Trans-Northern Pipe Line Company at Martin Grove Road, between Conc. 1 and 2 in Lot 22.
- 98385 July 2—Authorizing the C.N.R. to operate under the overhead bridge carrying Dickson St. across their right of way in the City of Montreal, P.Q., Mileage 8.13 Longue Pointe Subd.
- 98386 July 2—Amending Order No. 47231 in the matter of the application of the C.N.R. for authority to remove the caretaker at Woodlawn Station, Ont.
- 98387 July 2—Requiring the C.N.R. to install improved protection at the crossing of their railway and Highway No. 4 in Gladstone, Man., Mileage 90.97 Gladstone Subd.
- 98388 July 2—Requiring the C.N.R. to install automatic protection at the crossing of their railway and 4th Ave. in the City of Regina, Sask., Mileage 1.0 Regina Terminal Subd.
- 98389 July 2—Requiring the C.P.R. to install automatic protection at the crossing of its railway and St. Charles Road, being the second crossing east of station at Portneuf, P.Q., Mileage 125.22, and the crossing of the railway and Ste. Christine Road, Mileage 125.07 both in Quebec Subd.
- 98390 July 2—Authorizing the C.P.R. to reconstruct the bridge at Mileage 56.74 Minto Subd., N.B.
- 98391 July 2—Authorizing the C.P.R. to construct a concrete rock shed over its track at Mileage 39.3 Cascade Subd., B.C.
- 98392 July 3—Approving proposed flammable liquid storage facilities of Texaco Canada Limited, at Charlottetown, P.E.I., Mileage 0.00 Kensington Subd.
- 98393 July 3—Authorizing the Town of Truro, N.S., to construct the highway across the track and in the station grounds of the C.N.R. at Mileage 63.87 Bedford Subd.
- 98394 July 3—Authorizing the Quebec Department of Roads to realign Highway No. 15 where it crosses the C.N.R. in the Parish of Ste. Anne de Beaupre, Co. of Montmorency, P.Q., Mileage 21.82 Montmorency Subd.
- 98395 July 3—Authorizing the removal of the speed limitation at the crossing of Main Street and the C.N.R. in Ridgeway, Ont., Mileage 9.03 Dunnville Subd.
- 98396 July 3—Authorizing the removal of the speed limitation at the crossing of Highway No. 4 and the C.N.R. at Mileage 90.97 Gladstone Subd., Man.
- 98397 July 3—Approving conditions on passes of the Great Northern Railway Company.
- 98398 July 3—Approving Service Station Contracts between The Bell Telephone Company of Canada and The Southern St. Lawrence Forest Protective Association Limited.
- 98399 July 3—Dismissing application of the C.P.R. for authority to remove the station agent and appoint a caretaker at Melaval, Sask.
- 98400 July 3—Approving flammable liquid storage facilities of Sperling Co-operative Oil and Supplies Limited, at Sperling, Man., Mileage 30.1 Carman Subd.
- 98401 July 3—Approving flammable liquid bulk storage facilities of The British American Oil Company Limited at Brooks, Alta.

- 98402 July 3—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Terrace, B.C.
- 98403 July 3—Authorizing the British Columbia Telephone Company to construct a telephone conduit across and over the pipe line of Trans Mountain Oil Pipe Line Company on Blue Mountain Road at the intersection of Cottonwood Ave., Munic. of Coquitlam, B.C.
- 98404 July 3—Rescinding Order No. 61010 which approved location of facilities of Imperial Oil Limited near the C.N.R. tracks at Alliston, Ont.
- 98405 July 3—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Clyde Road, about 2 miles east of the City of Galt, Ont., Mileage 55.17 Galt Subd.
- 98406 July 3—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at Mileage 77.11 Wabamun Subd., Alta.
- 98407 July 3—Authorizing the Northern Alberta Railways Company to use and operate the bridge over the East Prairie River, Alta., Mileage 228.1 Slave Lake Subd.
- 98408 July 3—Approving operation of the C.P.R. over the siding to serve the warehouse of Mid-Continent Truck Terminal Limited, in the Twp. of Etobicoke, Ont., Mileage 10.53 Galt Subd.
- 98409 July 3—Approving plan submitted by the Consumers' Gas Company showing details of the gas main across and under the pipe line of Trans-Northern Pipe Line Company at Finch Ave., east of Yonge St. in the Twp. of North York, Ont.
- 98410 July 3—Authorizing the County of Essex to improve the vision by removal of trees and brush in the four angles of the crossing of County Road and the N.Y. Central Railroad Co. at Mileage 9.80 Amherstburg Subd., Ont.
- 98411 July 3—Authorizing Corbett Lumber Company to construct a private road across and over the pipe line of Westcoast Transmission Company Limited, in Section 2-6-25-W.6M., B.C.
- 98412 July 3—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 98413 July 3—Approving tolls published in tariffs and supplements to tariffs filed by the Dominion Atlantic Railway Company under section 8 of the Maritime Freight Rates Act.
- 98414 July 3—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 56 in Indian Head, Sask., Mileage 50.5 Indian Head Subd.
- 98415 July 6—Approving plan showing protection as installed by the C.N.R. at crossing of their railway and Thames Street, Ingersoll, Ont., Mileage 58.89 Dundas Subd., and authorizing the removal of the gate tower at the same location.
- 98416 July 6—Rescinding Order No. 69030 which approved the location of facilities of Collingwood District Co-operative for handling and storage of flammable liquids near the C.N.R. at Collingwood, Ont.
- 98417 July 6—Approving flammable liquid storage facilities of The British American Oil Company Limited at Kapuskasing, Ont., Mileage 70.16 Kapuskasing Subd.
- 98418 July 6—Rescinding Order No. 68397 which approved the location of facilities of Imperial Oil Limited for handling and storage of flammable liquids near the C.N.R. at Marcelin, Sask.
- 98419 July 6—Rescinding Order No. 69195 which approved the location of facilities of Lorne Smith for handling and storage of flammable liquids near the C.P.R. at Owen Sound, Ont.
- 98420 July 6—Rescinding Orders Nos. 64095 and 96208 and authorizing the Dept. of National Defence, Naval Services, to construct two pipe lines and one culvert across the C.N.R. in the vicinity of Morse Creek, Prince Rupert, B.C.
- 98421 July 6—Relieving the C.P.R. from erecting cattle guards at certain mileages on its Colonsay Subd.

- 98422 July 6—Authorizing the Saskatchewan Power Corporation to construct a gas pipe line across and under the pipe line of Trans-Canada Pipe Lines Limited, in the NW $\frac{1}{4}$  Sec. 32-16-19-W2M., Sask.
- 98423 July 6—Relieving the C.P.R. from erecting right of way fences along the south side of its right of way between Mileage 109.0 and Mileage 115.76 Coronation Subd., Alta.
- 98424 July 10—Authorizing a reduction in certain Freight Rates from 17% to 10%, effective August 1, 1959.
- 98425 July 6—Authorizing the City of Welland, Ont., to widen Fitch St. where it crosses the Niagara, St. Catharines and Toronto Rly. Co. at Mileage 15.77 Welland Subd.
- 98426 July 6—Rescinding Orders Nos. 70147 and 79122 which approved the location of facilities of the Board of Light and Heat Commissioners of Guelph, near the C.N.R. tracks at Guelph, Ont.
- 98427 July 6—Authorizing the Ontario Dept. of Highways to construct Secondary Road No. 539A over the C.N.R. in Lot 2, Conc. 4, Twp. of Crerar, Ont., Mileage 102.81 Alderdale Subd.
- 98428 July 6—Amending Order No. 82245, as amended by Order No. 89423, re apportionment of cost of constructing a subway under the Welland Subd. of the Toronto, Hamilton and Buffalo Rly. Co. at Kenilworth Ave. South, Hamilton, Ont.
- 98429 July 6—Authorizing the Ontario Dept. of Highways to construct Highway No. 17 across the Algoma Central & Hudson Bay Rly. Co. by means of a subway at Mileage 7.75 Soo Subd., Twp. of Tarentorous, Dist. of Algoma, Ont.
- 98430 July 6—Authorizing the C.N.R. to install automatic signals on their Ruel Subd., Ontario, at locations shown on plans.
- 98431 July 6—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 18, at Bienfait, Sask., Mileage 83.96 Lampman Subd.
- 98432 July 6—Requiring the C.N.R. to install automatic protection in lieu of the present protection at the crossing of their railway and County Road No. 23 at Bainsville, Ont., Mileage 48.71 Cornwall Subd.
- 98433 July 6—Authorizing the Ontario Department of Highways to construct Highway 401 across the C.N.R. by means of an overhead bridge in Lot 10, Concession Beasley's Old Survey, Waterloo Twp., Mileage 8.4 Waterloo Subd.
- 98434 July 6—Authorizing the Saskatchewan Department of Highways and Transportation to widen Highway No. 6 where it crosses the C.P.R. at Mileage 29.26 Melfort Subd.
- 98435 July 6—Rescinding Order No. 73692 which approved the location of facilities of Husky Oil and Refining Limited near the tracks of the C.P.R. at Lone Rock, Sask.
- 98436 July 6—Rescinding Order No. 63738 which approved the location of facilities of Imperial Oil Limited near the tracks of the C.P.R. at Marsden, Sask.
- 98437 July 6—Amending Order No. 96777, which authorized the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 58, in the Town of Merritton, Ont., Mileage 5.3 Grantham Subd.
- 98438 July 7—Authorizing the Ontario Department of Highways to reconstruct the overhead bridge carrying Highway No. 54 across the C.N.R. at North Cayuga, Ont.
- 98439 July 7—Authorizing the C.P.R. to remove the station agent and appoint a caretaker at Tribune, Sask.
- 98440 July 7—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 98441 July 7—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Isabella Ave. in Dominion City, Man., Mileage 53.8 Emerson Subd.

- 98442 July 7—Requiring the C.N.R. to install improved protection at the crossing of their railway and Highway No. 15 at Rideau, Ont., Mileage 168.45 Gananoque Subd.
- 98443 July 7—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 47 in Grenfell, Sask., Mileage 15.4 Indian Head Subd.
- 98444 July 7—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Davidson St., Montreal, P.Q., Mileage 10.05 Longue Pointe Subd.

# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

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*Application of B.C. Tree Fruits Limited for amendment to the tariff of regulations governing currency exchange, to provide discount allowance on export traffic from Canadian points through United States' ports.*

File 29674.68

G. S. WEBSTER, for Applicant.

J. W. G. MACDOUGALL, Q.C., for Canadian National Railways.

A. J. ALLISTON, for Canadian Pacific Railway Company.

### J U D G M E N T

#### BY THE BOARD:

This is an application by B.C. Tree Fruits Limited, Kelowna, B.C., for an amendment to Section 2 of the tariff of regulations governing currency exchange on international and foreign freight traffic, Canadian Freight Association Tariff No. 16-F, Agent R. K. Watson's C.T.C. No. 1507, (hereinafter referred to as "the currency exchange tariff"), which would provide discount allowance on export traffic from Canadian points through United States' ports where rates to such ports are not on a parity with, or are unrelated to, the rates on export traffic through Canadian ports. Both the applicant and the respondent railway companies have advised the Board that they are agreeable to a determination of the matter at issue upon the basis of the written submissions they have filed, without the necessity of a public hearing.

In our Judgment of February 21, 1958, (48 J.O.R. & R. 19), we dealt with the matter of discount allowance on import traffic and found that the refusal of the railways to grant the discount provisions of the currency exchange tariff on import traffic through United States' ports having no import rate relationship or parity with Canadian ports was unwarranted and unjustly discriminatory, compared with the treatment accorded domestic international traffic between Canada and the United States. The said judgment also stated that

we relied upon the Canadian railways to remove the condition found unjustified without issuance of an Order on our part, and such condition was removed, effective March 24, 1958, by an appropriate amendment to the currency exchange tariff.

The applicant refers to this Judgment with respect to import traffic and submits that a parallel condition obtains in respect of export traffic. It is stated that his interest lies in off-shore exports of apples, mainly through the Port of New Orleans, but also through California ports and, occasionally, other ports. He expresses the view that the refusal of the railways to amend the currency exchange tariff so as to provide discount allowance on export traffic through those United States' ports that have no rate parity relationship with Canadian ports is an entirely inconsistent and indefensible position, amounting to a case of unjust discrimination against export traffic of Canadian origin, compared with the treatment accorded to domestic international traffic between Canada and the United States and Canadian import traffic through United States' ports other than those where port parity is maintained with Canadian ports.

The railways take the position that the conditions surrounding export traffic are not "on all fours" with those obtaining in respect of import traffic and state that the following facts show this to be the case:

(1) *PACIFIC COAST PORTS:*

(a) *From points in Eastern Canada to Pacific Coast ports in British Columbia, Washington, Oregon and California:*

Parity of export rates is maintained. No similar parity is maintained on import traffic via Californian ports to points in Eastern Canada.

(b) *From points in Western Canada to Pacific Coast ports in British Columbia, Washington, Oregon and California:*

Parity of export rates is not generally maintained, although there are some cases where there is rate parity as between British Columbia, Washington and Oregon points. In addition, there are instances where a combination rate over a Western Canadian border point could provide a lower rate to a United States' West Coast port than is available to a Canadian West Coast port.

(2) *ATLANTIC COAST PORTS:*

There is no parity of export rates as between Canadian Atlantic ports and United States ports south of Norfolk, Virginia.

(3) *BRITISH COLUMBIA PORTS AND UNITED STATES' PORTS ON THE GULF OF MEXICO:*

There is no parity of export rates as between British Columbia Coast ports and United States' Gulf ports. In some cases, combination rates from points in Western Canada make lower rates to Gulf ports than to British Columbia ports.

It is stated by the railways that, if the applicant's request were to be granted, export rates from Eastern Canada to ports in California would be lower than to ports in British Columbia; that cases would arise where the export rates from Western Canada would be lower to ports in California than to ports in British Columbia; that a diminution of railway revenues would result; and that an undesirable situation would be created with respect to the railways and British Columbia ports.

The railways submit that to single out the traffic of the applicant in the present case would be to depart from the practice, found satisfactory and considered equitable in the past, of dealing with the question of currency exchange regulations on the broad basis of averages, rather than in strict accordance with some particular situation obtaining in one part of the country or another, or in respect of some particular traffic. They further submit that no case of unjust discrimination or unreasonableness has been made out by the applicant; that no case has been made out to deprive Canadian ports and Canadian railways of traffic they are presently handling; and that there is no case for treating export traffic in the whole in the same manner as import traffic.

### DISCUSSION AND CONCLUSIONS

Our Judgment of February 21, 1958, outlined the history and application of the currency exchange tariff which need not be repeated here. The present provisions of the currency exchange tariff with respect to surcharge and discount allowance on freight charges paid in Canada in Canadian funds for export and import traffic from and to points in Canada through United States' ports are tabulated below:

<i>Exchange Value of U.S. Funds</i>	<i>EXPORT SHIPMENTS</i>		<i>IMPORT SHIPMENTS</i>	
	<i>Via U.S. North Atlantic Ports <sup>(1)</sup></i>	<i>Via Other U.S. Ports</i>	<i>Via U.S. North Atlantic &amp; U.S. Pacific Ports <sup>(2)</sup></i>	<i>Via Other U.S. Ports</i>
U.S. FUNDS AT PREMIUM IN CANADA	No surcharge	Surcharge of 60% of rate of exchange	Surcharge of 60% of rate of exchange	Surcharge of 60% of rate of exchange
U.S. FUNDS AT DISCOUNT IN CANADA	No discount	No discount	No discount	Discount of 60% of rate of exchange

<sup>(1)</sup> Norfolk, Va., and North

<sup>(2)</sup> Norfolk, Va., and North; also Pacific Coast ports in the States of Washington and Oregon.

As a result of the findings made in our previous Judgment, (48 J.O.R. & R. 19), discount allowance is now granted on Canadian import traffic through United States' ports that are not maintained on a rate parity relationship with Canadian ports. No similar provisions apply to Canadian export traffic and no discount is accorded to such traffic via all United States' ports. The applicant asserts that the conditions involved in both export and import shipments are parallel and that the principles laid down in such Judgment are equally applicable to export shipments. In opposing the application of discount allowance to export shipments, the railways desire to protect themselves against currency exchange losses and against a possible loss of export traffic through Canadian ports. They deny that parallel conditions obtain in respect of both export and import traffic.

An examination of the railways' export and import tariffs indicates that rate relationships or parity between United States' and Canadian ports are maintained as follows:

RATE PARITY RELATIONSHIPS TO AND FROM CANADIAN POINTS

EXPORT RATES

*To North Atlantic Ports*  
Parity relationships via Canadian and United States' North Atlantic Ports, Norfolk, Va., and North thereof.

*To Pacific Coast Ports*  
(a) *From Eastern Canada:*  
Parity relationships via British Columbia, Washington, Oregon and California ports.

(b) *From Western Canada:*  
No general parity relationships. Some rates on particular movements, however, are maintained at parity via British Columbia, Washington and Oregon ports.

IMPORT RATES

*From North Atlantic Ports*  
Parity relationships via Canadian and United States' North Atlantic Ports, Norfolk, Va., and North thereof.

*From Pacific Coast Ports*  
Parity relationships via British Columbia, Washington and Oregon ports.

It will be noted that export rate parity and import rate parity is maintained with respect to the same Canadian and United States' North Atlantic ports, but that the range of West Coast ports maintained on a rate parity differs as between export and import rates and as between export rates from Eastern and from Western Canada.

In connection with the matter of rate parity between Canadian and United States' ports, we stated the following in our previous Judgment with respect to discount allowance on import traffic, (48 J.O.R. & R. 19):

"This Board has recognized time and again the necessity of maintaining port relationships in the several general rate increases involving international rates in the postwar II period and previously. In a broad sense these export and import rates to and from our ports are competitive rates justified only by port and other competition involved in foreign trade. We are of the opinion that the matter of rate parity in port rates cannot be lightly regarded and set aside merely upon the grounds of inequality of treatment respecting currency exchange.

"The stress that has been laid upon port parity in this case is a vital consideration of the whole problem. In 1934 it was the only reason advanced by the Canadian railways for excluding import traffic from the discount arrangement. Port parity, however, exists in Eastern Canada only with the North Atlantic United States ports ranging from Norfolk, Va., to Portland, Me., and in Western Canada between our Pacific ports and those in the States of Washington and Oregon. No similar parity has been observed as to other United States ports.

"The Board can see nothing objectionable in refusing discount on traffic moving through these parity ports, but cannot support the refusal to apply the discount provisions where such parity does not exist.

"The plan envisaged in the arrangement promulgated by our General Order No. 527 was to grant discount generally where previously surcharge had been applied. To exclude all import traffic through United States ports from the discount provisions of the tariff indicates an element of

unjust discrimination prevails. For example, fruits and vegetables indigenous to and shipped from Florida are accorded discount, yet if similar traffic is imported through a Florida port no discount is granted. We consider that such a situation, without any background of port parity to justify it, constitutes unjust discrimination which should properly be removed and can be removed only by granting the same privileges to such import traffic as accorded to domestic international movements from United States origins.

"We are impressed by the submission of the Canadian railways that their primary objective is to protect carrier revenue and also the competitive port relationship. We are also fully aware of the desirability and necessity of applying the currency exchange tariff on the basis of broad averages. It does not appear to us that these principles would be attacked by broadening the discount provisions of the Tariff to include import traffic where parity is not generally applied."

While, as noted above, there is some difference of detail between export and import rate parity with respect to Pacific Coast ports, there is no basic difference in the principle governing both types of rate when no port parity exists. We therefore find that the refusal to grant the discount provisions of the currency exchange tariff on export traffic from Canada through United States' ports, where such traffic is carried on line-haul rates not in parity relationship with Canadian ports, is unwarranted and unjustly discriminatory, compared with the treatment accorded to domestic international traffic between Canada and the United States and also compared with our findings in our previous Judgment, *supra*, respecting import traffic. As we stated in the previous Judgment, we rely upon the Canadian railways to remove the condition found unjustified without the necessity of the issuance of an Order by us.

ROD KERR  
H. H. GRIFFIN  
A. SYLVESTRE  
L. J. KNOWLES  
J. M. WOODARD

OTTAWA, July 17, 1959.

*In the matter of the Tariff C.T.C. 25 of The Detroit and Windsor Subway Company and Detroit & Canada Tunnel Corporation, issued on March 15, 1959, to have been effective on April 15, 1959, in respect of the tunnel between the City of Windsor, Ontario, and the City of Detroit, Michigan, and which said tariff was suspended by Board's Order No. 97599, dated the 10th of April, 1959; in order to determine the reasonableness of the said tariff and to permit the applicant to justify it.*

File No.35943.5

Before:

H. H. GRIFFIN, *Assistant Chief Commissioner.*  
JOHN M. WOODARD, *Commissioner.*

Appearances:

DUNCAN K. MAC TAVISH, Q.C.,	}	for The Detroit and Windsor Sub-
GEORGE C. RICHARDES, Q.C.,		
G. PERLEY-ROBERTSON,	}	Canada Tunnel Corporation.
JAMES E. WATSON, Q.C.,		
ROBERT REESE,		for the City of Detroit.

Heard at Windsor, Ontario, on June 3, 1959.

#### J U D G M E N T

BY THE BOARD:

On March 9, 1959, Detroit & Canada Tunnel Corporation and The Detroit and Windsor Subway Company filed with the Board Tariff C.T.C. 25 which it was proposed would cancel existing Tariff C.T.C. 24. The effect of Tariff C.T.C. 25 would have been to increase certain of the charges for passenger cars and other vehicles.

Subsequent to the filing of Tariff C.T.C. 25, the City of Windsor, Ontario, and the City of Detroit, Michigan, filed objections thereto, as a result of which the Board issued Order No. 97599 suspending the tariff and ordering a hearing to be held to determine the reasonableness of the proposed tolls and to permit the applicant to justify the tariff. At the hearing one witness only, who is both the Treasurer and General Manager of the Detroit & Canada Tunnel Corporation and Secretary of its wholly owned subsidiary The Detroit and Windsor Subway Company was called by the Companies. The testimony of the witness was supported by some 25 financial, accounting and statistical exhibits. No witnesses were called by the Municipalities.

Tariff C.T.C. 25 is identical to one issued in February 1958, upon which a hearing was held in Windsor in May of that year. By the Board's Judgment dated June 25, 1958, that tariff was disallowed. In the Judgment, Wardrope, A.C.C., said:

"It has not been suggested that the reductions in traffic revenues are of a permanent nature, and we consider it reasonable to expect that traffic will recover and experience further growth with a revival of activity on both sides of the river. The experience since 1951 indicates that although fluctuations have occurred from year to year, revenues have been able to keep ahead of increasing costs and net income can continue to increase under the present level of rates.

It is our opinion that the forecast of net income for the year ending October 31, 1958, and the evidence submitted in this case do not justify a conclusion at this time and under the present circumstances that the present level of rates is unreasonable or that an increase in tolls should be approved."

The evidence in the present hearing is that in the fiscal year ending October 31, 1958 (which will be referred to as the year 1958) as compared with the preceding year the Companies':

- (1) Gross Revenue from all classes of traffic increased by \$54,000, i.e., from \$2,542,966 to \$2,596,570. (Exhibit 2)
- (2) Net Income increased by \$15,000, i.e., from \$630,888 to \$645,785. (Exhibit 1)

Notwithstanding these increases in revenues and net income, it was stated in evidence that a downward trend in traffic had commenced in February 1958 and that this trend had been evident, with minor exceptions, in every month since that time.

For the first six months of the current fiscal year, as compared with the same period in the preceding year, a decline in gross revenues was shown in each category except foreign buses. (Supplement 1 to Exhibit 2) Comparison of the two periods shows that:

- (1) Gross Revenue from all classes of traffic decreased by \$55,000, i.e., from \$1,136,033 to \$1,080,573. (Supplement 1 to Exhibit 2)
- (2) Net Income decreased by \$25,000, i.e., from \$245,537 to \$220,377. (Exhibit 23)

Had the proposed rates been in effect at the beginning of the current fiscal year (November 1, 1958), the Companies' net income for the first six months of 1959, based on the same volume of traffic, would have been some \$243,000. (Exhibit 14A) Traffic statistics for the same period showed that:

- (1) The number of passenger cars paying cash decreased by 39,000, i.e., from 743,270 to 703,933. The number of passenger cars using tickets increased by 5,000, i.e., from 528,643 to 533,382.
- (2) The number of commercial vehicles decreased by 4,000, i.e., from 39,548 to 35,592.
- (3) Passengers in vehicles (other than drivers) decreased by 41,000, i.e., from 1,270,987 to 1,229,746.
- (4) Passengers in the Tunnel Buses (those operated through the Tunnel by the Companies) decreased by 267,000, i.e., from 2,013,812 to 1,746,995.
- (5) The number of foreign buses (being buses other than those operated through the Tunnel by the Companies themselves) increased by 2,400, i.e., from 4,670 to 7,076.

The Companies expect the decline in traffic to continue, and see no hope for improvement in the foreseeable future. Further, they expect that there will be an increase in expenses in the current fiscal year, including increases in property taxes in Detroit and Windsor of \$6,600 and \$18,000 per annum, respectively. Certain labour agreements expire on July 31, 1959, and it is estimated that the negotiation of new contracts will result in an increase in expenses for the current fiscal year of at least \$21,000. Other expenses additional to those incurred in the year 1958 are foreseen in the current fiscal year, but it is not said that these are of a recurring nature.

Using six months of actual result and six months of estimated figures, the Companies have submitted the following evidence:

- (1) On the present tariff the estimated net income for 1959 will be \$550,000 as against \$646,000 in 1958 and \$631,000 in 1957. (Exhibits 12 and 1)

- (2) Had Tariff C.T.C. 25 gone into effect on July 1 of this year, then the estimated net income for 1959 (based on the same traffic at present rates for eight months and proposed rates for four months) would be \$583,000 as against \$646,000 for 1958 and \$631,000 for 1957. (Exhibits 12A and 1)
- (3) Had Tariff C.T.C. 25 been in effect at the beginning of the fiscal year 1959 (i.e., November 1, 1958) the estimated net income for 1959 (after adjustment for diversion due to the higher rates) would be \$643,000 as against \$646,000 for 1958 and \$631,000 for 1957. (Exhibits 13 and 1)

The Cities of Detroit and Windsor objected to the proposed increase and attacked the above evidence on the following grounds, among others:

- (1) That in proceedings before this Board in May 1958, the Companies forecast a decline in net income in the fiscal year 1958 of \$59,000, i.e., a net income of \$571,411 whereas, in fact, the net income for 1958 was \$645,785, or some \$74,000 greater than predicted.
- (2) That in the previous hearing the Companies had actual figures for five months of the fiscal year on which to base their estimates and in the present case the estimates are based upon six months' experience. It was argued that if the Companies could be so wrong in the 1958 prediction, it is to be considered whether they could be equally wrong now.
- (3) It was argued that in dismissing the application last year, the Board's judgment in the matter has been proven right and the Companies' estimates wrong, and that the Companies' present estimates should now be rejected.
- (4) It was argued that the Companies should have allowed a longer interval of time before applying again to this Board. They should have had at least a year of actual operations by which their application could be tested.
- (5) It was further argued that the Board may not exercise its judgment on the basis of what the traffic will bear, but must consider what would be a reasonable return to the Companies.
- (6) It was also argued that, on the basis of the Companies' evidence (Exhibit 3), there had been a general overall increase in traffic between 1951 and 1958, that the population in the area, as well as automobile registrations, were increasing and that the prevailing decrease in traffic was not of a permanent nature.

Full consideration has been given to these arguments, as also to the arguments of Counsel for the Companies.

In connection with the error in the Companies' previous prediction, the witness stated that in his view the discrepancy had resulted from three unforeseen circumstances, first, diversion of traffic from the Ambassador Bridge to the Tunnel, secondly, a strike which for several weeks made it impossible to obtain beer in Ontario and thirdly, a number of anticipated expenses which had not, in fact been incurred during the period. It is, of course, a relatively easy matter to identify the expenses which had not been incurred. The Tunnel Bus traffic showed a marked increase during the period of the so-called "beer strike", and it would be not unreasonable to suppose that the strike may also have had some effect on automobile traffic. However, the connection between the increase in Ambassador Bridge tolls and such diversion of traffic from the

Bridge to the Tunnel as may have taken place is difficult to establish. In February and March 1958 there were small increases in the number of cars using the Tunnel as compared with the corresponding months of the preceding year. The increases in April and May 1958 were 15,915 and 16,293 cars, respectively. A very substantial part of these increases was said to be due to diversion of traffic resulting from increased tolls instituted by the Ambassador Bridge in June 1957. As the Bridge consistently lost traffic during the period that the Tunnel was gaining traffic it is reasonable to suppose that some diversion took place, but no direct connection with the change in the Bridge tolls was established in the evidence.

An exhibit was filed (Exhibit 11) showing gross and net income for the years 1951 to 1958 inclusive. As might be expected, there were fluctuations from year to year but, in general, the record is one of growth and progress. On the evidence submitted, the Board is unable to accept the view that no improvement in Tunnel traffic can be hoped for in the foreseeable future. The annual reports to the stockholders of Detroit & Canada Tunnel Corporation for the years 1957 and 1958 both stress the advantages likely to accrue in 1959 and 1960 from completion of certain highway and Detroit civic developments. The Board takes judicial notice of the fact that population in areas tributary to the Tunnel is increasing, as is the use of highways by motor vehicles. Increased automobile traffic on both sides of the border can hardly fail to have an effect on traffic through the Tunnel. There may be good grounds for assuming that expenses of operation and maintenance will continue upwards, but the Board has no reason to conclude that additional expenses will not be covered by additional revenues derived from increased traffic.

The Tunnel Bus service is in a different category. The number of bus passengers carried has shown a steady decline for many years. It might be noted in passing, however, that the decrease in revenue from tolls in the first six months of the year 1959 as compared to the corresponding period in the previous year was \$53,459 and of this amount \$30,084 represented the decrease in bus passenger tolls which are not regulated by this Board. (Exhibit 14)

The Companies' justification of Tariff C.T.C. 25 appears to be based mainly on the assumption that the proper test of the reasonableness of tolls consists in comparing the earnings for the first six months in 1959 with those for the first six months in 1958, or alternatively the projected earnings for 1959 as compared with the actual earnings for 1958.

The Board does not accept this as the only test upon which it should assess the Companies' need for relief, and believes that weight should also be given to whether the actual earnings for the first six months of 1959 or the projected earnings for 1959 represent an inadequate return to the Companies.

Exhibit 15 filed by the Companies shows, in respect of Detroit & Canada Tunnel Corporation, the common stock outstanding, the earnings per share and the dividends paid on the outstanding shares. The earnings in recent years appear to have been well maintained and, although the projected earnings for 1959 are forecast to be below the level of the previous year, the Board does not consider them inadequate in the circumstances.

The Board finds that the evidence submitted in this case does not justify a conclusion, at this time, and in the present circumstances, that the present level of rates is unreasonable or that an increase in tolls should be approved.

The Companies' Tariff C.T.C. 25 is, therefore, disallowed.

An Order will issue.

H. H. GRIFFIN,  
*Assistant Chief Commissioner,*

J. M. WOODARD,  
*Commissioner.*

July 17, 1959.

## ORDER No. 98550

*In the matter of the Tariff C.T.C. 25 of The Detroit and Windsor Subway Company and Detroit & Canada Tunnel Corporation, issued on March 15, 1959, to have been effective on April 15, 1959, in respect of the tunnel between the City of Windsor, Ontario, and the City of Detroit, Michigan, and which said tariff was suspended by Board's Order No. 97599, dated the 10th of April, 1959; in order to determine the reasonableness of the said tariff and to permit the applicant to justify it.*

File No. 35943.5

FRIDAY, the 17th day of July, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*J. M. WOODARD, *Commissioner.*

*Upon hearing the matter at a sitting of the Board held in Windsor, Ontario, on June 3, 1959 in the presence of Counsel for the Detroit and Windsor Subway Company and Detroit & Canada Tunnel Corporation; the City of Windsor; and the City of Detroit and pursuant to the Judgment herein dated the 17th day of July, 1959—*

*It is hereby ordered as follows:*

The said tariff is disallowed.

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

## GENERAL ORDER No. 848

*In the matter of Rules Respecting the Construction, Reconstruction and Improvement of Grade Separations authorized by the Board:*

File No. 11026.79

THURSDAY, the 25th day of June, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

*It is hereby ordered as follows:*

The following rules entitled "Rules Respecting the Construction, Reconstruction and Improvement of Grade Separations authorized by the Board" are approved and prescribed.

**RULES RESPECTING THE CONSTRUCTION, RECONSTRUCTION  
AND IMPROVEMENT OF GRADE SEPARATIONS  
AUTHORIZED BY THE BOARD**

1. In these Rules

(1) "Grade separation" means an overhead bridge or a subway carrying a highway over or under a railway subject to the jurisdiction of the Board.

(2) "Person" includes the railway company under the jurisdiction of this Board, any municipal or other corporation and any other public authority having jurisdiction to construct or maintain a highway.

(3) "Railway" means a railway company subject to the jurisdiction of the Board.

2. A person shall not begin the construction, reconstruction or improvement of a grade separation until Board's approval required.

- (a) The Board has by Order granted such person leave to perform the work;
- (b) A general plan prepared and approved as hereinafter provided has been submitted to the Board; and
- (c) The detail plans have been approved by an Engineer of the Board.

3. Any person desiring to construct, reconstruct or improve a grade separation shall file an application with the Secretary of the Board, indicating in reasonable detail the approximate cost of the proposed work, the names of any utility companies or Commissions affected and include with the application three copies of a general plan duly signed, numbered and dated. Application.

4A. The Applicant shall show on the general plan Plan.

- (1) The grade separation and approaches on each side;
- (2) The limits within which a grant from The Railway Grade Crossing Fund is expected;
- (3) A minimum of 300 feet of the railway in each direction from the point of crossing;

(4) The number of tracks involved;

(5) Any necessary track changes due to the proposed grade separation;

(6) An elevation of the proposed structure at a scale of one inch equals 10 feet showing vertical clearances;

(7) A plan of the substructure indicating the side clearances; and

(8) A cross section of the grade separation indicating width of road, curves, sidewalks, trackage, lighting, etc.

Scale of plan and profile.

B. The general plan shall be prepared

(1) to a scale of one inch equals 100 feet; and

(2) a corresponding profile of the centre line of the roadway shall be prepared to a scale of one inch equals 100 feet horizontal, and one inch equals 10 feet vertical.

Key map.

C. On the said plan there shall be a key map at one inch equals 400 feet where possible showing the location of the proposed work at any crossing to be eliminated.

Application by Road Authority.

5. When the application is made by a person other than a railway a copy of such application and of the plan shall be forwarded to the Commission Counsel of the railway concerned.

Submission of the Railway Company.

6. Within thirty days from the date of the receipt of the application and of the plan, the railway concerned shall make its submission to the Board with respect to the said application and plan.

Inspection by Engineer of the Board.

7. Upon receipt of the railway's submission the Director of Engineering of the Board will arrange for an inspection with representatives of the railway and the highway authority to discuss the proposed design of the structure and the estimated cost.

Order when grant permissible and formula applies.

8. (1) Where the Board considers that the proposed project is justified, qualifies for a grant from The Railway Grade Crossing Fund and the formula adopted by the Board respecting apportionment of costs is applicable, the Board will issue an Order accordingly.

Order when grant not permissible and/or when formula does not apply.

(2) Where the Board considers that the proposed work is justified but does not qualify for a grant from The Railway Grade Crossing Fund and/or the formula of the apportionment of costs does not apply, the Board may issue an Order authorizing the work, reserving for further decision and Order of the Board the question of the apportionment of costs.

Formula re apportionment of cost of construction.

9. Except when otherwise ordered by the Board, where the costs of construction of a new grade separation do not exceed \$625,000.00, and where such grade separation is to be constructed within the limits of the existing road allowance, such costs are apportioned pursuant to the following formula adopted by the Board:

(1) 80% payable from The Railway Grade Crossing Fund;

(2) 15% payable by the highway authority; and

(3) 5% payable by the railway.

10. Except as otherwise ordered by the Board:

(1) All the costs of maintenance of an overhead bridge are payable by the highway authority;

(2) The cost of maintenance of an underpass or subway are payable as follows:

(a) The cost of maintenance of the substructure and superstructure are payable by the railway;

(b) The cost of maintenance of approaches, road surfaces, sidewalks, drainage and lighting are payable by the highway authority.

11. With respect to structures supporting railway tracks and facilities, the railway company shall, unless otherwise authorized by the Board

Structures supporting railway tracks and facilities.

(1) Design the entire structure and prepare all plans necessary for the construction thereof, and supervise the construction.

(2) Design, install, and maintain all falsework required for the temporary support of its tracks or other facilities during the construction of the work, and perform all work in connection with such changes to any of its facilities as may be necessary to permit the execution of the project and to protect its traffic.

(3) Invite tenders and award the contracts for the construction of the structure, subject to the approval of the province or municipality, as the case may be.

(4) Approve all shop drawings for fabricated structural steel or iron before their submission to the Board, and perform the necessary mill, shop, and field inspection in connection therewith.

(5) Carry out all such work in accordance with the railway's specifications.

12. With respect to structures carrying highways over railway's tracks and facilities:

(1) The province or the municipality, as the case may be, may design such structures, but all plans and specifications shall be submitted to the railway concerned for its approval; or

(2) Upon agreement between the parties concerned, the railway may design such structure but all plans and specifications shall be submitted to the province or the municipality concerned for its approval.

(3) The construction of such structure within the limits of the railway's property shall be carried out to the satisfaction of the railway.

(4) All work in connection with changes to any of the railway's facilities as may be necessary to permit the execution of the project and to protect its traffic shall be performed by the railway.

(5) Where the company has consented that the work be performed on its property by a person other than the railway, such work may be performed only after such person has received the approval of, and if the work is performed under the supervision of the railway.

(6) Any part of a structure to be maintained by the railway shall be constructed in accordance with the railway's specifications.

13. General Order No. 589, dated May 27, 1939, is rescinded.

**ROD KERR,**  
*Chief Commissioner.*

## ORDER No. 98557

*In the matter of the application of The Express Traffic Association of Canada for approval of Supplement No. 12 to Express Classification No. 9:*

File No. 4397.143

MONDAY, the 20th day of July, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*  
A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
J. M. WOODARD, *Commissioner.*

*Whereas* notice has been given by The Express Traffic Association of Canada in *The Canada Gazette*, as required by Sections 325 and 365 of the Railway Act, and copies of the said Supplement have been furnished to the parties named in the General Order of the Board No. 695, with the request that their objections, if any, be filed with the Board within thirty days;

*And upon* consideration of submissions filed in objection—

*It is hereby ordered as follows:*

The said Supplement No. 12 to Express Classification for Canada No. 9, on file with the Board under file No. 4397.143, is approved.

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

## ORDER No. 98592

*In the matter of the application of Canada Steamship Lines Limited for a licence under section 10 of the Transport Act:*

File No. 42076.4.2

TUESDAY, the 21st day of July, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*  
 A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
 J. M. WOODARD, *Commissioner.*

*It is hereby ordered as follows:*

Subject to any exemption granted pursuant to subsection 2 of section 12 of the Transport Act, Licence No. C.T.C. (W.T.) 362 is issued to the Canada Steamship Lines Limited licensing, for the period of one year commencing January 15, 1959, the following ship to transport goods by water between all ports and places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay), and Lake Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans.

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
M.V. "Eskimo" .....	311755	4,462.42

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 98445 July 13—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 98446 July 13—Approving tolls published in tariffs filed by the Cumberland Coal Company under section 8 of the Maritime Freight Rates Act.
- 98447 July 10—Requiring the C.P.R. to install automatic protection at the crossing of Hwy No. 2 and their railway in Assiniboia, Sask., Mileage 0.6 Shaunavon Subd.
- 98448 July 10—Authorizing the C.N.R. to remove the watchman at the crossing of their railway and Cromwell St., Sarnia, Ont.
- 98449 July 10—Amending Order No. 97668, re apportionment of cost of installing protection at the crossing of The Midland Railway Company of Manitoba and McPhillips St., in the City of Winnipeg, Man.
- 98450 July 13—Approving tolls published in tariffs filed by the C.P.R. under Section 3 of the Maritime Freight Rates Act.
- 98451 July 10—Authorizing the British Columbia Electric Company Limited to construct a natural gas main across the pipe line of Trans Mountain Oil Pipe Line Company at Ridpath Road, District of Surrey, B.C.
- 98452 July 10—Authorizing the removal of the speed limitation at the crossing of De L'Eglise St., and the C.N.R., first station north of station at Desbiens, P.Q., Mileage 70.08 Joniquere Subd.
- 98453 July 10—Authorizing the C.P.R. and C.N.R. to remove the protective devices installed at the crossings of their railways and Lawrence Avenue, near Weston Station, Munic. of Metropolitan Toronto, Ont.
- 98454 July 10—Authorizing the Town of Nicolet, P.Q., to construct Martin St. across the C.N.R., Mileage 26.5 Yamaska Subd.
- 98455 July 10—Authorizing the C.N.R. to reconstruct the bridge at Mileage 63.0 Sangudo Subd. to cross over the Pembina River and over the north-south road diversion in the NW $\frac{1}{4}$  Sec. 36, Twp. 56, Rge. 7, W.5M.
- 98456 July 10—Authorizing the B.C. Department of Highways to construct Bremner Road across the C.N.R. at Mileage 80.54 Cowichan Subd., B.C.
- 98457 July 10—Approving flammable liquid bulk storage facilities of Home Oil Distributors Limited at Kamloops, B.C.
- 98458 July 10—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at McCord, Sask. (C.P.R.)
- 98459 July 10—Approving application of the C.P.R. for less-than-standard side clearances on the siding serving Silknit Limited, in the Town of Hespeler, Ont., at Mileage 2.98 from Preston on the railway of the Grand River Railway Co.
- 98460 July 10—Authorizing the Township of Scarborough to construct a public road across the C.N.R. in Lots 27 and 28, Con. 2, Twp. of Scarborough, Ont., Mileage 56.74 Uxbridge Subd.
- 98461 July 10—Relieving the C.N.R. from erecting right of way fencing between certain mileages on its Vegreville Subd., Alta.
- 98462 July 10—Authorizing the C.P.R. to remove the caretaker-agent and appoint a caretaker at Abercorn, P.Q.
- 98463 July 10—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 2 at Catarauqui, Ont., Mileage 176.29 Gananoque Subd.
- 98464 July 10—Authorizing the Town of Rimouski, P.Q. to construct Leonidas Ave. over the C.N.R. at Mileage 0.56 Rimouski Wharf Branch.
- 98465 July 10—Authorizing the Quebec Department of Roads to widen the highway at the crossing of the highway and the C.P.R. at St. Joachim de Shefford, P.Q., Mileage 21.9 Drummondville Subd.

- 98466 July 10—Authorizing the Quebec Department of Roads to widen Martineau Road where it crosses the C.N.R. in Ste. Anne de la Pocatiere, P.Q., Mileage 39.6 Montmagny Subd.
- 98467 July 10—Rescinding Order No. 74177 which approved location of facilities of Great West Distributors Limited for the handling and storage of flammable liquids at St. Paul, Alta.
- 98468 July 10—Approving overhead and side clearances on C.N.R. tracks adjacent to their powerhouse at Transcona, Man.
- 98469 July 10—Authorizing Steelman Gas Limited to construct a gas main across and under the pipe line of Westspur Pipe Line Company at certain locations in the Prov. of Sask.
- 98470 July 10—Authorizing the C.P.R. to remove the caretaker-agent and appoint a caretaker at Lens, Ont.
- 98471 July 13—Rescinding Order No. 90404 which approved the location of facilities of Shell Oil Company of Canada, Limited, for handling and storage of flammable liquids at Drynoch, B.C.
- 98472 July 13—Approving flammable liquid bulk storage facilities of The British American Oil Company Limited at Noranda, P.Q. (N.C. Rly. Co.)
- 98473 July 13—Approving flammable liquid bulk storage facilities of The British American Oil Company Limited at Amos, P.Q. (C.N.R.)
- 98474 July 13—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at Ste. Rose, Man. (C.N.R.)
- 98475 July 13—Approving flammable liquid bulk storage facilities of The British American Oil Company Limited at Eades, Ont., Mileage 58.07 Macamic Subd. (C.N.R.)
- 98476 July 13—Requiring the C.N.R. to install automatic protection at the crossing of the C.N.R. and Highway No. 21 near Ferintosh, Alta., Mileage 68.30 Camrose Subd.
- 98477 July 13—Requiring the Northern Alberta Railways Company to install automatic protection at the crossing of their railway and Highway No. 2 at Donnelly, Alta., Mileage 271.17 Smoky Subd.
- 98478 July 13—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Little Lake Road at Tracy, N.B., Mileage 47.77 Saint John Subd.
- 98479 July 13—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 36 at Viking, Alta., Mileage 44.68 Viking Subd.
- 98480 July 13—Requiring the C.P.R. to install signal protection at the crossing of Highway No. 1 and their railway at Long Hill, N.B., Mileage 45.34 Shore Line Subd.
- 98481 July 13—Authorizing the C.N.R. to install improved protection at the crossing of their railway and Highway No. 7, west of Brampton, Ont., Mileage 24.17 Brampton Subd.
- 98482 July 13—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Pokiok Crossing at Mileage 107.11 Centreville Subd., N.B.
- 98483 July 13—Requiring the C.N.R. to install automatic protection at the crossing of Highway No. 2 and the C.N.R. at Mileage 106.16 Centreville Subd., N.B.
- 98484 July 13—Authorizing the removal of the speed limitation at the crossing of Highway No. 60 and the C.N.R. at Killaloe, Ont., Mileage 93.84 Renfrew Subd.
- 98485 July 13—Requiring the Northern Alberta Railways Company to install automatic protection at the crossing of Highway No. 2 and their railway near High Prairie, Alta., Mileage 235.3 Slave Lake Subd.

- 98486 July 13—Approving the flammable liquid bulk storage facilities of The British American Oil Company Limited at Kirkland Lake, Ont. (N.C. Rly. Co.)
- 98487 July 13—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and the highway at Alliston, Ont., Mileage 44.96 MacTier Subd.
- 98488 July 13—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at McAdam, N.B., Mileage 83.76 Saint John Subd.
- 98489 July 13—Authorizing Consumers' Gas Company to construct a steel gas main across and under the C.N.R. on the road allowance between Concs. 2 and 3, Lot 17, Twp. of Uxbridge, Ont., Mileage 35.03 Uxbridge Subd.
- 98490 July 13—Authorizing the C.N.R. to construct a bridge over the Chibougamau River, P.Q., at Mileage 129.2 St. Felicien-Chibougamau Branch Line.
- 98491 July 13—Authorizing the C.N.R. to construct a bridge over the southwest arm of Lake Chibougamau, P.Q., at Mileage 127.8 St. Felicien-Chibougamau Branch Line.
- 98492 July 13—Authorizing the C.P.R. to remove the caretaker at Lydiatt, Man., Mileage 94.9 Keewatin Subd.
- 98493 July 13—Authorizing the C.P.R. to remove the station shelter at Otter Lake Station, Ont.
- 98494 July 13—Authorizing the C.P.R. to remove the caretaker at Frys Station, Sask.
- 98495 July 13—Authorizing the C.P.R. to remove the station building at Lake Joseph, Ont.
- 98496 July 13—Authorizing the C.P.R. to remove the station shelter at Black Road Station, Ont.
- 98497 July 13—Authorizing the C.P.R. to close the station and remove the shelter at Hagar, Ont.
- 98498 July 13—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Montee du Moulin Road, being the first public crossing west of station at Laval des Rapides, P.Q., Mileage 11.0 Park Ave. Subd.
- 98499 July 13—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and the highway at the first public crossing west of station at Alix, Alta., Mileage 80.3 Lacombe Subd.
- 98500 July 13—Authorizing the C.N.R. to remove the caretaker at Newton, Ont. The question of removing the station building at Newton is reserved for further consideration and Order of the Board.
- 98501 July 13—Authorizing the C.P.R. to remove the caretaker at Whitefish, Ont.
- 98502 July 13—Approving flammable liquid storage facilities of Imperial Oil Limited at Grande Centre, Alta., Mileage 60.96 Bonnyville Subd.
- 98503 July 13—Rescinding Order No. 75556, which approved proposed location of facilities for the storage of pintsch gas cylinders of the C.P.R. at Kingston, Ont.
- 98504 July 13—Approving flammable liquid bulk storage facilities of Anglo American Exploration Limited, at Elrose, Sask., Mileage 49.73 Elrose Subd.
- 98505 July 13—Authorizing the C.P.R. to construct the highway across its right of way in Coutts, Alta., Mileage 46.96 Coutts Subd.
- 98506 July 13—Authorizing the Town of Burlington to construct a storm sewer across and under the pipe line of the Interprovincial Pipe Line Company in the Town of Burlington, Ont.
- 98507 July 13—Approving flammable liquid storage facilities of the C.N.R. at Allandale, Ont.
- 98508 July 14—Authorizing the removal of the speed limitation at the crossing of No. 50 Side Road and the C.N.R. at Winona, Ont., Mileage 31.67 Grimsby Subd.

- 98509 July 14—Approving flammable liquid bulk storage facilities of Homewood Co-operative Oil and Supplies Limited at Homewood, Sask., Mileage 37.2 Carman Subd.
- 98510 July 14—Authorizing the C.N.R. to render the centre span of the bridge at Mileage 59.6 Centreville Subd., N.B., fixed as shown on plan.
- 98511 July 14—Approving flammable liquid storage facilities of Imperial Oil Limited at Grandview, Man., Mileage 29.6 Togo Subd.
- 98512 July 14—Approving proposed additional diesel fuelling facilities of the C.P.R. at Moose Jaw, Sask.
- 98513 July 14—Approving flammable liquid storage facilities of Imperial Oil Limited at Winnipegosis, Man., Mileage 20.9 Winnipegosis Subd.
- 98514 July 14—Approving flammable liquid storage facilities of Imperial Oil Limited at Regina, Sask., Mileage 114.3 Lewvan Subd.
- 98515 July 14—Approving flammable liquid storage facilities of Canadian Oil Companies Limited at Viking, Alta., Mileage 44.29 Viking Subd.
- 98516 July 14—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 98517 July 14—Authorizing the Township of Sandwich South to improve the crossing of the N.Y.C. Railroad Co. and 6th Concession Road, Mileage 220.27.
- 98518 July 15—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under section 3 of the Maritime Freight Rates Act
- 98519 July 15—Authorizing the C.P.R. to operate under the overhead bridge at the crossing of its railway and County Road No. 27 in Lot 21, Concessions 2 and 3, Twp. of Brantford, Ont.
- 98520 July 15—Authorizing the Corp. of the District of Coquitlam, B.C., to construct a public road across the pipe line of Trans Mountain Oil Pipe Line Company in the south half of Block 6, District Lot 357, Group 1, New Westminster Dist.
- 98521 July 15—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at Rosedale, B.C., Mileage 65.14 Yale Subd.
- 98522 July 15—Amending Order No. 95627 which extended the time within which the C.N.R. are required to install automatic protection in lieu of the existing signals at the crossing of their railway and Main St., in Maxville, Ont., Mileage 91.3 Alexandria Subd.
- 98523 July 15—Authorizing the Sask. Department of Highways and Transportation to construct Highway No. 49 across the C.N.R. in the NW $\frac{1}{4}$  Sec. 12, Twp. 34, Rge. 4, W.2M., Sask.
- 98524 July 15—Authorizing the United Counties of Leeds and Grenville, Ont., to construct County Road across the C.P.R. at Mileage 28.35 Prescott Subd.
- 98525 July 15—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 98526 July 15—Authorizing the C.N.R. to reconstruct the bridge at Mileage 25.6 Brooksby Subd., Sask.
- 98527 July 15—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Telephone Chibougamau Limitee.
- 98528 July 15—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and Jackson Telephone Company Limited.
- 98529 July 15—Approving flammable liquid storage facilities of Imperial Oil Limited at Kindersley, Sask., Mileage 122.05 Rosetown Subd.
- 98530 July 15—Extending the time within which the C.N.R. is required to install two flashing light signals and one bell in lieu of the present protection at the crossing of their railway and St. Albert St. in Casselman, Ont., Mileage 104.45 Alexandria Subd.

- 98531 July 15—Authorizing the Toronto, Hamilton and Buffalo Rly. Co. to operate under the overhead bridge in Lot 26, Conc. 4, Twp. of Saltfleet, Co. Wentworth, Ont., Mileage 31.59 Welland Subd.
- 98532 July 15—Authorizing the C.P.R. to operate under the overhead bridge in Lot 8, Conc. 2, Nassagaweya Twp. Ont., Mileage 17.25 Goderich Subd.
- 98533 July 15—Authorizing the Manitoba Dept. of Public Works to construct Highway No. 10 across the C.N.R. at Mileage 67.66 Turnberry Subd., Man.
- 98534 July 15—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone d'Yamaska Limitee.
- 98535 July 15—Approving Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone St-Pie de Guire.
- 98536 July 15—Extending the time within which the C.N.R. is required to install flashing light signals and bell in lieu of the present protection at the crossing of their railway and Route de la Station, in the Village of Ste. Justine, P.Q., Mileage 68.1 Alexandria Subd.
- 98537 July 15—Approving revisions to tariffs filed by The British Columbia Telephone Company.
- 98538 July 15—Authorizing the Quebec Department of Roads to relocate and widen Crete de Coq Road where it crosses the C.N.R. in the Munic. of the Parish of St. Ursule, Co. Maskinonge, P.Q., Mileage 75.34 Grand'Mere Subd.
- 98539 July 15—Approving new Traffic Agreement between The Bell Telephone Company of Canada and La Cie de Telephone St-Bonaventure.
- 98540 July 15—Approving Supplement No. 2 to Service Station Contract between The Bell Telephone Company of Canada and The Desboro-Mooresburg Telephone Company Limited.
- 98541 July 15—Approving clearances on the siding of the Grand River Railway Company serving General Spring Products Limited in the City of Kitchener, Ont., Mileage 11.33 Waterloo Subd.
- 98542 July 15—Authorizing the C.N.R. to remove the agent at Novar, Ont., and appoint a caretaker.
- 98543 July 15—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 13 and Highway No. 39 (First Avenue) in the City of Weyburn, Sask., Mileage 12.8 Weyburn Subd.
- 98544 July 15—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at Newdale, Man.
- 98545 July 15—Authorizing the Twp. of Zone, Ont., to improve the approach grades and the travelled portion of the highway surface between Concs. 6 and 7 where it crosses the C.P.R. near Bothwell, Ont., Mileage 43.13 Windsor Subd.
- 98546 July 16—Extending the time within which the C.N.R. is required to install automatic protection at the crossing of their railway and St. Isidore St., Village of Casselman, Ont., Mileage 104.48 Alexandria Subd.
- 98547 July 16—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at first public crossing north of St. Lin Junction, P.Q., Mileage 1.99 Ste. Agathe Subd.
- 98548 July 16—Dismissing application of the C.N.R. for authority to maintain the station at Utterson, Ont., Mileage 23.2 Huntsville Subd., as a summer agency from May 15th to September 15th each year, and appoint a caretaker for the balance of the year.
- 98549 July 16—Dismissing application of the Northern Alberta Railways Company for authority to abandon passenger service between Rycroft and Spirit River, Alberta.

- 98550 July 17—Disallowing Tariff C.T.C. 25 of The Detroit and Windsor Subway Company and Detroit and Canada Tunnel Corporation, with respect to the tunnel between the City of Windsor, Ont. and Detroit, Mich., which said tariff was suspended by Board Order No. 97599, dated April 10, 1959.
- 98551 July 17—Authorizing the C.P.R. to make signal changes between Mileage 0.4 and Mileage 41.5 Oshawa Subd., Ont.
- 98552 July 17—Authorizing the Ontario Dept. of Highways to relocate Highway No. 37 across the pipe line of Trans-Canada Pipe Lines Limited in Lot 9, Conc. 3, Twp. of Thurlow, Co. of Hastings, Ont.
- 98553 July 20—Authorizing the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 4 near Neepawa, Man., Mileage 32.95 Neepawa Subd.
- 98554 July 20—Authorizing the C.N.R. to install automatic protection at the crossing of their railway and Church Road in St. Arsene, P.Q., Mileage 75.86 Rimouski Subd.
- 98555 July 20—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 4 near Rosetown, Sask., Mileage 44.02 Kerrobert Subd.
- 98556 July 20—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 2 at Norton, N.B., Mileage 89.63 Minto Subd.
- 98557 July 20—Approving Supplement No. 12 to Express Classification No. 9, filed by the Express Traffic Assoc. of Canada
- 98558 July 20—Rescinding Order No. 76518, which approved the location of facilities of Ilderton-Middlesex Farmers' Co-Operative near the C.N.R. tracks at Ilderton, Ont.
- 98559 July 20—Rescinding Order 76169 which approved location of facilities of Great West Distributors Ltd. near C.P.R. tracks at Tilley, Alta.
- 98560 July 20—Requiring the C.N.R. to install automatic protection at the crossing of their railway and 50th St., in Vegreville, Alta., Mileage 57.1 Vegreville Subd.
- 98561 July 20—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Doran St. in the Village of Petawawa, Ont., Mileage 103.61 Chalk River Subd.
- 98562 July 20—Authorizing the C.P.R. to remove the caretaker at Cheviot, Sask., Mileage 97.1 Sutherland Subd.
- 98563 July 20—Authorizing the Town of Boucherville, P.Q., to construct the road across the C.N.R. between Lots 22 and 23, in the Parish of Boucherville, Co. Chambly, Mileage 9.18 Sorel Subd.
- 98564 July 20—Relieving the C.P.R. from erecting cattle guards at certain highway crossings on its Victoria Subd., B.C.
- 98565 July 20—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 9 near Yorkton, Sask., Mileage 27.54 Yorkton Subd.
- 98566 July 20—Approving the location and details of the station proposed to be erected by the C.N.R. at Newport, P.Q., Mileage 36.9 Chandler Subd.
- 98567 July 20—Approving proposed flammable liquid storage facilities of British American Oil Company Limited at Nipawin, Sask.
- 98568 July 20—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Route No. 17 at Mileage 48.30 St. Quentin Subd., N.B.
- 98569 July 20—Rescinding Orders Nos. 61590 and 74754 which approved the location of facilities of British American Oil Company Limited, over the C.P.R. at Richmond, Sask.
- 98570 July 20—Authorizing the Ontario Dept. of Highways to construct Highway No. 37 across and over the pipe line of the Trans-Northern Pipe Line Company in Lot 9, Conc. 3, Twp. of Thurlow, Ont.

- 98571 July 20—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 41 (Oliver St.), Vermilion, Alta., Mileage 0.13 Vegreville Subd.
- 98572 July 20—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Jefferson Blvd., Twp. of Sandwich East, Ont., Mileage 103 Chatham Subd.
- 98573 July 20—Approving flammable liquid bulk storage facilities of Reliance Petroleum Limited at Simcoe, Ont., Mileage 43.5 Lake Erie and Northern Rly.
- 98574 July 20—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Kennedy Road, Agincourt, Ont., Mileage 97.3 Oshawa Subd.
- 98575 July 20—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Route No. 17 at Mileage 36.77 St. Quentin Subd., N.B.
- 98576 July 20—Authorizing the County of Lambton, Ont., to construct the highway across the N.Y.C. Railroad Co. in Lot 24, Front Conc., Twp. of Moore, near Courtright, Ont.
- 98577 July 20—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 98578 July 20—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Prov. Highway No. 27, being the second crossing north of station at Thornton, Ont., Mileage 74.70 Milton Subd.
- 98579 July 20—Requiring the C.P.R. to install improved protection at the crossing of its railway and Highway No. 28-7A at Kendry, Ont., Mileage 30.36 Peterborough Subd.
- 98580 July 20—Requiring the C.P.R. to install two short arm gates in addition to the present protection at the crossing of its railway and Montgomery Road, Ont., Mileage 8.35 Galt Subd.
- 98581 July 20—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 59 near Birds Hill, Man., Mileage 7.9 Victoria Beach Subd.
- 98582 July 20—Extending the time within which the C.P.R. is required to install flashing light signals and bell at crossing of the railway and Highway No. 49 at Mileage 16.7 MacTier Subd., Ont.
- 98583 July 20—Requiring the C.N.R. to install automatic protection at the crossing of their railway and 30th St. in the Twp. of Etobicoke, Ont., Mileage 8.76 Oakville Subd.
- 98584 July 20—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Grand Range Road, west of station at St. Hyacinthe, P.Q., Mileage 43.27 St. Hyacinthe Subd.
- 98585 July 20—Amending Order No. 88684, re apportionment of cost of reconstructing the subway at Mileage 73.16 Cowichan Subd. of the C.N.R., B.C.
- 98586 July 20—Rescinding Order No. 76194 which approved the location of facilities of Minneapolis-Honeywell Regulator Company Limited, for the handling and storage of Class II flammable liquids near the C.N.R. at Leaside, Ont.
- 98587 July 21—Approving flammable liquid bulk storage facilities of The British American Oil Company Limited at Kindersley, Sask., Mileage 0.25 Oyen Subd.
- 98588 July 21—Amending Order No. 87834, re apportionment of cost of constructing a subway at the crossing of Highway No. 69 and the C.N.R. at Foote's Bay, Twp. of Medora, District of Muskoka, Ont., Mileage 125.4 Bala Subd.
- 98589 July 21—Dismissing application of the C.N.R. for authority to remove the agent and appoint a caretaker at Riviere Ouelle, P.Q.
- 98590 July 21—Authorizing the C.P.R. to remove the caretaker-agent and appoint a caretaker at St. Philippe, P.Q.

- 98591 July 21—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway, being the fourth crossing south of the station at Orillia, Ont., Mileage 83.4 Newmarket Subd.
- 98592 July 21—In the matter of the application of Canada Steamship Lines Limited for a licence under Section 10 of the Transport Act.
- 98593 July 22—Authorizing the N.B. Department of Public Works to divert Tinker Road across the C.P.R. between Mileage 1.75 and Mileage 2.61 Aroostook Subd., N.B.
- 98594 July 22—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 37 near Gibbons, Alta., Mileage 16.30 Coronado Subd.
- 98595 July 22—Authorizing the C.P.R. to remove the caretaker agent at Kent Bridge, Ont., Mileage 54.7 Windsor Subd.
- 98596 July 22—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Provincial Highway No. 1 at Richmond, P.E.I., Mileage 16.3 Tignish Subd.
- 98597 July 22—Authorizing the C.N.R. to provide the necessary circuits for the synchronization of the highway crossing signals at crossing of their railway and O'Brien Blvd. with the signals at intersection of O'Brien Blvd. and Bois Franc Road, in the City of St. Laurent, P.Q., Mileage 6.78 Mount Royal Subd.
- 98598 July 22—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 98599 July 22—Authorizing the C.P.R. to provide the necessary circuits for the synchronization of the flashing light signals at crossing of the C.P.R., C.N.R. and Hurdman Road with the traffic light signals at intersection of Hurdman Road and Riverside Drive in the City of Ottawa, Ont., Mileage 3.77 Sussex St. Subd. of the C.P.R.
- 98600 July 22—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under Sections 3 and 8 of the Maritime Freight Rates Act.
- 98601 July 22—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. in the City of Corner Brook, Nfld., Mileage 407.77 Port aux Basques Subd.
- 98602 July 22—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at Lawson, Sask., Mileage 7.00 Riverhurst Subd.
- 98603 July 22—Authorizing the Consumers' Gas Company of Toronto to construct a gas main across and under the pipe line of the Trans-Northern Pipe Line Company at Windsor Drive, Brockville, Ont.
- 98604 July 22—Approving proposed crude petroleum loading facilities of Gibson Petroleum Company Limited at Kipling, Sask., Mileage 0.41 Glenavon Subd.
- 98605 July 23—Requiring the C.N.R. to install automatic protection at the crossing of the C.N.R. and Huron St. in Collingwood, Ont., Mileage 31.4 Meaford Subd.
- 98606 July 23—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 6, Mileage 29.47 Cascapedia Subd., P.Q.
- 98607 July 23—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 98608 July 23—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 6, at Grand River, P.Q., Mileage 54.46 Chandler Subd.
- 98609 July 23—Authorizing the C.P.R. to construct an extension of its siding across Lakeport Road, Twp. of Cramahe, Ont., Mileage 18.66 Oshawa Subd.
- 98610 July 23—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 6 at Mileage 16.91 Cascapedia Subd., P.Q.

- 98611 July 23—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Ontario St., in Collingwood, Ont., Mileage 31.2 Meaford Subd.
- 98612 July 23—Authorizing the City of Port Arthur, Ont., to construct Hamilton Ave. across the C.N.R.'s main spur to McCabe Elevator in the City of Port Arthur, Twp. of McIntyre, Ont.
- 98613 July 23—Authorizing the C.N.R. to reconstruct the west approach to the bridge over the Sumas River, B.C., at Mileage 78.8 Yale Subd.
- 98614 July 23—Requiring the C.P.R. to install automatic protection in lieu of the existing protection at crossing of its railway and Highway No. 7 near easterly limits of Guelph, Ont., Mileage 30.09 Goderich Subd.
- 98615 July 23—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 37 near Namao, Alta., Mileage 6.68 Coronado Subd.
- 98616 July 23—Approving revised Appendix and Supplement to Traffic Agreement between The Bell Telephone Company of Canada and Le Telephone Guevremont, Omer Guevremont, Proprietaire.
- 98617 July 23—Approving plan submitted by the Township of North York showing changes in construction of storm sewer across and under the Trans-Northern Pipe Line Company in that township.
- 98618 July 23—Authorizing the Twp. of Toronto to construct a sanitary sewer pipe across and under the pipe line of Trans-Northern Pipe Line Company at Clarkson Road, south of Dundas St., Twp. of Toronto, Ont.
- 98619 July 24—Authorizing the C.N.R. to construct a temporary road diversion across the right of way in the Parish of St. Agapit, Co. Lotbiniere, P.Q., Mileage 11.62 Danville Subd.
- 98620 July 24—Authorizing the C.P.R. to construct an extension of its siding across the road allowance in Lots 32 and 33, Conc. 1, Twp. of Cramahe, Ont., Mileage 18.05 Oshawa Subd.
- 98621 July 24—Extending the time within which the Ont. Dept of Highways is required to install automatic protection at the crossing of the C.N.R. and Highway No. 29, at Mileage 34.04 Smiths Falls Subd.
- 98622 July 24—Authorizing United Gas Limited to construct a gas main across and under the pipe line of Trans-Northern Pipe Line Company in the vicinity of Beach and Firestone Roads, Hamilton, Ont.



# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

Vol. XLIX

OTTAWA, SEPTEMBER 1, 1959

No. 11

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*In the matter of the application of the Canadian Pacific Railway Company dated February 13, 1959, for an Order authorizing the discontinuance of passenger service between Ottawa, Ont. and Waltham, P.Q.*

Heard at:

Campbell's Bay, P.Q., on March 31st, 1959.

Before:

ROD KERR, Q.C., *Chief Commissioner.*

H. H. GRIFFIN, *Assistant Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

Appearances:

K. D. M. SPENCE, Q.C.,  
and  
J. E. PARADIS, Q.C., } for the Canadian Pacific Railway Company.

PAUL MARTINEAU, M.P., for the County of Pontiac, Township of Clarendon, Village of Shawville.

HUGH PROUDFOOT, representing the Municipality of Fort Coulonge.

R. T. JOHNSON, M.P.P. for the County of Pontiac.

### J U D G M E N T

KERR, C.C., and GRIFFIN, A.C.C.

On March 31st and April 1st, 1959, a hearing was held at Campbell's Bay, Province of Quebec, in the above, before the Chief Commissioner, the Assistant Chief Commissioner and Commissioner Chase.

It was a very complete hearing resulting in some 337 pages of transcribed evidence and argument, together with some twenty-one exhibits. The patronage given to the passenger service and the economies of the service were presented by the Canadian Pacific Railway Company. The needs and convenience of the

residents of the area were dealt with fully by the witnesses called by Mr. Paul Martineau, M.P., Member of Parliament for the constituency and also Counsel for the County of Pontiac, the Township of Clarendon and the Village of Shawville; by representations made by Mr. Hugh Proudfoot, formerly Member of Parliament for the constituency and representing the Municipality of Fort Coulonge, and in the presence of Mr. R. T. Johnston, M.P.P., Member of the Provincial Legislature for Pontiac. The Board had the advantage of argument by Counsel and by Mr. Proudfoot.

Other commitments in the discharge of the Board's duties, and hearings in various places in Canada at which one or other of us presided, have prevented us from preparing our Judgment in the matter.

The dispelling of any doubt in the minds of the residents of the area as to the future of the passenger service, the interests of the public generally and also the interests of the Railway Company requires, in our opinion, a determination without further delay. We are also mindful of the interests of school children, some of whom would depend upon the train service to attend school beginning again in about one month's time.

Weighing, amongst other considerations, the patronage that has been given to the passenger service, our opinion is that the economies that would result to the Railway Company by the discontinuance of the service outweigh the convenience that would remain with the public by the continuance of the service.

Since the hearing, Commissioner Chase has retired from the Board. Before doing so he authorized the Board to say that he concurred in a Judgment of the Board which would result in a discontinuance of the service.

Should the Board be requested by the parties to do so, it will give a supplementary written Judgment as soon as time permits and therein deal at greater length with the evidence, submissions and argument and the reasons for the conclusion we have reached as above stated.

An Order will issue accordingly, authorizing Canadian Pacific Railway Company to discontinue the passenger service after not less than thirty days' notice to the Board and public in the area concerned, all of which is subject to the undertaking with respect to the handling of express as outlined in the Company's application.

ROD KERR,  
*Chief Commissioner.*

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

OTTAWA, August 7, 1959.

## ORDER NO. 78749

*In the matter of the application of Canadian Pacific Railway Company, hereinafter called the "Applicant Company", for an Order authorizing the discontinuance of passenger service between Ottawa, Ontario, and Waltham, Quebec:*

File No. 27563.39

FRIDAY, the 7th day of August, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

H. H. GRIFFIN, *Asst. Chief Commissioner.*

H. B. CHASE, C.B.E., *Commissioner.*

Upon hearing the application at the sitting of the Board held at Campbell's Bay, Quebec, on the 31st day of March, 1959, and the 1st day of April, 1959, in the presence of Counsel for the Canadian Pacific Railway Company, the County of Pontiac and other parties; and upon consideration of the submissions filed—It is hereby ordered as follows:

1. The Applicant Company is authorized to wholly discontinue its passenger train service at presently provided between Ottawa, Ontario, and Waltham, Quebec.

2. The discontinuance authorized in paragraph one hereof shall not take effect before thirty days after notice of such discontinuance has been given by the Applicant Company; such notice to consist of one publication in each daily newspaper, if any, published in the municipalities presently served by the Applicant Company. In addition to the newspaper notices the Applicant Company shall post in all ticket offices and stations on the said line the following notice:

"All passenger train service at present provided by Canadian Pacific Railway Company between Ottawa, Ontario, and Waltham, Quebec, and all intermediate points on the said line will be discontinued effective September 1959."

3. A copy of such notice shall be forwarded to the Director of Operation of the Board.

4. The discontinuance authorized in paragraph one is subject to the undertaking of the Applicant Company with respect to the handling of express as outlined in its application filed with the Board and dated February 13, 1959.

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

*In the matter of the application of the Canadian National Railway Company and the Canadian Pacific Railway Company dated March 4, 1959, pursuant to Section 380 of the Railway Act, and all other relevant statutory provisions, for an Order authorizing the aforesaid companies to charge tolls for telegraph messages within Canada on the basis of those shown in Appendix "A" attached to the said application.*

File No. 10041.88

Before:

ROD KERR, Q.C., *Chief Commissioner.*

H. H. GRIFFIN, *Assistant Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

Appearances:

K. D. M. SPENCE, Q.C., }  
and } for Canadian Pacific Railway Company.  
A. J. ALLISTON }

J. W. G. MACDOUGALL, Q.C., for Canadian National Railway Company.

Heard at Ottawa, April 21, 1959.

## J U D G M E N T

KERR, Chief Commissioner:

By their application dated March 4, 1959, Canadian National Railway Company and Canadian Pacific Railway Company applied to the Board for an Order authorizing them to charge tolls for telegraph messages within Canada on the basis of the proposed rates shown in Appendix "A" to the application. In effect, their application was to increase telegraph rates within Canada by 10¢ per 10-word full rate message, with increases of 1¢ per extra word and proportionate increases for day letters and night letters.

Pursuant to direction given by the Board the Applicants caused an advertisement to be published in daily newspapers in approximately 78 cities and towns throughout Canada informing the general public that they had applied to the Board for authority to make the said increases in intra-Canada telegraph rates; that the Board had set April 21, 1959, as the date for the formal hearing of the application and had directed that a scale of the proposed rates be made available for public inspection at all Canadian National and Canadian Pacific telegraph offices in Canada; that these scales were then available for perusal; that the Board had also directed that representations in respect of the new rates were to be forwarded to the Secretary of the Board not later than April 13, 1959. The Board gave these directions and required the advertising in order to ensure that the public would have due notice of the application and the date for hearing thereof and have an opportunity to make submissions or objections to the application.

The only submission received by the Board from any member of the public was a letter from a business firm in St. John's, Newfoundland, which objected to the increase, referred to inflation, and stated that if there is any increase in telegraph rates it will be necessary to use the mail for the firm's purposes. No party appeared at the public hearing in opposition to the application.

## EVIDENCE

At the hearing the Applicants adduced evidence in support of their application, principally to the following effect:

The last previous increase in intra-Canada telegraph rates was in October, 1957, when the "grid" system of fixing rates was adopted. The revision last previous to 1957 was in 1953. Since the end of World War II, the total increase in such rates has been approximately 63.48%.

The minimum message rate in Canada is now 60¢ for 10 words. The maximum, for the longest distance, for 10 words, is \$1.70. The proposed rates are 10¢ higher in each case. In the United States, the minimum rate is \$1.05 for 15 words. A comparable Canadian 15-word message now costs 75¢ and would become 90¢ under the proposed tariff. For the longest distances, the Canadian rate is and will be somewhat higher than the United States rate.

The communications business of the Applicants is divided into two main parts, (a) the railway telegraph services, those that are part of the business of operating the railway, and (b) commercial communications activities. This second part also consists of two segments, namely, (1) commercial message traffic and (2) private wire services, including teletype and telex. This application is for authority to increase the intra-Canada commercial message rates.

Recent wage awards to employees of the companies will result in increased costs of \$1,456,521 for Canadian National Telegraph employees and \$1,089,000 for Canadian Pacific Railway's Communications Department employees, for the full year 1959. Some of their work is done in respect of railway operation, as above indicated, and the amounts attributable to railway services for 1959 are \$201,142 for Canadian National and \$290,763 for Canadian Pacific, and the recovery of such costs should be from railway sources, leaving the remaining portions of the total increased labour costs applicable to the commercial communications services of the companies as \$1,255,379 for Canadian National and \$798,237 for Canadian Pacific recoverable from the users of these services.

Based on 1958 volume of messages, the estimated annual revenue that the companies hope to obtain from the proposed increases that are the subject of this application is \$906,884 for Canadian National and \$574,654 for Canadian Pacific. The average increase would be in the order of 10.7%. Canadian Pacific's gross revenues from intra-Canada traffic, if the proposed increases go into effect, would increase from \$5,253,681 in 1958 to \$5,828,335 in 1959 (estimated constructive year).

As to its \$1,089,000 increased labour costs, Canadian Pacific adduced evidence that a division of \$290,763 to railway services, \$575,000 to intra-Canada commercial message traffic and \$223,237 to other commercial services is a reasonable representation of the division of labour among these services, with perhaps the share of the intra-Canada traffic being on the low side. Canadian National's evidence also indicated that a high proportion of the total labour cost of its commercial services is incurred in intra-Canada message traffic.

Recent increases in conjoint international telegraph rates between Canada and the United States will give Canadian National approximately \$220,000 and Canadian Pacific approximately \$118,426 additional yearly revenue. Both companies also hope to increase their revenues from private wire services, telex and landline proportion of cablegrams, as competition and contractual obligations will allow, and thereby recover new revenue from these sources, amounting to approximately \$510,000 for Canadian National and approximately \$650,000 for Canadian Pacific. The Companies' witnesses stated that they felt that they must obtain additional revenues from their private wire services

and cable services to recoup so far as they can not only the most recent wage increase but also the wage increases that have gone before and have not been recovered in their entirety, and that this application is a move to restore to some extent telegraph charges to the place in the railway revenue they used to have.

The companies put forward as a test of the reasonableness of their proposal the fact that the new rates, together with the hoped for increases from private wire, telex and cable services, will only produce a rate of return on investment for Canadian National Telegraphs of 4.8% on a constructive year 1959, presuming retention of existing traffic levels, with a corresponding figure for Canadian Pacific's Communications Department of 5.3%, its rate of return having declined from 7.9% in 1955 to 4.1% in 1958.

#### ARGUMENT

Counsel for Canadian Pacific submitted that the increase in wages justifies the proposed increases in rates on the basis of a fair apportionment of wage increases among the various kinds of communication services, having regard to the ratio of labour required in such services and a fair level of rates on commercial messages. He also referred to the declining rate of return on Canadian Pacific's communications investment in recent years and to the fact that since the end of World War II telegraph rates have increased very much less than freight rates and that Canadian telegraph rates are in many instances lower than rates in the United States.

Counsel for Canadian National submitted that the increases sought are directly geared to the increased wages the telegraph department has had to pay, that by far the greatest proportion thereof is incurred in the commercial message traffic of the Company and that the companies' proposal is to recover from message traffic a reasonable proportion of the wage increase; that the rates should be set at a just and reasonable level for the services performed; and that the proposed increase meets the various tests of reasonableness referred to in the application and evidence, namely, return on investment, comparison with increases in freight rates and various goods and services and comparison with United States rates.

#### COMMENTS AND CONCLUSIONS

The evidence and argument have been fairly fully set forth above. They speak for themselves and do not call for extensive comment.

Telegraph revenues and expenses are included in the Board's Uniform Classifications of Accounts for Railways as items of rail income and expenses. Commercial communications activities should not be a burden to users of freight and other railway services in the existing circumstances. Furthermore, if they bear their fair share of expenses and contribute some legitimate profit towards rail income, it follows that they will thereby, to the extent of that profit, ease the overall rail burden.

In November, 1958, the Board authorized a 17 per cent freight rate increase principally because of wage increases. That case was a general freight rate case where rate increases were asked for and allowed on freight traffic, the latter being the principal source of rail revenues. However, that increase was not intended to prevent, nor does it prevent, the railways from subsequently exploring all other fields for possible additional revenues. Now they have sought additional revenues in the commercial message field. I would allow increases in rates there, provided that (a) the resulting revenue for Canadian Pacific, together with its freight and other rail revenues, will not result in an excess of

net rail revenue above the permissive net rail revenue as determined for that company by the Board by its "requirements" formula, and (b) the increases will not make the telegraph rates unreasonably high.

The 17 per cent freight rate increase left Canadian Pacific deficient of its net rail revenue requirements under the formula. Allowance of the proposed telegraph rate increases will still leave it deficient in that respect on the basis of the evidence and estimates in the 17 per cent case, which I consider to be adequate for determination of this application. I also consider that in the existing circumstances the commercial message traffic concerned should carry in full the wage and other expenses necessarily incurred in furnishing the service and provide a reasonable measure of profit, and that the proposed rate increases will not result in unreasonably high rates or rates that will contribute more than they should to revenues of either Canadian Pacific or Canadian National. I also observe that while all of the increases mentioned by the Companies in their application will result in more revenue than the increase in wages on the intra-Canada commercial message rates, a substantial portion of the increases proposed, namely, for private wire services, telex and land line proportion of cablegrams, are not in services over which the Board has jurisdiction; so far as the commercial service is concerned the Companies are asking reimbursement only for the additional wages they are paying out on the intra-Canada message service.

In reaching these conclusions I have taken into consideration the extent of telegraph rate increases in Canada and the causes therefor since the end of World War II; the return on investment to Canadian Pacific and Canadian National made by telegraph rates; the financial needs of the railways; the 1958 and 1959 increases in wage expenses; the evidence as to labour content in furnishing the message services concerned; comparison of Canadian and United States telegraph message rates; the impact of telegraph message rates on the public; and the extremely limited extent of complaints made to the Board against the levels of telegraph message rates in effect or applied for during the past 10 years.

I am satisfied that the Applicants have made a sufficiently good case to warrant approval by the Board and I would therefore approve the proposed rates. They may be made effective by filing of tariff schedules upon statutory notice, the schedules to be approved by the Board by Order when so filed.

ROD KERR.

OTTAWA, August 12, 1959.

*I concur:*

H. H. GRIFFIN.

*I concur:*

L. J. KNOWLES.

## Order No. 98799

*In the matter of the application of the Canadian National Railway Company and the Canadian Pacific Railway Company dated March 4, 1959, pursuant to Section 380 of the Railway Act, and all other relevant statutory provisions, for an Order authorizing the aforesaid companies to charge tolls for telegraph messages within Canada on the basis of those shown in Appendix "A" attached to the said application:*

File No. 10041.88

WEDNESDAY, the 12th day of August, A.D. 1959.

ROD KERR, Q.C., *Chief Commissioner.*H. H. GRIFFIN, *Asst. Chief Commissioner.*L. J. KNOWLES, *Commissioner.*

Upon hearing the application at a sittings of the Board held at Ottawa on April 21, 1959, in the presence of Counsel for the Canadian Pacific Railway Company and the Canadian National Railway Company, and upon reading the submissions filed—It is hereby ordered as follows:

The Canadian National Railway Company and the Canadian Pacific Railway Company are authorized to charge tolls for telegraph messages within Canada as follows:

A. MESSAGES OTHER THAN THOSE ORIGINATING OR TERMINATING IN ATLANTIC PROVINCES.

<i>Zone</i>	<i>Mileage</i>	<i>Full Rate</i>	<i>Day Letter</i>	<i>Night Letter</i>
1	0-125	70-4	105-21	70-14
2	126-250	80-5	120-24	80-16
3	251-450	95-6	145-29	95-19
4	451-750	115-7	175-35	115-23
5	751-1250	140-8	210-42	140-28
6	1251 and up	180-10	270-54	180-36

B. MESSAGES ORIGINATING OR TERMINATING IN ATLANTIC PROVINCES.

<i>Zone</i>	<i>Mileage</i>	<i>Full Rate</i>	<i>Day Letter</i>	<i>Night Letter</i>
A	0-250	70-4	105-21	70-14
B	251-450	85-5	130-26	85-17
C	451-900	100-6	150-30	100-20
D	901-1500	120-6	180-36	120-24
E	1501 and up	180-10	270-54	180-36

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

## ORDER No. 98717

*In the matter of the application of Niagara Gas Transmission Limited, herein-after called the "Applicant", under sections 11 and 12 and other relevant sections of the Pipe Lines Act, for an Order granting the Applicant leave to construct a pipe line for the transportation of natural gas from a point in the City of Ottawa, in the Province of Ontario, across the Ottawa River to a point in the Village of Gatineau Point, in the Province of Quebec:*

File No. 45371.49

TUESDAY, the 4th day of August, A.D. 1959.

H. H. GRIFFIN, *Asst. Chief Commissioner.*

J. M. WOODWARD, *Commissioner.*

Upon hearing the submissions of Counsel for the Applicant—It is hereby ordered as follows:

1. The application will be heard on the 10th day of September, 1959, at the hour of 10:00 o'clock in the forenoon in the Court Room in the Union Station Building, in the City of Ottawa, Ontario.

2. The Applicant shall file not later than August 14, 1959, a copy of the application and map filed therewith, and a copy of this Order and notice attached hereto with the Attorneys General of the Province of Quebec and of the Province of Ontario, the Minister of Justice, Ottawa, the Minister of Trade and Commerce, Ottawa, the Minister of Public Works, Ottawa, the Minister of Transport, Ottawa, the Hydro Electric Power Commission of the City of Ottawa, the Gatineau Power Company, the National Capital Commission, Ottawa, the Pipe Line Companies concerned or that may be affected thereby and the Clerks of the City of Ottawa, City of Hull and the Village of Gatineau Point.

3. The Applicant shall cause to be inserted not later than the 14th day of August, 1959, a notice in the form hereto attached, in two issues of the Ottawa Journal, the Ottawa Citizen and Le Droit newspapers.

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

## NIAGARA GAS TRANSMISSION LIMITED

Notice is hereby given that an application has been made to the Board of Transport Commissioners for Canada under sections 11 and 12 of the Pipe Lines Act for an Order granting Niagara Gas Transmission Limited leave to construct a pipe line, consisting of one or more lines of pipe, for the transportation of gas from a point in the City of Ottawa, near the Village of Rockcliffe, to a point in the Village of Gatineau Point, as shown on Plan No. D-299, dated July 10, 1959, revised to July 28, 1959.

And further notice is hereby given that the said application will be heard at a sitting of the Board of Transport Commissioners for Canada to be held in the Court Room in the Union Station Building in the City of Ottawa, in the Province of Ontario, on the 10th day of September, 1959, at ten o'clock in the forenoon.

And further notice is hereby given that a map showing the location of the proposed pipe line has been filed with the Secretary of the Board of Transport Commissioners for Canada, the Attorneys General of the Provinces of Ontario and Quebec, and the Clerks of the City of Ottawa, the City of Hull and the Village of Gatineau Point.

NIAGARA GAS TRANSMISSION LIMITED.

TUESDAY, The 30th day of  
SEPTEMBER, A.D. 1958

C. D. SHEPARD, Q.C.,  
 Chief Commissioner.

HUGH WARDROPE, Q.C.,  
 Asst. Chief Commissioner.

A. SYLVESTRE, Q.C.,  
 Deputy Chief Commissioner.

F. M. MACPHERSON,  
 Commissioner.

H. B. CHASE, C.B.E.,  
 Commissioner.

L. J. KNOWLES,  
 Commissioner.

IN THE MATTER OF regulations  
 governing the publication, filing and  
 posting of passenger tariffs by rail-  
 way companies: File No. 606

IT IS HEREBY ORDERED AS FOLLOWS:

1. The regulations attached hereto as Tariff Circular 2, entitled "Regulations Governing the Publication, Filing and Posting of Passenger Tariffs by Railway Companies" are prescribed for the use of railway companies and authorized agents thereof, who are required to file passenger tariffs with the Board.

2. Circular 223 as approved by General Order No. 479, dated June 28, 1929, and General Order No. 26, dated February 8, 1909; General Order No. 575, dated July 14, 1938; and Circular 273, dated September 11, 1952, insofar as the said Circular is applicable to passenger tariffs are rescinded.

3. This General Order shall come into force on the date shown on the said Circular.

(Sgd) C. D. SHEPARD,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

## TARIFF CIRCULAR 2

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**RULE 1—GENERAL PROVISIONS**

(1) **Application of regulations.** The following regulations are prescribed under authority of Sections 326, 327 and all other relevant provisions of the Railway Act. On and after January 1, 1959, all tariffs filed with the Board publishing fares, charges, rules or regulations for the transportation and accommodation of passenger traffic shall conform to these regulations. Unless the context requires, words expressed in these regulations in the singular include the plural and vice versa.

(2) **Reference to regulations.** The arrangement of these regulations is by rule number, paragraph and sub-paragraph. When referring thereto, the reference to be quoted is, for example, "Rule 4 (2)" or "Rule 10 (1) (d)".

(3) **Tariff includes amendments.** Unless the context indicates the contrary, the word "tariff" as used herein also includes supplements and other amendments to tariffs.

(4) **Definitions.** In these regulations, except where the context indicates the contrary, the following terms mean:

(a) "Basing Fare"—A sum used in the construction of through fares from or to stations where no through selling fares are published in tariffs currently in effect.

(b) "Local Fare"—A fare applying over the line of only one carrier.

(c) "Local Tariff"—A tariff applying between points on the line of one carrier.

(d) "Joint Fare"—A fare that extends over the lines of two or more carriers.

(e) "Joint Tariff"—A tariff applying between points on the lines of two or more carriers.

(f) "Special Tariff"—A tariff containing tolls lower than in the Standard Tariff.

(g) "Standard Tariff"—A tariff containing maximum mileage tolls issued pursuant to Sections 338 and 339 of the Railway Act.

(h) "Tariff"—Any publication containing tolls, rules, regulations or any complementary publication affecting the tolls to be charged by a carrier.

(i) "Through Fare"—The total fare from origin to destination. It may be a local fare, a joint fare, or a combination of separately published fares.

(j) "Toll"—Any toll, fare, rate, charge or allowance made by a carrier in respect of the carriage of and accommodation for traffic, or in respect to any service incidental to the business of a carrier.

**RULE 2—CONSTRUCTION OF TARIFFS**

(1) **Form and size.** Tariffs shall be in book, pamphlet, single-sheet or loose-leaf form, of uniform size, eight inches wide by eleven inches long, except tariffs intended for use in collecting passenger fares and charges on trains may be of smaller size. Carbon copies or indistinct matter will not be accepted for filing.

(2) **Alterations or erasures.** Alterations or erasures in the original text are not permitted in tariffs filed with the Board or in those posted for public inspection.

(3) **Tolls of like kind in one tariff.** Carriers and agents should refrain from issuing a variety of separate tariffs when the subject matter thereof can be grouped conveniently into tariffs of general application.

(4) **Numbering of tariffs.** Each tariff shall be numbered consecutively with the prefix 'CTC' and each issuing carrier, agent, corporation or association, shall number tariffs in its own CTC series. (See Rule 17(3) for separate numerical series for Excursion Tariffs).

(5) **Numbering of pages.** The pages of tariffs, except loose-leaf tariffs, shall be numbered with Arabic numerals commencing with 2 for the first inside page on which printed matter appears.

**RULE 3—TITLE PAGE OF TARIFFS**

The title page of every tariff shall show in the order named:—

(1) **CTC number and cancellation reference.** The CTC number of tariff in the upper right corner and immediately thereunder the CTC number of tariff cancelled thereby. If it is impracticable to show the cancelled numbers in such manner, they may be shown within the tariff and reference thereto placed on the title page in lieu of the cancelled numbers.

(2) **Name of carrier or publishing authority.** The name of the issuing carrier, agent, corporation or association.

(3) **Initial and participating carriers.** The names of other initial carriers and also participating carriers. If such carriers are too numerous to place conveniently on the title page, they may be shown within the tariff and reference made on the title page where they may be found. On joint tariffs applicable from Canada to the United States, it is sufficient to show the names of the Canadian participating carriers and directly thereunder the words: "And Connecting Lines in the United States".

(4) **Kind of tariff.** All tariffs shall be designated as Special Passenger Tariffs, except the tariffs of maximum mileage tolls which shall be designated Standard Passenger Tariffs. Additional designations should indicate whether tariff contains local or joint fares, charges or regulations; and whether fares are one-way, round-trip or basing, in order to disclose concisely the nature of the traffic or service.

(5) **Territory.** The points or territory from and to which the tariff applies in sufficient detail to adequately disclose the scope of the tariff.

(6) **Issued and effective dates.** The date of issue on left side and date effective on right side. Where more than one effective date is involved, the notation "Except as otherwise provided herein", shall appear immediately below the effective date.

(7) **Expiration date.** Where the tariff expires with a given date, such date shall be prominently shown in expiration notice reading "Expires with ..... unless sooner cancelled, changed or extended".

(8) **Order, Judgment or Special Permission Number.** Reference to Order, Judgment or Special Permission of the Board pursuant to which tariff is issued.

(9) **Issuing officer or agent.** Name, title and address of officer of the issuing carrier responsible for the compilation and filing of the tariff. If the tariff is issued by a natural person as agent, his name and address shall be shown with the title of "Agent". If issued by a corporation or association as agent, the name and title of the person responsible for the compilation and filing of the tariff shall be shown.

#### RULE 4—CONTENTS OF TARIFFS

(1) **Table of Contents.** An alphabetical index of the location where information under general subject headings will be found. If a tariff contains so small a volume of matter that its title page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.

(2) **Initial or participating carriers.** An alphabetical list of the corporate names of the initial carriers for and on behalf of whom the issuing carrier, agent, corporation or association acts by power of attorney. Also an alphabetical list of the corporate names of carriers participating in the tariff under appropriate concurrence.

(3) **Index of stations.** An alphabetical index of stations from and to which fares or charges apply, showing province, with reference to the location in the tariff of the fares or charges from or to such stations. If throughout the tariff stations of origin or destination are shown alphabetically, the index of stations may be omitted.

(4) **Rules governing tariff.** Rules and other governing provisions, with the title or subject of each in distinctive type, stated in explicit terms so as to leave no doubt as to their application to the fares or charges named in the tariff. Where a tariff is governed by rules published in another tariff, reference to such other tariff by CTC number shall be shown therein.

(5) **Fares or charges.** An explicit statement of the fares or charges in cents, or in dollars and cents per passenger or other unit arranged in a systematic manner, except that tariffs naming fares for excursions may state such fares in terms related to specific fares.

(6) **Routing.** The routes over which fares or charges apply, showing the names of the carriers and junction points, or reference in the tariff where such information may be obtained. (See Rule 16).

(7) **Reference marks and abbreviations.** An explanation of the reference marks and abbreviations used in the tariff, except that commonly used abbreviations of Province and State names may be omitted. The abbreviations of the names of initial or participating carriers may be explained in the list of such carriers provided a statement to that effect is included under the "Explanation of Abbreviations". Reference to where the explanation of reference marks or abbreviations is given shall be shown on all pages of the tariff where reference marks or abbreviations are used. If there be only a limited number of reference marks or abbreviations, the explanation may be shown on the page on which they appear.

### **RULE 5—SUPPLEMENTS**

(1) **Governed by same regulations as tariffs.** Changes in, or additions to, a tariff shall be known as amendments and, except loose-leaf tariffs and tariffs of less than two pages, may be published in a supplement to the tariff. Such supplements shall, except as otherwise provided, be governed by the same regulations as are applicable to tariffs.

(2) **Number of effective supplements.** Except as authorized in Rules 13 (2); 22(4); 24(4); and 28(5), not more than two supplements may be in effect at any one time.

(3) **Numbering and cancellation of supplements.** Supplements shall be numbered consecutively. Each supplement shall specify on its title page the cancellation of prior supplements and shall state the supplements that contain all changes.

(4) **Supplements to identify amendments.** The matter contained in each supplement shall be arranged in the same general manner and order as in the tariff. Supplements shall identify the exact portion of the tariff being amended by reference to the page, item or rule number.

(5) **Reissued matter.** Supplements which consolidate reissued matter from prior supplements shall bear the notation on the title page, "Effective (date) except as otherwise provided herein", and the reissued matter therein shall be designated by a reference mark in the form of a square or circle enclosing a number, or a number in brackets, the number corresponding to the number of the supplement in which the reissued matter first appeared. Example: (4) Reissue, effective January 30, 1957, in Supplement 4.

### **RULE 6—LOOSE-LEAF TARIFFS**

(1) **Construction same as bound tariffs.** Except as provided in this rule, the compilation of loose-leaf tariffs shall be in similar manner to bound tariffs.

(2) **Title page.** The title page shall be designated in the upper left corner as "Original Title Page", and shall be printed on one side of the leaf only. When a revised title page is issued, the following notation shall be shown in connection with the effective date, "Original tariff effective (date)".

(3) **Pages following title page.** Each page following the title page shall be consecutively numbered as "Original Page 1", "Original Page 2", etc., and may be printed on both sides of the leaf, except as provided in paragraph (7). Each page shall show at the top the name of the issuing carrier, agent, corporation or association, and also the CTC number of the tariff. Each page shall also show the date of issue, the effective date and the name, title and address of the individual responsible for the issuance of the tariff.

(4) **Amendments by revised pages.** Amendments shall be made by re-printing the page and such amended page shall be designated as a revised page cancelling the page which it replaces; for example, "1st Revised Page 1 cancels Original Page 1", or "9th Revised Page 40 cancels 8th Revised Page 40". If the leaf is printed on both sides both pages shall be reissued and each designated as a revised page. If a page is reissued without amendment the notation "No change on this page" shall appear at the top of the page.

(5) **Additional pages.** When additional pages are required in order to accommodate expanded tariff matter, such pages shall be given the same number as the page they follow with a letter suffix; for example, "Original Page 6-A", "Original Page 6-B", etc. When additional pages beyond the original page series of the tariff are required to be added, such additional pages shall be consecutively numbered in continuation of the existing page series of the tariff and designated "Original Page.....", etc.

(6) **Transfer from one page to another.** When necessary to transfer matter from one page to another due to expansion of tariff matter, revision shall be made to the page formerly containing the transferred matter by giving reference to the new page where the tariff matter will in future be found. The new page shall likewise show reference to the page where the tariff matter formerly appeared. Subsequent revisions of these pages need not carry forward these continuity references.

(7) **Check sheet.** A check sheet shall be included in each loose-leaf tariff containing a numerical list of all the current pages of the tariff and shall be printed on one side of the leaf only. When revisions to the tariff are posted and filed, such pages must be accompanied by a revised check sheet showing the current effective pages.

(8) **No supplement except for specific purposes.** Supplements shall not be issued to loose-leaf tariffs except for the purpose of cancelling the tariff, or for the purpose of changing all, or substantially all, of the fares or charges contained therein.

(9) **Cancellation of supplements.** When all changes made by a supplement have been incorporated in the tariff proper by revision of the appropriate pages, the supplement shall be cancelled. Such cancellation shall be made by the reissue of the check sheet page and adding in the upper right corner immediately following the words "cancels.....revised page 1", the words "also cancels Supplement.....".

**RULE 7—FILING**

(1) **Period of notice.** Tariffs shall be filed with the Board at least three days before the date they are to become effective, except the following, which may be filed with the Board on not less than one day's notice.

- Excursion tariffs. (Rule 17)
- Circus and show outfit tariffs. (Rule 18)
- Workmen's train service tariffs. (Rule 19)
- Tariffs containing fares account newly constructed rail lines. (Rule 20)
- Supplements announcing the restoration and discontinuance of service. (Rule 22)
- Supplements vacating an order of suspension or cancelling suspended matter. (Rule 28)

(2) **Commencement of period of notice.** The act of mailing does not constitute filing. The period of notice commences from the date of receipt of the tariff by the Board.

(3) **CTC numbers to be consecutive.** Tariffs shall be filed in consecutive order. If for any reason this is not done, the tariff which is filed with a CTC number that is not consecutive, shall be accompanied by an explanation of the omission.

(4) **Number of copies to be filed.** One copy of each tariff shall be filed with the Board, except the Official Distance Table and Tariff Index, which shall be filed in duplicate.

(5) **Filing Advice.** Tariffs shall be accompanied by filing advices, consecutively numbered, approximately 8 x 10 inches in size, in form substantially as follows:

(Name of carrier, agent, corporation or association)  
 Address  
 Date

FILING ADVICE .....

Director,  
 Traffic Department,  
 Board of Transport Commissioners for Canada,  
 Ottawa, Ont.

In compliance with the requirements of the Railway Act, I transmit herewith, for filing with the Board, copies of passenger tariffs as follows:

Supplement Number	CTC Tariff Number	Effective Date	Description

Name .....

Title .....

The original filing advice will be retained. If an acknowledgment is required a duplicate filing advice must be submitted which will be stamped with date of receipt and returned to the sender.

(6) **Mailing address.** Tariffs and filing advices shall be addressed to the Director, Traffic Department, Board of Transport Commissioners for Canada, Ottawa, Ont., with the envelope marked as containing "Tariffs".

**RULE 8—POSTING OF TARIFFS**

(1) **Posting of tariffs, general.** Carriers subject to the jurisdiction of the Board are required by Section 340 of the Railway Act to keep passenger tariffs on file and open for inspection of the public during office hours at every station where passengers are received for carriage.

(2) **Posting at stations.** Carriers shall post at its stations all passenger tariffs applicable from or at such stations.

(3) **Posting at regional offices and headquarters.** Carriers shall post at the principal regional offices and at its headquarters a complete set of all passenger tariffs which it issues or to which it is a party.

(4) **Posting to be concurrent with filing.** Tariffs for posting shall be forwarded to stations and offices concurrently with the forwarding of the tariffs to the Board for filing.

(5) **Public notice.** A notice in large type shall be posted up in a prominent place at each station or office directing public attention to the place in such station or office where tariffs are on file.

**RULE 9—BY-LAW AUTHORIZING ISSUANCE OF TARIFFS**

(1) **By-laws to be submitted for approval.** By-laws or resolutions authorizing officers of the carriers to prepare and issue tariffs of tolls, concurrences or powers of attorney, shall be submitted to the Board for approval. Such by-laws or resolutions shall be submitted in the form and under the certification as follows:

I, .... (name and title of officer) ....., of .... (name of company) ....., do hereby certify that the following is a true copy of a by-law (or resolution) dated ..... adopted by the Board of Directors of the said ..... (name of company).... at a meeting held at the office of the company in ..... (place)..... on ..... (date)....., at which a quorum was present and voted, .....

The .. (title of officer) .. of the company is hereby authorized by this by-law (or resolution) to prepare and issue tariffs of the tolls to be charged by the company, concurrences or powers of attorney, and to submit same to, and file same with, the Board of Transport Commissioners for Canada as required by the Railway Act.

In witness whereof, I hereunto affix my hand and seal of the company this ..... day of ..... 19 .....

Name .....  
Title .....

(Seal)

(2) **Passenger and freight tariffs in same by-law.** Passenger and freight tariffs may be included in the same by-law or resolution.

## RULE 10—POWERS OF ATTORNEY

## (1) Appointing a person as agent.

(a) If a carrier desires to issue tariffs through an agent it may do so by filing with the Board a power of attorney signed on its behalf by the officer appointed by By-law as set out in Rule 9. Such document shall be attested by the Secretary of the company and bear the imprint of its corporate seal. The following form, approximately 8 x 10 inches in size, shall be used for an originating carrier to appoint a person as attorney or agent to file tariffs other than standard passenger tariffs, and receive concurrences for it in its stead. Such authorization shall also appoint an alternate agent to act in the event of the death or disability of the principal agent.

(Corporate Name of Carrier)

Address

Date

CTC PA P—

## KNOW ALL MEN BY THESE PRESENTS:

That the... (*corporate name of carrier*)... has made, constituted and appointed, and by these presents does make, constitute and appoint... (*name of principal agent*)... its true and lawful attorney and agent for the said company, and in its name, place, and stead, to receive concurrences in and to file passenger tariffs, as required of common carriers by the Railway Act and by regulations established by the Board of Transport Commissioners for Canada thereunder, for the traffic and territory now herein named,

(describe traffic and territory)

until superseded or revoked in accordance with the regulations of the Board of Transport Commissioners for Canada.

And the said... (*corporate name of carrier*)... does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the said company, hereby ratifying and confirming all that its said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

AND FURTHER, that the... (*corporate name of carrier*)... has made, constituted and appointed and by these presents does make, constitute and appoint as alternate... (*name of alternate agent*)... its true and lawful attorney and agent for said company and in its name, place, and stead, in case and only in case of the death or disability of the said... (*name of principal agent*)... to do and perform the same acts and exercise the same authority as hereinabove granted to... (*name of principal agent*)...

IN WITNESS WHEREOF the said company has caused these presents to be signed in its name by its... (*title of officer*)... and to be duly attested under its corporate seal by its secretary, at... in the Province (or State) of ....., on this ..... day of ..... in the year of our Lord, Nineteen Hundred and .....

Name .....

Title .....

Attest:

Secretary  
(Corporate Seal)

Duplicate mailed to:

(b) *Resignation or absence of principal agent.* The term 'disability' as used in the above instrument means the resignation, permanent transfer to other duties, or other permanent absence of the principal agent.

(c) *Sworn statement of alternate agent.* On or before the date of filing of the first tariff by an alternate agent, such alternate agent shall notify the Board by sworn statement the reason for the exercise of authority.

(d) *Notice of alternate agent.* In the first amendment to each tariff issued by the alternate agent subsequent to the death or disability of the principal agent, there shall be shown therein a notice reading substantially as follows: "On and after ..... (*date principal agent ceased to act*)....., this tariff shall be considered as the issue of ....., Alternate Agent".

(e) *Alternate succeeds principal agent.* After an alternate agent has once exercised the authority granted by the power of attorney, the principal agent may not thereafter act under that document.

(f) *New powers of attorney to be filed.* The death or disability of either the principal or alternate agent necessitates the execution of new powers of attorney, cancelling the effective documents, and naming the principal and alternate agents thereafter to serve. Such new powers of attorney shall be secured by the new principal agent and all forwarded by him to the Board for filing at one time. Such powers of attorney will become effective on date received by the Board.

(g) *Notice by new principal agent.* A new agent, on or after the filing on his authorities, shall include in the next amendment to each of the effective tariffs a notice reading substantially as follows: "On and after ..... (*date new powers of attorney filed with Board*).... this tariff shall be considered as the issue of ....., Agent".

(h) *Numbering of tariffs in CTC series.* Tariffs issued by the new principal agent shall be numbered in the same CTC series as those of the former agent.

(2) **Appointing a corporation or an association as agent.** If a carrier desires to issue tariffs through a corporation or an association it may do so by filing with the Board a power of attorney signed on its behalf by the officer appointed by By-law as set out in Rule 9. Such document shall be attested by the secretary of the company and bear the imprint of its corporate seal. The

following form, approximately 8 x 10 inches in size, shall be used for an originating carrier to appoint a corporation or an association as attorney or agent to file tariffs, other than standard passenger tariffs, and receive concurrences for it in its stead.

(Corporate Name of Carrier)

Address

Date

CTC PA P—

KNOW ALL MEN BY THESE PRESENTS:

That the ....(corporate name of carrier).... has made, constituted and appointed, and by these presents does make, constitute and appoint ....(name of corporation or association)...., its true and lawful attorney and agent for the said company, and in its name, place, and stead, to receive concurrences in and to file passenger tariffs, as required of common carriers by the Railway Act and by regulations established by the Board of Transport Commissioners for Canada thereunder, for the traffic and territory now herein named,

(describe traffic and territory)

until superseded or revoked in accordance with the regulations of the Board of Transport Commissioners for Canada.

And the said ....(corporate name of carrier).... does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the said company, hereby ratifying and confirming all that its said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

IN WITNESS WHEREOF the said company has caused these presents to be signed in its name by its ....(title of officer).... and to be duly attested under its corporate seal by its secretary, at ..... in the Province (or State) of ....., on this ..... day of ..... in the year of our Lord, Nineteen Hundred and .....

Name .....

Title .....

Attest:

Secretary

(Corporate Seal)

Duplicate mailed to:

(3) **Appointing another carrier or parent company as agent.** A power of attorney may be given by an originating carrier to another carrier with which it connects, or by a subsidiary to a parent company, to publish tariffs, other than standard passenger tariffs, and to give powers of attorney to agents

all in behalf of the said originating or subsidiary carrier. The following form, approximately 8 x 10 inches in size, shall be used for the said purpose.

(Corporate Name of Carrier)

Address

Date

CTC PA P—

KNOW ALL MEN BY THESE PRESENTS:

That the ....(corporate name of carrier).... has made, constituted and appointed, and by these presents does make, constitute and appoint ....(name of carrier appointed agent).... its true and lawful attorney and agent for the said company, and in its name, place and stead, to file on its behalf, as required by the Railway Act and by regulations established by the Board of Transport Commissioners for Canada thereunder, joint passenger tariffs applying FROM points on its line of railway TO or VIA the line of railway hereby appointed as agent, except

(If desired to limit the scope of the authority to exclude certain tariffs or territory, insert such limitation here, or if preferred, the authority may be stated specifically in the body hereof. If not limited, delete the word 'except')

And the said .... (corporate name of carrier).... does hereby give and grant unto its said attorney and agent, full power and authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the said company, hereby ratifying and confirming all that its said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

IN WITNESS WHEREOF the said company has caused these presents to be signed in its name by its .... (title of officer) .... and to be duly attested under its corporate seal by its secretary, at ..... in the Province (or State) of ..... on this ..... day of ..... in the year of our Lord Nineteen Hundred and .....

Name .....

Title .....

Attest:

Secretary  
(Corporate Seal)

Duplicate Mailed to:

(4) **Numbering of powers of attorney.** Powers of attorney of each issuing carrier may be numbered consecutively with prefix "CTC. PA P".

(5) **Powers of attorney of United States carriers.** Powers of attorney of United States carriers in favour of agents, carriers, corporations or associations in the United States are not required to be filed with the Board.

(6) **Filing of powers of attorney.** Powers of attorney are to be forwarded to the Board for filing addressed to "Director, Traffic Department, Board of Transport Commissioners for Canada, Ottawa, Ont." The document must bear a notation that the duplicate thereof has been forwarded to the agent, corporation, association or carrier appointed. If an acknowledgement is required from the Board, an additional copy of the power of attorney shall be submitted for that purpose, which will be stamped with date of receipt and returned to the issuing carrier.

(7) **Revocation of powers of attorney.** A power of attorney may be cancelled either by substituting a new document specifically cancelling the effective document, or by formal notice of revocation. Such substitution or revocation shall be forwarded to reach the Board at least sixty days before coming into effect, and a copy thereof served upon the agent, corporation, association or carrier concerned. The following form, approximately 8 x 10 inches in size, shall be used for the purpose of revoking powers of attorney.

(Corporate Name of Carrier)

Address

Date

Revocation of CTC PA P—

KNOW ALL MEN BY THESE PRESENTS:

Effective ....., power of attorney as numbered above, issued by .... (name of carrier issuing power of attorney) .... in favour of .... (name of agent, corporation, association or carrier in whose favour power of attorney was executed) .... is hereby cancelled and revoked.

Name .....

Title .....

Attest:

Secretary  
(Corporate Seal)

Duplicate mailed to:

(8) **Revision of tariffs when authority revoked.** When a power of attorney is revoked, corresponding revision of the tariffs shall be made not later than the effective date stated in the notice of revocation. If the tariffs are not so amended the fares or other provisions therein remain in effect and must be protected by the carrier responsible for their continued maintenance.

**RULE 11—CONCURRENCES**

(1) **Concurrence of intermediate and terminating carriers.** Intermediate and terminating carriers in Canada, participating in joint tariffs applying between points in Canada shall notify the Board of their assent to, and concurrence in, such joint tariffs by filing with the Board one of the three following documents.

(a) *General concurrence.* The following form is unlimited in its concurrence and applies to all passenger tariffs applying to or via points on the line of the carrier giving the concurrence.

(Corporate Name of Concurring Carrier)

Address

Date

CTC GC P—

Board of Transport Commissioners for Canada,  
Ottawa, Ont.

This is to certify that ... (*name of concurring carrier*) ... assents to, and concurs in, all joint tariffs and amendments thereto that may hereafter be published and filed by .... (*name of carrier, agent, corporation or association issuing tariffs*) .... in which this company is named as a participant, insofar as such tariffs contain fares, charges or regulations applicable to or via (not from) this company's points, and hereby makes itself a party thereto and bound thereby.

Name .....

Title .....

Duplicate mailed to:

(b) *Limited concurrence.* The following form is limited in its concurrence applying on limited specified traffic moving to or via points on the line of the carrier giving the concurrence.

(Corporate Name of Concurring Carrier)

Address

Date

CTC LC P—

Board of Transport Commissioners for Canada,  
Ottawa, Ont.

This is to certify that the .... (*name of concurring carrier*) .... assents to, and concurs in, joint tariffs and amendments thereto that may hereafter be published and filed by .... (*name of carrier, agent, corporation or association issuing tariffs*) .... in which this company is named as a participant insofar as such tariffs contain fares, charges or regulations applicable to or via (not from) this company's points, except

(State the extent of the exception)

and hereby makes itself a party thereto and bound thereby.

Name .....

Title .....

Duplicate mailed to:

(c) *Specific concurrence.* The following form is specific in its concurrence and applies to a specifically named passenger tariff applying to or via points on the line of the carrier giving the concurrence. It may not refer to more than one tariff.

(Corporate Name of Concurring Carrier)

Address

Date

CTC CC P—

Board of Transport Commissioners for Canada,  
Ottawa, Ont.

This is to certify that the .... (*name of concurring carrier*) .... assents, to, and concurs in, the publication and filing of .... (*name of carrier, agent, corporation or association issuing tariff*) .... joint Tariff CTC ..... in which this company is named as a participant insofar as that tariff contains fares, charges or regulations applicable to or via (not from) this company's points, and hereby makes itself a party thereto and bound thereby.

This certificate expires with the cancellation or expiration of the tariff to which it applies.

Name .....

Title .....

Duplicate mailed to:

(2) **Preparation and numbering of concurrences.** Concurrences shall be prepared on paper approximately 8x10 inches in size, and shall be consecutively numbered by the issuing carrier in a separate series for each type of concurrence.

(3) **Filing of general and limited concurrences.** General and limited concurrences shall be forwarded to the Board for filing addressed to "Director, Traffic Department, Board of Transport Commissioners for Canada, Ottawa, Ont.", and a duplicate thereof mailed to the carrier, agent, corporation or association in whose favour it is executed. If an acknowledgment is required from the Board an additional copy shall be submitted for that purpose which will be stamped with date of receipt and returned to the issuing carrier.

(4) **Filing of specific concurrence.** Specific concurrences may be forwarded to the Director, Traffic Department of the Board, or may be sent to the carrier, agent, corporation or association issuing the tariff, who in turn will file it with the Board concurrently with the filing of the tariff concurred in.

(5) **Concurrences not required in international tariffs.** Concurrences are not required in international tariffs; tariffs applying from a foreign country through Canada to a foreign country; or from foreign carriers in tariffs applying from Canada through a foreign country into Canada.

(6) **Revocation of concurrences.** Concurrences may be cancelled by notice of revocation. Such notice of revocation shall be forwarded to reach the

Board at least 60 days before coming into force, and a copy thereof concurrently served upon the carrier, agent, corporation or association concerned. Notice of revocation shall be in the following form.

(Corporate Name of Carrier)

Address

Date

Revocation of:	{	CTC	GC	P-
		CTC	LC	P-
		CTC	CC	P-

Board of Transport Commissioners for Canada,  
Ottawa, Ont.

Effective ....., concurrence noted above issued by ....  
(name of carrier, issuing concurrence) .... in favour of .... (name  
of carrier, agent, corporation or association) .... is hereby cancelled  
and revoked.

Reasons: .....  
.....  
.....

Name .....

Title .....

Duplicate mailed to:

(7) **Revision of tariffs when authority revoked.** When a concurrence is revoked corresponding revision of the tariff or tariffs must be made not later than the effective date stated in the notice of revocation. If the tariff or tariffs are not so amended the fares or other provisions therein remain effective and must be protected by the carrier or carriers responsible for their continued publication.

(8) **Specific concurrence required if tariff to remain in effect after revocation.** If it is desired to continue in effect any tariff issued under a general or limited concurrence to be revoked, a specific concurrence therefor shall be filed with the Board by the concurring carrier prior to the effective date of the revocation.

**RULE 12—SUBSIDIARY LINES**

(1) **Subsidiary lines included in parent company's tariffs.** Companies owning or controlling separately operated subsidiary lines may include the subsidiary lines' tariff matter, other than standard tariffs, in the parent company's tariffs.

(2) **Power of attorney required.** Each such subsidiary line shall execute power of attorney appointing the parent company its agent and attorney on the form prescribed in Rule 10 (3).

(3) **Modification of power of attorney.** The said power of attorney shall be modified to also authorize the parent company to give and receive concurrences on behalf of the subsidiary line and may include an authorization to the parent company to execute powers of attorney on behalf of the subsidiary line.

(4) **Parent company to show acting for subsidiary.** Parent companies executing powers of attorney and concurrences on behalf of themselves and their subsidiaries shall modify the wording of such documents to the extent necessary to show they are issued 'for itself and as agent and attorney for' the subsidiary lines.

(5) **Joint rates between parent company and subsidiary.** Concurrences are not required from subsidiary lines in joint rates applicable between the subsidiary and its parent company when such tariffs are issued, under the provisions of this rule, by the parent company.

### RULE 13—ADOPTION NOTICES

(1) **Filing and form of adoption notice.** When the name of a carrier is changed, or when its operating control is transferred to another company, the carrier which will thereafter operate the properties shall file and post as a tariff an adoption notice, numbered in its CTC series, reading as follows:

The ....(*corporate name of adopting carrier*).... hereby adopts, ratifies and makes its own in every respect as if the same had been originally filed and posted by it, all passenger tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney or other instruments whatsoever, including supplements or amendments thereto, filed with the Board of Transport Commissioners for Canada by, or heretofore adopted by, the ....(*corporate name of old carrier*).... prior to .... (*date*)....

(2) **Amendment to tariffs showing adoption.** In addition to the above adoption notice, the new carrier shall immediately file a consecutively numbered supplement to each of the tariffs of the former carrier publishing the following notice:

Effective ....(*date shown in adoption notice*)...., this tariff became the tariff of the ....(*corporate name of new carrier*).... as per its Adoption Notice CTC....

Such supplements shall contain no other matter and may be filed without regard to Rule 5 (2).

(3) **Subsequent amendments.** Succeeding supplements to adopted tariffs shall be numbered consecutively in the series of the carrier that issued the original tariff. Successive issues of the adopted tariffs shall specifically cancel the former tariff by CTC number and name of carrier, but shall be numbered in the CTC series of the new carrier.

(4) **Former carrier to be eliminated from tariffs.** Tariffs issued by other carriers, agents, corporation or association under power of attorney, in which

the former carrier is named as a participating carrier, shall be amended to substitute the name of the adopting carrier by the following provision:

The ....(*corporate name of adopting carrier*).... by its Adoption Notice CTC..... having taken over tariffs, etc., of the ....(*corporate name of old carrier*).... the ....(*corporate name of adopting carrier*).... is hereby substituted for the ....(*corporate name of old carrier*).... wherever it appears in this tariff.

(5) **New Powers of attorney and concurrences to be filed.** Powers of attorney and concurrences adopted by the new carrier must be replaced within one hundred and twenty (120) days by new powers of attorney and concurrences of the adopting carrier, upon which documents reference must appear as to the cancellation of the documents of the old carrier.

#### RULE 14—STANDARD TARIFFS

(1) **Submission for approval.** Standard tariffs shall specify the maximum mileage toll to be charged for passengers for all distances covered by the carrier. Such tariffs shall be submitted by each company, in triplicate, for approval by the Board without the effective date appearing thereon.

(2) **Publication in *Canada Gazette*.** Upon approval by the Board standard tariffs shall be published in accordance with the terms of the Board's Order.

(3) **Filing of approved tariffs.** After publication in the *Canada Gazette* the tariff may be filed at least three days before the effective date thereof with a reference appearing thereon reading:

Approved by Order .....dated....., of the Board of Transport Commissioners for Canada.

#### RULE 15—SPECIAL TARIFFS

(1) **Special Passenger Tariffs.** Special passenger tariffs shall contain the fares, (other than the standard maximum mileage toll), charges, rules, regulations or other arrangements for the transportation of and accommodation for all passenger traffic.

(2) **Statutory notice.** Such tariffs shall be filed with the Board and posted for public inspection at least three days before the effective date thereof.

#### RULE 16—JOINT TARIFFS

(1) **Applying between points in Canada.** Joint tariffs applying over any continuous route in Canada operated by two or more carriers shall be filed by the initial carrier in the same manner as local tariffs.

(2) **Applying over foreign railway companies.** Joint tariffs applying over any continuous route from a point in Canada through a foreign country into Canada; or from any point in Canada to a foreign country; or from any point in a foreign country into Canada, and such route is operated by two or more carriers, whether Canadian or foreign, shall be filed by the initial carrier or duly authorized agent, corporation, association or carrier.

(3) **Joint tariffs not required on overhead traffic.** Joint tariffs of foreign railway companies applying from any point in a foreign country through Canada into a foreign country are not required to be filed with the Board.

(4) **Routing to be shown.** Joint tariffs shall show the routes over which the fares or charges published therein apply, stated in such manner that the routes may be definitely ascertained.

(5) **Routing in tariff or routing guide.** Routing may be published in the tariff containing the fares or charges or may be published in a separate tariff provided reference is made to such separate tariff. The routing tariff shall be filed with the Board by the issuing carrier or duly authorized agent, corporation, association or carrier.

(6) **Restrictive use of routing tariffs.** The routing tariff shall show on the title page the following notation:

The routes provided herein may be used only in connection with fares made subject hereto by specific reference to this tariff in tariffs containing such fares. Its use in connection with any tariff is restricted to the carriers and to the application provided in such tariff.

#### **RULE 17—EXCURSION TARIFFS**

(1) **Tariffs may be filed on one day's notice.** Special passenger tariffs containing fares for excursions, conventions or other special passenger traffic which are limited to a designated period not exceeding six months and which are required to be brought into prompt effect may be filed with the Board and posted at selling stations at least one day before the effective date thereof. Such tariffs shall contain a notation on the title page reading:

Issued on one day's notice under authority of Rule 17 of Tariff Circular 2 of the Board of Transport Commissioners for Canada.

(2) **Designated period defined.** The term "designated period" used in paragraph (1) means the period beginning with the first day on which the transportation can first be used and ending with, and including, the day upon which the return trip must be completed.

(3) **Separate filing series.** Such special passenger tariffs shall be filed with the Board under a separate numerical series with the prefix "CTC-X" and each issuing carrier, agent, corporation or association shall number the tariffs in its own CTC-X series.

#### **RULE 18—CIRCUS AND SHOW OUTFITS**

(1) **Tariffs may be filed on one day's notice.** Special tariffs containing rates for movements of circuses and other show outfits may be established on not less than one day's notice to the Board, and such tariffs need not be posted at stations. The tariffs shall consist of a title page with notation "as per copy of contract attached", and to it shall be attached a copy of the contract under which the circus or show is transported.

(2) **Tariff notation.** The tariffs shall also contain a notation on the title page reading:

Issued on one day's notice under authority of Rule 18 of Tariff Circular 2 of the Board of Transport Commissioners for Canada.

**RULE 19—WORKMEN'S TRAIN SERVICE**

(1) **Tariffs may be filed on one day's notice.** Special tariffs containing charges for special workmen's train service may be established on not less than one day's notice to the Board, and such tariffs need not be posted at stations. The tariffs shall consist of a title page with notation "as per copy of agreement attached", and to it shall be attached a copy of the agreement under which the service is performed.

(2) **Tariff notation.** The tariffs shall also contain a notation on the title page reading:

Issued on one day's notice under authority of Rule 19 of Tariff Circular 2 of the Board of Transport Commissioners for Canada.

**RULE 20—NEWLY CONSTRUCTED RAIL LINES**

(1) **Tariffs may be filed on one day's notice.** Tariffs containing fares, charges or regulations applicable from and to points on newly constructed lines of railway, including extensions of existing railways, may be initially filed with the Board and posted at stations on not less than one day's notice.

(2) **Tariff notation.** The tariffs shall contain a notation on the title page reading:

Issued on one day's notice under authority of Rule 20 of Tariff Circular 2 of the Board of Transport Commissioners for Canada.

**RULE 21—RULES AND REGULATIONS**

(1) **Rules and regulations in separate tariff.** A separate tariff may be filed containing rules and regulations which are to govern certain tariffs within a recognized fare territory. Such rules and regulations shall be made part of the fare tariff by reference in substantially the following form:

Governed, except as otherwise provided herein, by rules and regulations published in Special Passenger Tariff..... CTC .....

**RULE 22—DISCONTINUANCE AND RESTORATION OF SERVICE**

(1) **Announcement of service.** Tariffs containing fares applying in connection with any carrier whose service is discontinued for a portion of each year shall provide for discontinuance and restoration of service over such carrier or carriers from and to the affected points by stating that the fares provided therein are valid for passage only during the period when service over those carriers is available.

(2) **Definite dates of service.** When specific dates of discontinuance and restoration of service can be predetermined, a rule shall be published in the tariff announcing the dates of such discontinuance and restoration of service.

(3) **Indefinite dates of service.** When specific dates of discontinuance and restoration of service cannot be determined a rule shall be published in the tariffs stating that supplements to the tariff announcing the dates of discontinuance and restoration of service will be filed with the Board and posted for public inspection not less than one day prior to the date service will be restored or discontinued.

(4) **Supplements.** Supplements announcing the restoration and discontinuance of service under this rule may be filed on not less than one day's notice, and may be filed without regard to Rule 5(2).

### RULE 23—OFFICIAL DISTANCE TABLE

(1) **Official distance table to be filed.** Each carrier shall publish and file, in duplicate, an 'Official Distance Table' which shall show the mileage between its stations. A fraction of a mile shall be considered as a whole mile.

(2) **Tariffs to be governed by Official Distance Table.** Tariffs containing mileage fares shall give reference to the Official Distance Table.

(3) **Passenger and freight distances in same issue.** The Official Distance Table may be used for both passenger and freight service, in which case copies thereof shall be filed with the Board in both the carrier's freight and passenger tariff series.

### RULE 24—TARIFF INDEX

(1) **Index of tariffs to be filed.** Except as provided in paragraph (5) each carrier shall publish and file in duplicate, a complete index of all effective tariffs filed with the Board to which it is a party as an initial carrier.

(2) **Arrangement by sections.** Such index shall be divided into two sections; first, a list of all tariffs in which the carrier is an initial carrier and second, a numerical list of its own tariffs by CTC number.

(3) **Arrangement by contents.** The index shall show: (a) the CTC number of each tariff, including both its own issues and those issued by others under power of attorney; (b) name or initials of issuing carrier, agent, corporation or association; (c) a brief description of the traffic upon which it applies; (d) points or territory from and to which the tariff applies.

(4) **Index to be issued biennially.** The index shall be reissued at least every two years, and amendments to the index by supplement at least every three months. Not more than five supplements shall be in effect at one time. Rule 5(2) shall not apply. The title page shall bear date of issue but no effective date.

(5) **Exclusion of supplements and temporary tariffs.** Tariffs covering specific passenger movements remaining in effect for a period of thirty days or less may be omitted.

(6) **Subsidiary lines may be included in parent company's index.** Parent companies may include tariffs of their subsidiary lines in the parent company's index, provided the application of the tariffs as to each line is plainly indicated.

(7) **List of agency tariffs.** Agents, corporations or associations filing tariffs on behalf of carriers are required to file a list of their tariffs in which all tariffs issued by the agent, corporation or association are shown by CTC reference, with a brief description of the character and applicable territory of each tariff. Such a list may be filed as a tariff or may be given a list number

for identification purposes. Such list should be reissued at least every two years and amended by supplement at least every three months when changes occur.

(8) **Freight and passenger tariffs in one index.** Indices of freight and passenger tariffs may be combined in one publication. The combined index shall be divided into two separate parts, and the CTC reference in both freight and passenger series shall be shown thereon and such index filed with the Board in both series.

#### RULE 25—REFERENCE MARKS

(1) **Uniform reference marks.** Changes in fares, charges or wording of tariffs shall be indicated by the use of the following reference marks, which shall be used for no other purpose.

- ↓ or R to denote reduction.
- ◆ or A to denote advance.
- ▲ or C to denote change in wording which results in neither increase nor reduction in fares (or charges).
- or N to denote no change in fare (or charge).
- \* or b to denote basing fare (or charge).
- or ( ) to denote reissued matter with the supplement number from which reissued inserted therein.

Reference marks shall be placed in such position as will attach as directly as possible the actual change in fare, charge or text.

(2) **General changes.** When a change of the same character is made in all, or substantially all fares or charges in a tariff, or a page thereof, the nature of such change shall be indicated at the top of the title page of such tariff, or at the top of each page affected, by the notation, "Fares (or charges) in this tariff (or page) are reductions (or increases), except as indicated", and the changes not consistent with this notation will be appropriately indicated.

#### RULE 26—REFERENCE TO ORDERS AND JUDGMENTS

(1) **Reference to Board's orders or judgments to appear in tariffs.** Tariffs issued pursuant to judgments or orders of the Board shall give reference to the number and date of the order or date of the judgment as follows:

Issued in compliance with Order . . . . ., dated . . . . .,  
of the Board of Transport Commissioners for Canada.

or

Issued under Judgment dated . . . . ., of the Board of Transport Commissioners for Canada.

(2) **Reference to appear only in the initial publication.** Such references need only be shown in the initial publication of the new or changed matter and references eliminated as same is brought forward as reissued matter.

#### RULE 27—CANCELLATION OF TARIFFS

(1) **Cancellation by supplement or another tariff.** A tariff may be cancelled by a supplement thereto or by another tariff. Cancellation of a tariff also cancels all supplements in effect at that time. Cancellation of a tariff by a supplement to another tariff is not permitted.

(2) **Cancellation notice.** When a tariff is cancelled by another tariff which does not contain all of the tolls shown in the tariff to be cancelled, the cancelling tariff must show where tolls not shown therein will thereafter be found or what tolls will thereafter apply.

(3) **Reinstatement only by publication.** When a tariff or any portion thereof has been cancelled it cannot be reinstated other than by republication in the regular manner.

(4) **Cancellation by another tariff.** When a tariff is cancelled by another tariff, the tariff effecting the cancellation shall be in the same CTC series, except if a carrier's tariff is to be displaced by an agency tariff, the agency tariff shall either cancel or indicate that it supersedes the carrier's tariff. In the latter case the carrier's tariff shall be cancelled by a supplement thereto and show reference to the agency tariff.

(5) **Cancellation by two or more tariffs.** When a tariff is superseded by two or more tariffs, the cancellation shall be accomplished by supplement to the tariff to be cancelled. Such supplements shall show reference to the tariffs in which such matter will thereafter be found. The new tariffs shall show reference to the cancelled tariff by a notation reading: 'Supersedes Tariff ....., CTC ....., to the extent shown in Supplement ..... thereto.'

(6) **Transfer from one tariff to another.** When tariff matter is transferred from one tariff to another, the transfer shall be accomplished by specific cancellation by amendment to or reissue of the tariff in which the tariff matter is in force showing reference to the tariff in which it will be published in the future. The tariff containing the matter so transferred shall correspondingly show reference to the tariff in which it was formerly published.

(7) **Partial cancellation.** When a tariff partially supersedes another tariff in force at the time, it shall specifically state the portions of such other tariff which are thereby superseded and the conflicting portions of the former tariff shall be correspondingly amended.

## **RULE 28—SUSPENSION OF TARIFFS**

(1) **Suspended matter to be restored.** When provisions of a tariff are suspended by order of the Board, the issuing carrier, agent, corporation or association, shall immediately file appropriate amendment restoring the provisions which were to be cancelled by the suspended tariff.

(2) **Restoring suspended matter.** When the Board vacates an order of suspension, an appropriate tariff amendment putting into effect the suspended provisions and terminating the restored provisions may be filed on one day's notice, but not earlier than the effective date originally proposed.

(3) **Cancellation of suspended matter.** When the Board orders the cancellation of the suspended provisions of a tariff, the suspended matter therein shall be cancelled by filing an appropriate tariff amendment on one day's notice.

(4) **When Interstate Commerce Commission orders.** When the Interstate Commerce Commission suspends, vacates the suspension of, or orders the

cancellation of, suspended matter in a tariff applicable between United States and Canadian points, the provisions of this rule may be applied thereto.

(5) **Supplements.** Supplements to effect the foregoing may be filed without regard to Rule 5 (2).

**RULE 29—REJECTION OF TARIFFS**

(1) **Board may reject tariffs.** Tariffs which fail to meet the requirements of these rules may be rejected and returned to the sender.

(2) **Rejected tariffs void.** The CTC tariff number, revised page number or supplement number of a rejected schedule shall not again be used.

(3) **Substitution of rejected tariffs.** Tariffs issued in lieu of rejected tariffs shall show on the title page notation; "In lieu of . . . . ., rejected by Board."

(4) **Rejection by Interstate Commerce Commission.** Where tariffs, filed with both the Interstate Commerce Commission and this Board, are rejected by the Interstate Commerce Commission, the issuing carrier, agent, corporation or association, shall immediately notify the Director, Traffic Department of the Board, of such rejection. Such tariffs will also be marked rejected by this Board and returned to the sender.

**RULE 30—DEPARTURE FROM RULES**

(1) **Departure only by authority.** No departure from the provisions of these regulations is permitted except under specific authority of the Board.

(2) **Application for relief.** If it is desired to depart from the provisions of these regulations, an application in substantially the following form may be made to the Director, Traffic Department of the Board:

(Name of Carrier or Agent)

Address

Date

Director,  
Traffic Department,  
Board of Transport Commissioners for Canada,  
Ottawa, Ont.

Authority is hereby requested to depart from the requirements of Rule . . . . . of Tariff Circular 2 when taking tariff action as follows:

(Describe in detail (by accompanying exhibit if desired) the proposed change or addition to be made in the tariff; the CTC reference; and the exact nature of the relief desired)

The following facts are submitted in justification of this application:

(State fully the circumstances relied upon as justifying the application)

Name . . . . .

Title . . . . .

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GENERAL ORDER NO. 843

WEDNESDAY, the 1st day of  
APRIL, A.D. 1959

---

ROD KERR, Q.C.,  
*Chief Commissioner.*

A. SYLVESTRE, Q.C.,  
*Deputy Chief Commissioner.*

L. J. KNOWLES,  
*Commissioner.*

IN THE MATTER OF regulations governing the construction, filing and posting of telegraph and telephone tariffs by telegraph and telephone companies:

File No. 10041.155

IT IS HEREBY ORDERED AS FOLLOWS:

1. The regulations attached hereto as Tariff Circular 3, entitled "Regulations Governing the Construction, Filing and Posting of Telegraph and Telephone Tariffs by Telegraph and Telephone Companies", are prescribed for the use of telegraph and telephone companies who are required to file tariffs with the Board.

2. General Order No. 658 and General Order No. 661 are rescinded.

3. This General Order shall come into force on the date shown in the said Tariff Circular 3.

ROD KERR,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

# TARIFF CIRCULAR 3

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**RULE 1—GENERAL PROVISIONS**

(1) **Application of regulations:** The following regulations are prescribed under the authority of Section 380 and all other relevant sections of the Railway Act. On and after July 1, 1959, all tariffs filed with the Board shall conform to these regulations. Unless the context requires otherwise, words used in these regulations in the singular include the plural and vice-versa.

(2) **Circumstances not covered by these regulations:** Where a precise rule in these regulations cannot be found to fit a particular set of circumstances, the Board may prescribe further regulations to fit such circumstances and an application should be directed to the Board for determination and ruling.

(3) **Reference to these regulations:** The arrangement of these regulations is by rule number, paragraph and sub-paragraph. When referring thereto, the references to be quoted are, for example: "Rule 2 (1)" or "Rule 3 (1) (e)".

(4) **Definitions:** Unless the context clearly indicates the contrary, the following terms used in these regulations mean:

- (a) **"Base Rate Area"**—That section of the telephone exchange area within which the basic rates for primary exchange or local service apply without the addition of extra-exchange mileage charges.
- (b) **"Exchange Area"**—That territory served by a telephone exchange within which the company holds itself out to furnish primary exchange or local service from that exchange without the application of long-distance tolls.
- (c) **"First Reference List"**—A tariff containing exceptions to those long-distance telephone tolls which are determined on the basis of the Interexchange Mileage and Rate Guide and the Toll Rate and Route Guide.
- (d) **"Interexchange Mileage and Rate Guide"**—A tariff containing mileage charts to be used in conjunction with a Toll Rate and Route Guide to determine the rate distances governing the application of long-distance telephone tolls.
- (e) **"Local Exchange Telephone Service"**—Telephone service furnished within an exchange area.
- (f) **"Locality Rate Area"**—That section of a telephone exchange area which lies outside the base rate area, but within which a uniform commuted extra-exchange mileage charge applies in addition to the basic rate for individual, two-party and trunk line services.
- (g) **"Message Toll Service"**—Long-distance telephone service between local exchange service areas or other toll points.
- (h) **"Page"**—Includes sheet.
- (i) **"Tariff"**—Any publication containing rates, charges, rules or regulations which constitute telegraph or telephone tolls, or any complementary publications affecting in any way whatsoever the tolls to be charged by a telegraph or telephone company. Unless the contrary is clearly indicated by the context, the term "tariff" includes revisions and amendments thereto, such as supplements and revised pages.

- (j) **“Telephone Company”**—Unless otherwise specified in these regulations, means a telephone company within the legislative authority of the Parliament of Canada and also subject to the jurisdiction of the Board.
- (k) **“Toll”**—A telegraph or telephone toll, as defined in the Railway Act.
- (l) **“Toll Rate and Route Guide”**—A tariff containing a list of telephone central offices and rate centres, showing their block and section designations, to be used in conjunction with an Interexchange Mileage and Rate Guide to determine the rate distances governing the application of long-distance telephone tolls.

## RULE 2—FORM AND STYLE OF TARIFFS

(1) **Form and Size:** Tariffs shall be in book, pamphlet, single-sheet, or loose-leaf form, of uniform size, eight and one-half inches wide by eleven inches long, except interexchange mileage and rate guides or block charts which may be of smaller size.

(2) **Paper and Print:** All tariffs must be prepared in legible form on paper of good and lasting quality by some duplicating process, such as printing from type, lithograph, white or blue print, photostat, mimeograph or similar process which ensures accuracy in all copies. Carbon copies, indistinct matter or typewritten pages will not be accepted for filing.

(3) **Alterations or erasures:** Alterations in the original text, or erasures, are not permitted in tariffs filed with the Board or in those made available for public inspection.

(4) **Consolidation of tariff matter:** Companies should avoid issuing a variety of separate tariffs when the subject matter thereof could be conveniently grouped into tariffs of general application.

(5) **Numbering of tariffs:** Each issuing company shall number its tariffs consecutively beginning with No. 1, and each number shall be prefixed by the initials ‘CTC (TG)’ for telegraph tariffs and ‘CTC (TP)’ for telephone tariffs.

(6) **Numbering of pages:** The pages of all tariffs, except looseleaf tariffs, shall be numbered with Arabic numerals, commencing with 2 for the first inside page on which printed matter appears.

## RULE 3—TITLE PAGE OF TARIFFS

(1) The title page of every tariff shall show in the order and manner designated below:

- (a) **CTC number and cancellation reference:** The CTC number of the tariff in bold type in a prominent position in the upper right corner and immediately thereunder, in smaller type, the CTC numbers of tariffs cancelled thereby. If it is impracticable to show the cancelled numbers in such manner, they may be shown within the tariff and specific reference thereto placed on the title page.
- (b) **Name of issuing company:** The name of the company issuing the tariff.

- (c) **Reason for issue:** The reason for issue in the centre of the upper right margin of the title page, thus: "Increase", "Reduction", "New Rates", "No Change in Rates", etc.
- (d) **The kind of tariff:** The character of the tariff in such a manner as to disclose concisely the nature and scope of the services covered thereby.
- (e) **Reference to complementary or other governing tariffs:** Reference by name and CTC number to any complementary or governing tariffs. A short, general reference to such tariffs may be substituted, provided that individual items within the tariff make specific references by name and CTC number to any such complementary or governing tariffs (see Rule 9).
- (f) **Issued and Effective Dates:** The date of issue in the lower left corner and the date effective in the lower right corner. Where more than one effective date is involved, a notation shall appear immediately below the effective date in one of the following forms: "Except as indicated" or "Except as otherwise provided herein".
- (g) **Judgments or Orders:** Reference in the lower margin to Judgments or Orders of the Board, pursuant to which the tariff is issued (see Rule 7).
- (h) **Issuing Officer:** The name, title and address of the Officer of the Company responsible for the compilation and filing of the tariff.

#### RULE 4—CONTENTS OF TARIFFS

(1) **Index of contents:** Tariffs shall contain a full and complete statement, in alphabetical order, of the exact location where information, under general subject headings, will be found and shall specify the page, rule and item numbers applicable. If a tariff contains so small a volume of matter that its title page or its interior arrangements plainly discloses its contents, the index of contents may be omitted.

(2) **General regulations:** The general regulations of the company, setting out the terms and conditions, upon and under which the company shall furnish to the public the service and equipment described in its effective tariffs on file with the Board, shall be reproduced in one of its effective tariffs. All other effective tariffs shall contain a reference by CTC number to the tariff in which such general regulations are reproduced.

(3) **Rules governing the tariff:** Rules or other governing provisions, with the title or subject of each in distinctive type, shall be stated in explicit terms, so as to leave no doubt concerning their application to the rates and charges named in the tariff. Where a tariff is governed by rules published in another tariff, reference to such other tariff by CTC number shall be shown therein (see Rule 9).

(4) **Definitions:** Terms and expressions used in the tariff may be defined in a separate alphabetical list which shall govern all items in the tariff, unless a particular item provides otherwise. If the definitions in such alphabetical list are intended to govern the meaning of the terms in other tariffs, such other tariffs shall make reference thereto by CTC number (see Rule 9).

(5) **Reference marks and abbreviations:** Tariffs shall contain an explanation of the reference marks and abbreviations used therein, except that commonly used abbreviations of Province and State names may be omitted. Reference to where the explanation of reference marks or abbreviations is given shall be shown on all pages of the tariff where such reference marks or abbreviations are used, or the explanation may be shown on the page on which they are used.

(6) **Rates or charges:** Tariffs shall contain an explicit statement of the rates or charges in cents, or in dollars and cents, per specified service or unit. If the rate or charge is of a non-recurring nature, it shall be so stated and the service covered thereby shall be clearly specified.

### RULE 5—REFERENCE MARKS

(1) **Uniform reference marks:** Changes in rates, charges or the wording of tariffs shall be indicated by the use of the following reference marks, which shall be used for no other purpose:

(a) **Telegraph tariffs:**

C — To denote changed regulation.

D — To denote discontinued rate or regulation.

I — To denote increased rate.

N — To denote new matter.

R — To denote reduced rate.

S — To denote reissued matter.

T — To denote changed text, but no change in rate or regulation.

sf — To denote that there is no additional charge on messages delivered by telephone to addressees.

tsa — To denote "tariff same as".

† — To denote that prepaid telegrams only will be accepted to point against which it is shown.

(DL) — To denote that Day Letter Service is available.

(L) — To denote that Day Letter and Night Letter services are available.

(MO) — To denote that Money Order service is available.

(NL) — To denote that Night Letter Service is available.

● or (NC) — To denote no change in rates or charges.

As an alternative to the foregoing reference marks, a telegraph company may adopt and use the uniform reference marks prescribed for telephone tariffs in paragraph (1) (b) of this rule, but it shall not use both groups of reference marks.

(b) **Telephone tariffs:**

◆ or (A) — to denote increases.

♣ or (R) — to denote reductions.

▲ or (C) — to denote changes in wording which result in neither increases nor reductions in rates and charges.

□ or ( ) — to be used only in supplements to denote reissued matter, with the supplement number from which reissued inserted therein.

● or (NC) — to denote no change in rates or charges, except in Toll Rate and Route Guides where it shall be used to denote Company rate centres.

\* or (N) — to denote new rates or charges.

(2) **Positioning of reference marks:** Reference marks shall be placed in such position as will attach as directly as possible to the actual change in rate, charge or text.

(3) **General changes:** When a change of the same character is made in all, or substantially all, rates or charges in a tariff, a page thereof or supplement thereto, the nature of such change may be indicated at the top of the title page, or each affected page or supplement, by the following notation:

“Rates (or charges) in this tariff (or page) are increases (or reductions), except as indicated.”

A bold-face dot “●” or (NC) shall be used to denote rates or charges in which no changes are made.

#### RULE 6—BASIC RATE AREAS (Telephone Companies only)

(1) **Basic rate areas to be defined:** A base-rate, locality-rate, or other rate area, within which uniform charges are applied for local exchange telephone services, shall be clearly defined in tariffs by a map showing the boundaries of such area. Where the boundaries are circles surrounding a central office or exchange, maps need not be filed, but tariffs shall specify the radii from the central office or exchange which define the base-rate, locality-rate, or other rate area.

(2) **Maps of basic rate areas:** Except as provided in paragraph (1) of this rule, basic rate area maps shall be filed in tariff form for each exchange, showing the scale on which they are drawn and the locations of toll offices or rate centres. Separate maps may be filed for base rate areas, locality rate areas, or other rate areas.

(3) **Extended-area service:** Where one exchange has extended-area service with other exchanges, the extent of such extended-area service shall be specified in tariffs.

#### RULE 7—REFERENCE TO JUDGMENTS OR ORDERS

(1) **References to appear in tariffs:** Tariffs, revised pages or supplements, issued pursuant to judgments or orders of the Board shall give reference thereto, as follows:

(a) “Issued under Judgment of the Board of Transport Commissioners for Canada dated.....”

OR

(b) “Authority: Order....., dated....., of the Board of Transport Commissioners for Canada.”

(2) **Reference to appear in initial publication only:** Such references need be shown only in the initial publication of the new or changed matter and may be eliminated when the tariff, revised pages or supplements are subsequently amended.

### RULE 8—SUPPLEMENTS

(1) **Purpose:** Supplements to tariffs shall be issued only for the purpose of adding to, changing or cancelling all or part of the provisions of the tariff they supplement.

(2) **Governed by same rules as tariffs:** In all respects, supplements are to be governed by the same provisions as are applicable to the tariff they supplement or amend.

(3) **Numbering and cancellation of supplements:** Supplements shall be numbered consecutively on their title pages, commencing with "Supplement No. 1", and where a supplement cancels a previous supplement, it shall be shown as follows: "Supplement No. 2, cancels Supplement No. 1". Each supplement shall specify the numbers of the supplements in effect and containing all changes, in the following manner: "Supplements Nos. 3, 5 and 7 contain all changes." Supplements shall bear the CTC number of the tariff they supplement, issued and effective dates, and the name, title and address of the issuing officer.

(4) **Supplements to identify amended matter:** The matter contained in each supplement shall be arranged in the same manner and order as in the tariff. Supplements shall clearly identify by page, item or rule number the exact portions of the tariff to be amended thereby.

(5) **Reissued matter:** Supplements which consolidate matter issued in former supplements shall bear the following notation on their title pages: "Effective (*date*) except as otherwise provided herein," and shall designate the matter brought forward from former supplements by a reference mark in the form of a square enclosing a number, the number being that of the supplement in which the matter first appeared. Such reference marks shall be explained in the following manner: "[4] Reissued, first effective (*here show date*) in Supplement No. 4."

(6) **Number of effective supplements:** Not more than three supplements may be in effect at any one time.

### RULE 9—COMPLEMENTARY TARIFFS

(1) **Tariffs may be governed by complementary tariffs:** Separate, complementary tariffs, such as Base Rate Area Tariffs, Directories of Office Listings, First Reference Lists, Interexchange Mileage and Rate Guides, Toll Rate and Route Guides, Lists of Stations for Message Toll Service, and Rules and Regulations, may be filed to govern rates, charges, rules or regulations contained in other tariffs of tolls.

(2) **Reference to be made in tariffs governed thereby:** Such complementary tariffs shall be made part of the tariffs they govern by a specific reference thereto in the particular tariff, or tariff items, they are intended to govern, in substantially one of the following forms:

“Governed, except as otherwise provided herein (or, in this item), by rates, charges, rules or regulations published in . . . . . , CTC . . . . .”

or

“Governed, except as otherwise provided herein (or, in this item), by the provisions of . . . . . , CTC . . . . .”

**RULE 10—LOOSE-LEAF TARIFFS**

(1) **Construction same as bound tariffs:** Except as provided in this rule, the construction of loose-leaf tariffs shall be similar to that provided for bound tariffs.

(2) **Title Page:** The title page shall be designated in the upper left corner as “Original Title Page”, and shall be printed on one side of the leaf only. When a revised title page is issued, the following notation shall be shown in connection with the effective date: “Original tariff effective (*date*).”

(3) **Pages following the title page:** Each page following the title page shall be printed on one side only and shall show the CTC number of the tariff in the top right corner and be consecutively numbered immediately thereunder as “Original Page 1”, “Original Page 2”, and so on. Each page shall also show in the top left corner the name of the issuing company. At the bottom of the page, the date of issue, the effective date, and the name, title and address of the officer responsible for the compilation and filing of the tariff, shall be shown in the same manner as provided for the title page (see Rule 3).

(4) **Check pages:** A check page or pages shall be included in each loose-leaf tariff, immediately following the title page, and shall contain a numerical list of all the current pages of the tariff. Revised check pages, listing added or revised pages, or supplements to the tariff, must accompany such pages or supplements, when forwarded for filing and be posted in tariffs available for public inspection. Individual exchange tariffs consisting of 10 pages or less and First Reference Lists may omit check pages, provided a single check list of effective pages to all such tariffs is filed with the Board for information and revised at least every three months. Such check list need not be filed as a tariff bearing a CTC (TP) number.

(5) **Amendments by revised pages:** Amendments shall be made by reprinting the page which shall be designated as a revised page; for example:

“1st Revised Page 1,  
Cancels Original Page 1.”

or

“2nd Revised Page 1,  
Cancels 1st Revised Page 1.”

(6) **Additional pages:** Where it is necessary to insert additional pages within the series of pages comprising the tariff, such additional pages shall be given the same numbers as the pages they follow and be designated: “Original Page 1A”, “Original Page 1B”, and so on. Pages added beyond the original series of pages shall be consecutively numbered in continuation of that series as “Original Page . . . . .”, and so on. Subsequent amendments to additional pages are to be made in the manner provided in paragraph (5) of this rule.

(7) **Transfer from one page to another:** When tariff matter is transferred from one page to another, both pages shall contain cross-references to indicate the page on which the tariff matter formerly appeared and the page to which it has been transferred. Subsequent revisions of these pages shall not carry forward such cross-references.

(8) **No supplement except for specific purpose:** Supplements shall not be issued to loose-leaf tariffs, other than Toll Rate and Route Guides, except for the purpose of cancelling the tariff or for the purpose of changing all, or substantially all, of the rates and charges contained therein. Only one supplement shall be in effect at any one time.

(9) **Check page to list supplement:** A revised check page must be issued to include reference to the effective supplement and accompany such supplement when forwarded for filing.

(10) **Cancellation of supplements:** When all changes made by a supplement have been incorporated in the tariff proper by revision of the appropriate pages, the supplement shall be cancelled. Such cancellation shall be made by reissuing the check page and adding, in the upper right corner immediately under the words "Cancels.....revised page 1", the words "also cancels Supplement No....." Supplements to Toll Rate and Route Guides, however, may be cancelled by other supplements.

#### RULE 11—TARIFF INDEX

(1) **Index of tariffs to be filed:** Each company shall publish as a tariff, and file in duplicate, a complete index of tariffs in effect. Where a company's rates, charges, rules and regulations are contained in a single tariff, however, no index of tariffs is required, provided that it does not concur in the tariffs of other companies or use such tariffs to determine rates and charges for service over any continuous route operated jointly with such other companies (see Rule 14).

(2) **Arrangement by sections:** The tariff index shall be divided into two sections as follows:

- (a) **First:** a complete numerical list of its own tariffs by CTC numbers;
- (b) **Second:** a complete descriptive list of the tariffs of other companies in which it concurs, or which it uses to determine rates and charges for service over any continuous route operated jointly with such other companies (see Rule 14).

(3) **Arrangement of contents:** The index shall show in respect of each tariff listed therein:

- (a) The CTC number, FCC number or other number, where applicable, of each tariff, including both its own issues and those issued by other companies;
- (b) in respect of the tariffs of other companies, the names of such companies;
- (c) a brief description of the title or character of each tariff, so as to disclose the services to which it applies;
- (d) the points or territory from and to which the tariff applies.

(4) **Amendments to be issued quarterly:** Necessary amendments to the index shall be accomplished by revised pages or by supplement at least every three months. Not more than five supplements shall be in effect at one time;

(Rule 8 (6) shall not apply). Indexes issued in book, pamphlet or single-sheet form shall be reissued at least every two years. The title page and all loose-leaf pages shall bear the date of issue but no effective date.

### RULE 12—CANCELLATION OF TARIFFS

(1) **Cancellation by supplement or by another tariff:** A tariff, together with all its effective supplements, may be cancelled by a supplement thereto or by another tariff. Cancellation of a tariff by a supplement to another tariff is not permitted.

(2) **Cancellation by two or more tariffs:** When a tariff is superseded by two or more tariffs, the cancellation shall be accomplished by a supplement to the tariff to be cancelled. Such supplement shall show reference to the tariffs in which the cancelled matter will thereafter be found. The new tariffs shall show reference to the cancelled tariff by a notation, as follows: "Supersedes. . . . . Tariff, CTC. . . . ., to the extent shown in Supplement. . . . . thereto."

(3) **Transfer from one tariff to another:** When tariff matter is transferred from one tariff to another, the transfer shall be accomplished by specific cancellation by supplement or revised pages to the tariff in which it is in force. Such supplement or revised pages shall contain reference by CTC number to the tariff in which the matter will thereafter be found. The tariff containing the matter so transferred shall show a corresponding reference to the tariff in which it was formerly published. Such references need only be shown on the initial transfer of tariff matter.

(4) **Partial cancellation:** When a tariff partially supersedes another tariff in force at that time, it shall specifically state the portions of the other tariff which are thereby superseded and the conflicting portions of the other tariff shall be correspondingly amended.

(5) **Cancellation notice:** When a tariff is cancelled by another tariff which does not set out all the rates, charges, rules and regulations shown in the cancelled tariff, the tariff effecting the cancellation must show where the rates, charges, rules and regulations not shown therein will thereafter be found, or what rates, charges, rules and regulations will thereafter apply.

(6) **Reinstatement only by publication:** When a tariff or a portion thereof has been cancelled, it cannot be reinstated other than by republication in the manner provided by these regulations.

### RULE 13—FILING OF TARIFFS

(1) **Period of notice:** Tariffs, revised pages or supplements thereto, shall be filed with the Board on not less than thirty (30) days' notice for increases and three (3) days' notice for reductions or other changes, including reductions in amounts of increases before their effective dates (see paragraph 3 of this rule). A change from a recurring rate or charge to a non-recurring rate or charge, or vice-versa, however, is to be made on thirty (30) days' notice.

(2) **Changes in tolls:** Except by authorization of the Board no toll may be increased until it has been in force for at least thirty (30) days and no toll may be reduced until it has been in force for at least three (3) days.

(3) **Reduction in amount of increase before effective date:** If a tariff has been filed to increase a toll on thirty (30) days' notice and if, prior to its effective date, it is desired to reduce the amount of the increase, a tariff may be filed on not less than three (3) days' notice to effect such reduction upon the same date as proposed for the original increase.

(4) **Commencement of period of notice:** The act of mailing does not constitute filing and the period of notice commences from the date of receipt of the tariff by the Board.

(5) **CTC numbers to be consecutive:** Tariffs shall be filed in consecutive order. If, for any reason, this is not done, the tariff which is filed with a CTC number that is not consecutive, shall be accompanied by an explanation of the omission in filing.

(6) **Filing Advice:** Tariffs shall be accompanied by a filing advice in duplicate, approximately 8 or 8½ inches wide by 10 inches long, consecutively numbered from 1 upwards and in substantially the following form:

(Name of Company)  
Address  
Date

Filing Advice No.....  
Director,  
Traffic Department,  
Board of Transport Commissioners for Canada,  
Ottawa, Ontario.

In compliance with the requirements of the Railway Act, I transmit herewith for filing with the Board, copies of telegraph/telephone tariffs as follows:

Tariff CTC Number	Date Taking Effect	Description

Name.....  
Title.....

The original filing advice will be retained; the duplicate will be stamped with the date of receipt and returned to the sender.

(7) **Letter of explanation of changes:** Tariffs shall also be accompanied by a letter explaining fully the reasons for any changes therein in rates, charges, rules or regulations.

(8) **Number of copies to be filed:** One copy of each tariff, revised page or supplement, and two copies of each tariff index, shall be filed with the Board. Where ten loose-leaf pages or single-sheet tariffs are submitted on a single filing advice, however, they shall be submitted in duplicate, except tariff index pages which shall be submitted in triplicate.

(9) **Mailing of tariffs:** Tariffs, filing advices and accompanying letters of explanation shall be addressed to the Director, Traffic Department, Board of Transport Commissioners for Canada, Ottawa, Ontario, with the envelope being marked as containing "Tariffs". If the envelope is also plainly marked "O.H.M.S.", no postage is required.

#### RULE 14—FILING OF TARIFFS FOR JOINT ROUTES

(Telephone companies only)

(1) **Tariffs applicable to continuous route to be filed:** Where a telephone company establishes by tariff, rates for service over a continuous route operated jointly with other telephone companies not subject to the Board's jurisdiction, and it is necessary to use tariffs of the other company to determine the rate or charges for the service provided over such continuous route, the company subject to the Board's jurisdiction may, in lieu of publication by itself, file with the Board one copy of each of such other company's tariffs, supplements or revised pages as issued from time to time.

(2) **CTC number and Filing Advice not required:** Tariffs described in paragraph (1) of this rule are not required to be designated by a CTC number, nor shall any filing advice be necessary, but such tariffs shall be listed in the tariff index of each company.

(3) **One telephone company may file on behalf of other companies:** In order to avoid duplicate filing of tariffs described in paragraph (1) of this rule, telephone companies subject to the jurisdiction of the Board may arrange for one company to file such tariffs on behalf of all of them and notify the Director, Traffic Department of the Board, by letter of such arrangement.

#### RULE 15—REJECTION OF TARIFFS

(1) **Board may reject tariffs:** Tariffs which fail to meet the requirements of these regulations may be rejected and returned to the sender.

(2) **Rejected tariffs are void:** The CTC tariff number, the revised page number or the supplement number of a rejected tariff, shall not be used again.

(3) **Substitution of rejected tariffs:** Tariffs, revised pages or supplements thereto, issued in lieu of those rejected by the Board, shall show the following reference thereon:

*"Issued in lieu of (here, insert reference to the rejected tariff, revised page or supplement) rejected by the Board of Transport Commissioners for Canada."*

#### RULE 16—CONTRACTS OR CONNECTING AGREEMENTS

(1) **Contracts, agreements and arrangements subject to approval:** Contracts, agreements and arrangements for the regulation and interchange of telegraph or telephone messages, or service, or for the division or apportionment of tolls, or generally in relation to the management, working or operation of telegraph or telephone systems or lines, or any part of them, are subject to the approval of the Board under Section 380 of the Railway Act and shall, so far as may be convenient, conform in dimensions with the requirements of these regulations with respect to tariffs.

(2) **Contracts between telephone companies constitute concurrence in tariffs:** Where the contracts, agreements and arrangements described in paragraph (1) of this rule are made between telephone companies and provide that the tariffs of one of the parties thereto shall apply to all communications interchanged between their respective systems, a certified copy of such contract, agreement or arrangement shall be filed with the Board and shall constitute sufficient notification to the Board of the concurrence of the parties in such tariffs. Where contracts, agreements and arrangements do not provide that the tariffs of one of the parties thereto are applicable to all communications interchanged between their respective systems, and a joint tariff applicable to such communications is filed with the Board, the provisions of Rule 17 shall be applied to telephone companies.

**RULE 17—CONCURRENCES IN JOINT TARIFFS  
(Telegraph Companies)**

(1) **Concurrences to be filed by participating telegraph companies:** Intermediate and terminating telegraph companies in Canada, participating in joint tariffs applying between points in Canada shall notify the Board of their assent to, and concurrence in, such joint tariffs by filing concurrences with the Board in the form prescribed in paragraph (2) or paragraph (3) of this Rule.

(2) **Form of specific concurrence:**

(Corporate Name of Concurring Telegraph Company)  
Address  
Date  
CTC CC T

Board of Transport Commissioners for Canada,  
Ottawa, Ontario.

This is to certify that the.....Telegraph Company assents to, and concurs in, the publication and filing of (*name of telegraph company issuing the tariff and title of tariff*), CTC....., in which this company is named as a concurring telegraph company, insofar as such tariff contains rates, charges or regulations applicable to or via (not from) this company's points, and hereby makes itself a party thereto and bound thereby.

This certificate expires with the cancellation or expiration of the tariff to which it applies.

Signature.....  
Title.....

Copy mailed to:.....

(3) **Form of general concurrence:** The following form is unlimited in its concurrence and applies to all telegraph tariffs applying to or via points of the company giving the concurrence.

(Corporate Name of Concurring Telegraph Company)  
Address  
Date  
CTC GC T

Board of Transport Commissioners for Canada,  
Ottawa, Ont.

This is to certify that . . . (name of concurring telegraph company) . . . assents to, and concurs in, all joint tariffs and amendments thereto that may hereafter be published and filed by . . . (name of telegraph company issuing tariffs) . . . in which this company is named as a participant, insofar as such tariffs contain rates, charges or regulations applicable to or via (not from) this company's points, and hereby makes itself a party thereto and bound thereby.

Name.....  
Title.....

Duplicate mailed to:

(4) **Preparation and numbering of concurrences:** Concurrences shall be prepared on paper approximately eight (8) inches by ten (10) inches in size and shall be consecutively numbered by the telegraph company issuing them.

(5) **Filing of concurrences:** Specific and general concurrences shall be forwarded to the Director, Traffic Department of the Board, with a copy thereof being sent concurrently to the telegraph company in whose favour it is executed, or specific concurrences may be sent in duplicate to the telegraph company issuing the tariff, who in turn will file it with the Board concurrently with the filing of the tariff concurred in. If an acknowledgment is required from the Board, an additional copy shall be supplied for that purpose which will be stamped with date of receipt and returned to the issuing company.

(6) **Concurrences not required in international tariffs:** Concurrences are not required in international tariffs; tariffs applying from a foreign country through Canada to a foreign country; or from foreign telegraph companies participating in tariffs applying from Canada through a foreign country into Canada.

(7) **Revocation of concurrences:** Concurrences may be cancelled by notice of revocation. Such notice of revocation shall be forwarded to reach the Board at least 60 days before coming into force, and a copy thereof concurrently served upon the telegraph company concerned. Notice of revocation shall be in the following form:

(Corporate Name of Telegraph Company)

Address

Date

Revocation of: {CTC GC T...  
                          {CTC CC T...

Board of Transport Commissioners for Canada,  
Ottawa, Ontario.

Effective....., concurrence noted above issued by.....  
(name of telegraph company issuing concurrence).....in favour of  
.....(name of telegraph company publishing the tariff or tariffs).....  
is hereby cancelled and revoked.

Reasons:.....  
.....  
.....

Name.....  
Title.....

Duplicate mailed to:

(8) **Revision of tariffs when authority revoked:** When a concurrence is revoked, corresponding revision of the tariff or tariffs must be made not later than the effective date stated in the notice of revocation. If the tariff or tariffs are not so amended, the rates or other provisions therein remain effective and must be protected by the telegraph company or companies responsible for their continued publication.

(9) **Specific concurrence required if tariff to remain in effect after revocation:** If it is desired to continue in effect any tariff issued under a general concurrence to be revoked, a specific concurrence therefor shall be filed with the Board by the concurring telegraph company prior to the effective date of the revocation.

**RULE 18—DEPARTURES FROM REGULATIONS**

(1) **Explanation to be submitted at time of filing:** Tariffs submitted for approval and filing which are contrary to the requirements of these regulations are subject to rejection (see Rule 15), but if circumstances and conditions are deemed by the company to exist and to justify departure from these regulations, a complete explanation must be furnished at the time the tariff is submitted.

**RULE 19—PUBLIC INSPECTION OF TARIFFS**

(1) **Tariffs to be kept open for public inspection:** Every company shall deposit and keep on file at each of its offices or stations a copy of each of its tariffs for service available thereat. Such tariffs are to be kept open and available for the inspection of the public during business hours. At each office or station where tariffs are kept on file the person in charge shall, upon application, produce any particular tariffs on file thereat, for inspection.

(2) **Form of public notice:** Every company shall print a notice in bold type, informing the public that the company's tariffs of tolls in use at each of its offices or stations are open to public inspection and may be seen upon application to the operator, or other person in charge. Such notice shall be prominently posted at each of the company's offices or stations, except that a telephone company may, in lieu of posting such notice, print a notice in bold type in each of its Official Telephone Directories, as follows:

“.....TELEPHONE COMPANY

**PUBLIC NOTICE**

The Company's tariffs are open to public inspection and may be seen at any of its business offices during business hours.”

# TARIFF CIRCULAR 3

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## GENERAL ORDER No. 849

*In the matter of testing and repairing of highway crossing protective devices:*

File No. 15382.

THURSDAY, the 2nd day of July, A.D. 1959.

ROD KERR, Q.C., *Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

Upon reading the submissions filed—

*It is hereby ordered as follows:*

General Order No. 846, dated May 29, 1959, is amended by striking out the words "such tests may be made once every two days" appearing in paragraph one, sub-paragraph (a), and substituting therefor the words "not more than two days may elapse on which no test is made".

ROD KERR,  
*Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 98623 July 24—Requiring the C.N.R. to install automatic protection at the crossing of their railway and the highway between Concs. 3 & 4, north of Maple, Ont., Mileage 19.4 Newmarket Subd.
- 98624 July 24—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Tache St. in St. Pascal, P.Q., Mileage 25.49 Montmagny Subd.
- 98625 July 24—Authorizing the C.N.R. to relocate the private siding serving the City of Fort William across Empire Ave., in the City of Fort William, Ont. Mileage 5.21 Kashabowie Subd.
- 98626 July 24—Authorizing the C.N.R. to operate over the bridge crossing Three Hills Creek, Alta., Mileage 65.8 Three Hills Subd.
- 98627 July 24—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Highway No. 97, Mileage 2.34 Osoyoos Subd., B.C.
- 98628 July 24—Authorizing the C.P.R. to construct an extension of its siding at grade across Prince Edward St., in Brighton, Ont., Mileage 9.80 Oshawa Subd.
- 98629 July 24—Authorizing the C.P.R. to construct an extension of its siding across the road allowance between Lots 4 and 5, Conc. B., Twp. of Hamilton, Ont., Mileage 29.09 Oshawa Subd.
- 98630 July 24—Authorizing the Corp. of the District of Coquitlam, B.C. to construct a concrete sewer across and under the pipe line of Trans-Mountain Oil Pipe Line Co. at Thomas Ave., in the Munic. of Coquitlam, B.C.
- 98631 July 24—Authorizing the C.P.R. to construct an industrial spur track to serve Meadowbrook Industrial Area at Mileage 3.70 Winchester Subd., P.Q.
- 98632 July 27—Rescinding Orders 85631 and 86642 in the matter of protection at the crossing of the C.N.R. and Davis Drive, in the Town of Newmarket, Ont., Mileage 34.1 Newmarket Subd.
- 98633 July 27—Requiring the C.N.R. to install automatic protection at the crossing of their railway and County Road No. 2 in the County of Halton, Ont., Mileage 25.67 Oakville Subd.
- 98634 July 27—Authorizing the removal of the speed limitation at the crossing of the Highway and the C.P.R. at first public crossing west of west switch at Cabri, Sask., Mileage 35.36 Empress Subd.
- 98635 July 27—Relieving the Northern Alberta Railways Company from erecting right of way fencing on the north side of its Slave Lake Subd., between Mileages 251.4 and 258.2 Alta.

- 98636 July 27—Relieving the Northern Alberta Railways Company from erecting right of way fencing on the north side of its Grande Prairie Subd. between Mileages 75.3 and 88.0, Alta.
- 98637 July 27—Approving revised Appendix A to Traffic Agreement between The Bell Telephone Company of Canada and Quebec—Téléphone (Région du Golfe St-Laurent).
- 98638 July 27—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Quebec—Telephone (Division de l'Est).
- 98639 July 27—Amending Order No. 98327, re apportionment of cost of reconstructing and improving the subway at the intersection of St. Jean St. and the C.N.R. in the Village of Charny, P.Q., Mileage 103.2 Armagh Subd.
- 98640 July 27—Approving plan submitted by Trans-Canada Pipe Lines Limited, showing the general location of Compressor Station No. 92 and the necessary appurtenances of the Northern Ontario Pipe Line Crown Corporation in the Twp. of Eilber, Ont.
- 98641 July 27—Relieving the Northern Alberta Railways Company from erecting right of way fencing on certain mileages on its Peace River Subd., Alta.
- 98642 July 27—Authorizing the Statute Labour Board of Dawson Road Township to relocate the crossing of the highway and the C.P.R. from Mileage 28.2 to Mileage 27.99 Kaministiquia Subd., Twp. of Dawson, Dist. of Thunder Bay, Ont.
- 98643 July 27—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Téléphone Notre-Dame, Ronald Guèvremont, Propriétaire.
- 98644 July 27—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and the Stroud Telephone Company Limited.
- 98645 July 27—Approving Supplements to Traffic Agreement between The Bell Telephone Company of Canada and the Byron Telephone Company Limited.
- 98646 July 27—Approving revised Appendix and Supplement to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Téléphone de L'Avenir.
- 98647 July 27—Approving revised Appendix and Supplement to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Téléphone de Nicolet Limitée.
- 98648 July 27—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and The Corporation of the Township of Caledon.
- 98649 July 27—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Quebec-Telephone (Région de Kamouraska).
- 98650 July 27—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Le Téléphone Arpin, P. E. Arpin, Propriétaire.
- 98651 July 27—Relieving the Northern Alberta Railways Company from erecting right of way fencing on the north side of its Edmonton Subd., Alta.
- 98652 July 27—Authorizing the C.N.R. to operate their engines, etc. over the private highway near Atikokan, Ont., Mileage 0.5 Caland Ore Spur.
- 98653 July 27—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 110.38 Hardisty Subd., Alta.
- 98654 July 27—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 98655 July 27—Requiring the C.N.R. to install automatic protection at the crossing of Highway No. 20 and their railway in the Parish of Ste. Rosalie, P.Q., Mileage 124.95 Drummondville Subd.
- 98656 July 27—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.

- 98657 July 28—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 18, Prov. of Sask., at Mileage 86.37 Lampman Subd.
- 98658 July 28—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 98659 July 28—Authorizing the C.N.R. to remove the caretaker at Memramcook, N.B.
- 98660 July 28—Requiring the C.N.R. to install protection at the crossing of their railway and Alma St., in St. Thomas, Ont., Mileage 118.75 Cayuga Subd.
- 98661 July 28—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Eckhardt Ave., Penticton, B.C., Mileage 132.7 Carmi Subd.
- 98662 July 28—Authorizing the Town of St. Vincent de Paul, P.Q., to construct the highway across the C.P.R. in Lot 109, Mileage 3.93 Trois-Rivières Subd.
- 98663 July 28—Authorizing the C.N.R. to remove the temporary agent and caretaker at Blackwell, Ont.
- 98664 July 28—Approving location of the proposed station to be erected by the Quebec North Shore and Labrador Rly. Co. at Schefferville, P.Q.
- 98665 July 28—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Highway No. 95 near Cranbrook, B.C., Mileage 4.5 Kimberley Subd.
- 98666 July 28—Authorizing the City of Edmonton to construct 86th Street across the C.P.R. in the City of Edmonton, at Mileage 171.74 Willingdon Subd.
- 98667 July 28—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 1.61 Kensington Subd., P.E.I.
- 98668 July 30—Approving revised plan submitted by Consumers' Gas Company in connection with steel gas main to be constructed across and under the C.N.R. in the Twp. of Uxbridge, Ont., and amending Order No. 98489 by striking out Mileage 35.03 and substituting therefor Mileage 35.18.
- 98669 July 30—Approving flammable liquid storage facilities of Imperial Oil Limited at McCreary, Man., Mileage 139.7 Gladstone Subd.
- 98670 July 30—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 13 at St. Leonard Junction, P.Q., Mileage 80.17 Drummondville Subd.
- 98671 July 30—Requiring the C.P.R. to install automatic protection at the crossing of its railway and the Kamloops-Vernon Highway 2.5 miles south of Larkin, B.C., Mileage 40.65 Okanagan Subd.
- 98672 July 30—Requiring the C.N.R. to install automatic protection at the crossing of their railway and the Vernon-Kamloops Highway at Monte Lake, B.C., Mileage 34.02 Okanagan Subd.
- 98673 July 30—Authorizing the Munic. Corporation of St. Janvier de Joly to widen the crossing of the highway and the C.N.R. at Mileage 33.67 Drummondville Subd.
- 98674 July 30—Approving Plan revised to July 14, 1959, submitted by Imperial Oil Limited, showing construction of a pipe line across and under Interprovincial Pipe Line Co. in the County of Lambton, Ont.
- 98675 July 30—Approving revised Plan submitted by Imperial Oil Limited showing construction of oil pipe line across and under the Interprovincial Pipe Line Co. in the Twp. of Sarnia, Co. of Lambton, Ont.
- 98676 July 30—Authorizing the Saskatchewan Dept. of Highways and Transportation to relocate and widen Highway No. 9 where it crosses the Trans-Canada Pipe Lines Limited, between Secs. 17 & 18, Twp. 15, Rge. 2, W2M.
- 98677 July 30—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Glover Road at Fort Langley, B.C., Mileage 102.98 Yale Subd.
- 98678 July 30—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Chemin du Lac, in the Parish of Notre Dame du Portage, Co. Rivière du Loup, P.Q., Mileage 5.9 Montmagny Subd.

- 98679 July 30—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Westsyde Road north of Kamloops, B.C., Mileage 0.98 Ashcroft Subd.
- 98680 July 30—Requiring the C.P.R. to install automatic protection at the crossing of its railway and the Southern Trans Provincial Highway at Okanagan Falls, B.C., Mileage 10.38 Osoyoos Subd.
- 98681 July 30—Authorizing the Township of Etobicoke, Ont., to construct a concrete sewer pipe line across and under the pipe line of the Trans Northern Pipe Line Co. in Lot 31, Conc. "B" fronting the Humber, Twp. of Etobicoke, Co. York, Ont.
- 98682 July 30—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at Elgin, Man., Mileage 42.0 Hartney Subd.
- 98683 July 30—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Mara Lake Highway in Grindrod, B.C., Mileage 17.75 Okanagan Subd.
- 98684 July 30—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Mission Highway at Abbotsford, B.C., Mileage 88.15 Yale Subd.
- 98685 July 30—Dismissing application of the C.N.R. for authority to remove the station agent and appoint a caretaker at Cap St. Ignace, P.Q.
- 98686 July 30—Authorizing the Ontario Dept. of Highways to construct Highway 624 across the C.N.R. in Lot 6, Conc. 6, Twp. of Foleyet, Dist. of Sudbury, Ont., Mileage 0.57 Oba Subd.
- 98687 July 30—Amending Order No. 98250 in the matter of granting leave to Imperial Oil Limited to construct an oil pipe line across and under the Interprovincial Pipe Line Company in the Township of Sarnia, Ont.
- 98688 July 30—Requiring the C.P.R. to install automatic protection at the crossing of its railway and the Southern Trans Provincial Highway at Ebolt, B.C., Mileage 111.0 Boundary Subd.
- 98689 July 30—Requiring the C.N.R. to install automatic protection at the crossing of their railway and the Kamloops-Vernon Highway at O'Keefe, B.C., Mileage 62.01 Okanagan Subd.
- 98690 July 30—Requiring the C.N.R. to install automatic protection at the crossing of their railway and the Vernon-Kamloops Highway, north of Falkland, B.C., Mileage 45.10 Okanagan Subd.
- 98691 July 30—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 9 near Canora, Sask., Mileage 49.41 Yorkton Subd.
- 98692 July 30—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Tannery St., in the Village of Streetsville, Ont., Mileage 20.85 Galt Subd.
- 98693 July 30—Approving proposed flammable liquid bulk storage facilities of Imperial Oil Limited at Barrington Passage, N.S., Mileage 87.40 Yarmouth Subd.
- 98694 July 30—Approving less-than-standard overhead clearance on the siding serving the St. Lawrence Sugar Refineries Limited, City of Toronto, Ont., Mileage 102.96 Oshawa Subd.
- 98695 July 30—Authorizing the Township of Sandwich South, Ont., to improve the approach grades and widen the travelled portion of the highway at the crossing of Sexton Side Road and the N.Y. Central Railroad Co., at Mileage 126.85 Main Line Subd.
- 98696 July 30—Authorizing the Township of Colchester North, Ont., to raise the approaches at the crossing of The Chesapeake and Ohio Railway Company and the highway between Lots 6 and 7, Conc. 7, Mileage 16.6 St. Thomas Subd.
- 98697 July 30—Authorizing the Township of Colchester North to raise the approaches at the crossing of the highway and The Chesapeake & Ohio Railway Company between Lot 2, Conc. 13 and Lot 2, Conc. 14, Twp. of Colchester North, County of Essex, Ont.

- 98698 July 30—Authorizing the Township of Colchester North to raise the approaches at the crossing of the highway and The Chesapeake and Ohio Railway Company between Lot 3, Conc. 10 and Lot 7, Twp. of Colchester North, County of Essex, Ont.
- 98699 July 30—Authorizing the Township of Colchester North, Ont., to raise the approaches at the crossing of the highway and The Chesapeake & Ohio Railway Company at Mileage 13.9 St. Thomas Subd.
- 98700 July 30—Authorizing the Township of Colchester North to raise the approaches at the crossing of the highway and The Chesapeake and Ohio Railway Company at Mileage 12.1 St. Thomas Subd.
- 98701 July 30—Requiring the C.N.R. to install automatic protection at the crossing of their railway and County Road No. 27 at Reaboro, Ont., Mileage 81.24 Campbellford Subd.
- 98702 July 30—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 21 north of Trochu, Alta., Mileage 53.82 Three Hills Subd.
- 98703 July 30—Requiring the C.N.R. to install automatic protection at the crossing of the C.N.R. and Highway No. 40 at Mirror, Alta., Mileage 0.31 Three Hills Subd.
- 98704 July 30—Authorizing the Nova Scotia Dept. of Highways to relocate the highway across the C.N.R. in Inverness County, N.S., at Mileage 22.52 Sydney Subd.
- 98705 July 30—Authorizing the Township of Colchester North to widen the highway where it crosses the Chesapeake and Ohio Railway Company in the County of Essex, Ont., Mileage 13.0 St. Thomas Subd.
- 98706 July 31—Authorizing the C.N.R. to remove the station building and erect a standard shelter at Millstream, P.Q.
- 98707 July 31—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 98708 July 31—Approving General Location Plan submitted by Trans-Canada Pipe Lines Limited, showing the site of the proposed compressor station No. 130 and appurtenances, in Lot 29, Conc. 6, Twp. of Vaughan, Ont.
- 98709 July 31—Approving General Location Plan submitted by Trans-Canada Pipe Lines Limited showing the site of compressor station No. 80, and appurtenances of the Northern Ontario Pipe Line Crown Corporation in the unsurveyed Twp. of Ilsley, District of Kenora, Ont.
- 98710 July 31—Declaring the crossing of Crosby Avenue and the C.N.R. in the Town of Richmond Hill, Ont., Mileage 21.48 Bala Subd., to be a public crossing. Upon completion of improvements to the crossing by the Town of Richmond Hill the C.N.R. is required to install automatic protection at same.
- 98711 July 31—Approving Traffic Agreement between The Bell Telephone Company of Canada and La Société de Téléphone La Baie du Febvre.
- 98712 July 31—Approving General Location Plan submitted by Trans-Canada Pipe Lines Limited, showing the site of compressor station No. 80 and appurtenances of the Northern Ontario Crown Pipe Line Corporation in the unsurveyed Twp. of Houck, District of Thunder Bay, Ont.
- 98713 July 31—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Highway No. 11 at Mileage 38.69 Duck Lake Subd., Sask.
- 98714 July 31—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 56, south of Stettler, Alta., Mileage 52.0 Stettler Subd.
- 98715 July 31—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Provincial Highways Nos. 10 and 15, near Melville, Sask., Mileage 1.12 Touchwood Subd.
- 98716 Aug. 4—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.

- 98717 Aug. 4—In the matter of the application of Niagara Gas Transmission requesting leave to construct a pipe line for the transportation of natural gas from a point in the City of Ottawa, Ont., across the Ottawa River to a point in the Village of Gatineau Point, P.Q.
- 98718 Aug. 5—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Pine Beach Boulevard, at Dorval, P.Q., Mileage 11.40 Cornwall Subd.
- 98719 Aug. 5—Authorizing Trans Mountain Oil Pipe Line Company to carry its pipe line loop across all utilities and public highways as shown on revised plan submitted by them.
- 98720 Aug. 5—Approving flammable liquid storage facilities of British American Oil Company Limited at Grand Forks, B.C., Mileage 95.0 Boundary Subd.



# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

Vol. XLIX

OTTAWA, SEPTEMBER 15, 1959

No. 12

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*In the matter of the application of the City of Calgary, Alberta, dated the 23rd of March, 1959, for an Order for the construction of a subway at mileage 135.2, Drumheller Subdivision of the Canadian National Railway Company, and the construction of a highway crossing at rail level over the spur track of the Canadian National Railway Company paralleling the said Drumheller Subdivision line;*

and

*In the matter of the application for a grant from the Railway Grade Crossing Fund towards the costs of the said subway;*

and

*In the matter of the apportionment of the cost of the said works:*

File Nos. 28786.300  
15542

Heard at:

CALGARY, Alberta, on July 6th and 7th, 1959.

Before:

H. H. GRIFFIN, Assistant Chief Commissioner

L. J. KNOWLES, Commissioner

Appearances:

F. J. FLEMING, for the City of Calgary, Alberta

W. G. BOYD and H. F. HUTTON, for the Canadian National Railway Company

### J U D G M E N T

GRIFFIN, A.C.C.:

The City of Calgary is in the course of constructing a new highway project which will cross the main line of the Canadian Pacific Railway Company and its Ogden Yard tracks by means of the Alyth overhead bridge (now in the

course of reconstruction) and will cross Portland Street by an overpass (to be constructed). Its extension westward beyond Portland Street will entail crossing the railway line of the Canadian National Railway Company at mileage 135.2 of its Drumheller Subdivision, and also the crossing of a parallel industrial spur track of the same Company.

The City's application is for an Order authorizing the construction of a highway underpass, or subway, at mileage 135.2 Drumheller Subdivision and the construction of a highway crossing at rail level over the spur track. The proposed subway is marked as point "A", and the proposed level crossing of the spur track as point "B" on the map Exhibit 5, and I will refer to them hereafter by these letters.

The application is also for a contribution from the Railway Grade Crossing Fund towards the construction of the underpass and level crossing in an amount of 80 per cent of the cost of the project and for an Order of the Board for a contribution by the Canadian National Railway Company to such cost, as well as to maintenance costs.

The City's estimate of the cost of the project is \$490,320.

The Canadian National Railway Company did not object to an Order being made authorizing the construction and reserving the question of apportionment of cost, provided the same Order authorized a contribution from the Railway Grade Crossing Fund of 80 per cent of the cost of construction.

The City's application is also for an Order closing the two existing level crossings where a minor road crosses the line of the Drumheller Subdivision and the spur track at a point some 200 to 300 yards roughly southeast of the proposed subway.

The existing crossing of the Drumheller Subdivision is marked as point "C" and the crossing of the spur track as point "D", Exhibit 5. I will refer to them hereafter by these letters. It is not necessary in this Judgment to determine whether or not crossings "C" and "D" are public crossings.

The City called evidence to show the vehicular traffic crossing at points "C" and "D". A traffic count was taken on Friday, July 3, 1959, and a statement of this was filed. The count was taken during a period considered to be the peak hours, i.e., between 4:00 p.m. and 6:00 p.m. The count was actually begun at 3:54 p.m. and between that time and 6:00 p.m. the crossing was used by twelve passenger automobiles and seven trucks. Of these, fifteen were proceeding east and four west. A count was also taken on the following day, i.e., Saturday, July 4, but no statement of this was submitted. It was taken between 6:30 a.m. and 9:30 a.m. The testimony was that eight vehicles crossed during that period. Witnesses called by the City, and having knowledge of the crossings, were examined by the Board and their answers did not show any appreciably greater use at other times.

The Traffic Superintendent of the City stated in evidence that a proper rule to apply is that the traffic on a roadway at the peak traffic hours is approximately 10 per cent of the traffic on that roadway during a period of 24 hours. From this he deduced that in a 24-hour period the number of vehicles using "C" and "D" is approximately 110. The City has, since the hearing, fortified this evidence by submitting to the Board the results of a count taken during a 24-hour period on July 9 and 10, 1959. It shows 132 vehicles as having crossed at these points, which total is made up as follows:

11:00 a.m. July 9 to 7:00 p.m. July 9 .....	78
7:00 p.m. July 9 to 3:00 a.m. July 10 .....	9
3:00 a.m. July 10 to 11:00 a.m. July 10 .....	45
<b>Total .....</b>	<b>132</b>

At the conclusion of the hearing the Board made an inspection of these two crossings accompanied by officials of, and Counsel for, the City and the Railway Company. I am satisfied that crossings at point "A" and point "B" would be built whether or not crossings at points "C" and "D" are closed or kept open.

Evidence was also led that the use of the projected highway and proposed subway would divert traffic from other railway crossings in the same general area of the City. These are marked on Exhibit 5 as crossings "J", "G", "F" and "E". It was also stated that it would divert traffic from an existing subway under the tracks of the Canadian National Railway Company at another point (marked on Exhibit 5 as point "H"), thereby deferring the widening of the roadway at that point. The widening of the roadway would require the extension by the Railway Company of its steel span, which requirement would be deferred by the City's proposed project at points "A" and "B".

The City's Traffic Superintendent estimates that the traffic that would be diverted from crossings "J", "G", "F", and "E" is as high as 20 per cent of the total traffic crossing at these points. Crossings "J" and "G" are of the main line of the Canadian Pacific Railway Company. Crossing "F" is of the McLeod Subdivision. Crossing "E" is of the same spur line of the Canadian National Railway Company which is now crossed at point "D". All are level crossings. All but crossing "E" are protected.

Accepting the City's evidence, although some 20 per cent of the traffic at these points may be diverted, the remaining traffic will continue what appears to be the heavy use of these crossings.

I would authorize the construction by the City of a subway at mileage 135.2 Drumheller Subdivision of the Canadian National Railway Company (point "A") and the construction of a highway crossing at rail level over the spur track of the Canadian National Railway Company paralleling the Drumheller Subdivision line (point "B").

I would authorize the closing of the existing level crossings at points "C" and "D", upon the completion of the above subway and spur crossing.

The Railway Act, section 265, authorizes the Board to apply the Railway Grade Crossing Fund in its discretion towards the cost of "work actually done for the protection, safety and convenience of the public in respect of existing crossings at rail level".

Subsection 8 of that section provides that:

"Where a highway project involves the construction of a grade separation crossing and the closing of an existing crossing at rail level or the diversion therefrom of substantially all highway traffic using it, the grade separation shall, if the Board so directs, be deemed to be a work for the protection, safety and convenience of the public in respect of that existing crossing."

I do not find that the construction of the subway and level crossing at points "A" and "B" will divert from any one of the crossings at "J", "G", "F" or "E" substantially all highway traffic using them.

I find that the proposed crossings at points "A" and "B" are new highway crossings of the railway and that such crossings will not replace existing public crossings at grade.

Accordingly, on the merits, there will be no contribution ordered from the Railway Grade Crossing Fund and no Order in respect of cost made upon the Canadian National Railway Company.

An Order will issue.

H. H. GRIFFIN.

*I concur:*

L. J. KNOWLES

August 12, 1959.

## ORDER No. 98835

*In the matter of the application of the City of Calgary, Alberta, hereinafter called the "Applicant", dated March 23, 1959, for an Order authorizing the construction of a subway at mileage 135.2 Drumheller Subdivision of Canadian National Railway Company, and the construction of a highway crossing at grade over the spur track of the Canadian National Railway Company paralleling the said Drumheller Subdivision, in the Province of Alberta:*

*and*

*In the matter of the application for a grant from The Railway Grade Crossing Fund towards the costs of the said subway:*

*and*

*In the matter of the apportionment of the cost of the said works:*

Files Nos. 28786.300  
15542.

THURSDAY, the 13th day of August, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

*Upon hearing the application at a sitting of the Board held at Calgary on July 6, 1959, in the presence of Counsel for the Applicant and for the Canadian National Railway Company; and upon reading the submissions filed—*

*It is hereby ordered as follows:*

1. The Applicant is authorized to construct and maintain a highway across the right of way of Canadian National Railway Company, by means of a subway, at mileage 135.2 Drumheller Subdivision, and across the spur track of Canadian National Railway Company paralleling the Drumheller Subdivision at grade, in the City of Calgary, Province of Alberta, as shown on Plans 823-2, 823-3, 823-4, 823-5, 823-6, 823-7, 823-8, 823-9 and 823-10, all dated June, 1958, on file with the Board under files Nos. 28786.300 and 15542.

2. The said subway shall be constructed in accordance with the requirements of General Order 848; and the said level crossing shall be constructed in accordance with the requirements of the Railway Act and the Standard Regulations of the Board Affecting Highway Crossings.

3. Upon completion of the said subway, Canadian National Railway Company shall close, within the limits of its right of way, the two existing crossings leading to the substation of the Calgary Power Company southeast of the said subway.

4. The cost of construction and future maintenance of the said subway and the level crossing, as well as the cost of closing the two crossings referred to in paragraph numbered three of this Order, shall be borne and paid by the Applicant.

5. The application for a contribution from The Railway Grade Crossing Fund is denied.

H. H. GRIFFIN,

*Assistant Chief Commissioner.*

ACCIDENTS REPORTED TO THE OPERATION DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
JUNE, 1959

Railway Accidents .....	211	Killed	13	Injured	217
Level Crossing Accidents ....	44	Killed	24	Injured	42
	255		37		259

		<i>Killed</i>		<i>Injured</i>	
Passengers .....	—			36	
Employees .....	2			168	
Others .....	35			55	
	37			259	

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

NEWFOUNDLAND

- 1 Automobile struck by train. Licence: Nfld. 18-270.

PRINCE EDWARD ISLAND

- 2 Auto truck struck by train. Licence: PEI C-64-79.

NOVA SCOTIA

- 1 — Automobile ran into side of train. Licence: N.S. 10-78-59.  
— 1 Automobile ran into side of train. Licence: N.S. 3-70-83.

NEW BRUNSWICK

- 1 Automobile struck by train. Licence: N.B. C-21492.

QUEBEC

- 2 Automobile ran into side of train. Licence: Que. 600-860.  
1 — Motorcycle ran into side of train. Licence: Que. M-5228.  
2 — Automobile ran into side of train. Licence: Que. 414-076.  
— 1 Automobile struck by train. Licence: Que. 480-596.  
— 1 Automobile struck by train. Licence: Que. 519-950.  
— 1 Automobile struck by train. Licence: Que. 385-460.  
— 1 Auto truck struck by train. Licence: Que. N-310-89.

ONTARIO

- 1 — Automobile struck by train. Licence: Ont. C-17133.  
2 — Automobile ran into side of train. Licence: N.Y. 5181-ER.  
— 2 Automobile struck by track motor car. Licence: Ont. B-43618.  
— 1 Automobile struck by track motor car. Licence: Ont. L-40348.  
— 2 Automobile ran into side of train. Licence: Ont. 33-837.  
1 1 Automobile ran into side of train. Licence: Ont. C-37771.  
— 1 Automobile struck by kershaw machine. Licence: Ont. 611-766.  
— 1 Auto truck struck by train. Licence: Ont. 87981-A.  
6 1 Automobile struck by train. Licence: Ont. 493-383.  
— 1 Automobile struck by train. Licence: Ont. 409308.  
— 1 Automobile ran into side of track motor car. Licence: Ont. B-91138.

*Killed Injured*

- 2 Automobile struck by train. Licence: Ont. H-18185.
- 1 Automobile ran into side of train. Licence: Ont. 947-237.
- 1 — Auto truck struck by train. Licence: Ont. 41-254-A.
- 1 Automobile struck by train. Licence: Ont. L-20507.
- 1 Road Maintenance machine struck by train.
- 1 — Pedestrian struck by train.
- 1 Automobile struck by train. Licence not given.
- 1 — Automobile struck by train. Licence: Ont. 639-782.

## MANITOBA

- 1 Auto truck struck by train. Licence: Man. FT-54155.
- 3 Automobile struck by train. Licence: Man. 3-Y-637.
- 1 1 Automobile ran into side of train. Licence: Man. 7-G-603.
- 1 Pedestrian struck by train.

## SASKATCHEWAN

- 1 Automobile ran into side of track motor car. Licence not given.
- 2 — Auto truck struck by train. Licence: Man. 54266.
- 2 — Automobile struck by train. Licence: Sask. 128753.

## ALBERTA

- 1 — Auto truck struck by train. Licence: Alta. E-50-807.

## BRITISH COLUMBIA

- 1 Automobile struck by train. Licence: B.C. 414-107.
- 1 — Automobile struck by train. Licence: B.C. 291-515.
- 2 Auto truck struck by train. Licence: B.C. 687-388.
- 3 Automobile struck by train. Licence: B.C. 100-349.
- 1 Road Grader struck by train.

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Of the 44 accidents at highway crossings, 34 occurred at unprotected crossings, 10 at protected crossings, 34 occurred after sunrise and 10 after sunset.

OTTAWA, Ontario,  
August 25, 1959.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 98721 Aug. 6—Authorizing the C.P.R. to remove the caretaker at Dumas, Sask.
- 98722 Aug. 6—Authorizing the C.N.R. to construct a siding across County Road No. 5, in Twp. of Mathilda, Co. Dundas, Ont., Mileage 95.9 Cornwall Subd., to serve Hydro Electric Power Commission of Ontario.
- 98723 Aug. 6—Approving the C.P.R. restricted top and side clearances on the trackage serving Abitibi Power and Paper Company Limited, at Sturgeon Falls, Ont., Mileage 23.8 Cartier Subd.
- 98724 Aug. 6—Amending Order No. 80942, re apportionment of cost of installing automatic protection at the crossing of the C.N.R. and Arthur Street (Provincial Highway No. 87) in the Town of Harriston, Ont., Mileage 5.77 Owen Sound Subd.
- 98725 Aug. 6—Authorizing the City of North Battleford to construct a canopy roof over the sidewalk in the subway on Victoria St., City of North Battleford, Sask.
- 98726 Aug. 6—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at Bateman, Sask., Mileage 92.0 Gravelbourg Subd., C.N.R.
- 98727 Aug. 6—Requiring the Northern Alberta Railways Company to install automatic protection at the crossing of its railway and Highway No. 2, near Canyon Creek, Alta., Mileage 176.1 Slave Lake Subd.
- 98728 Aug. 6—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 5 at Highgate, Sask., Mileage 11.37 Blackfoot Subd.
- 98729 Aug. 6—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Main Street at Pointe au Pic, P.Q., Mileage 86.47 Murray Bay Subd.
- 98730 Aug. 6—Authorizing the C.P.R. to remove the station building at Enlaugra, P.Q., Mileage 0.0 Drummondville Subd.
- 98731 Aug. 6—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 28, Alta., Mileage 65.46 Coronado Subd.
- 98732 Aug. 6—Authorizing the Sask. Department of Highways & Transportation to widen Highway No. 6 where it crosses the C.N.R. at Mileage 97.8 Tisdale Subd., and the C.P.R. at Mileage 81.39 Melfort Subd., in the NE $\frac{1}{4}$  Sec. 6, Twp. 45, Rge. 18, W.2M.
- 98733 Aug. 6—Approving proposed liquefied petroleum gas storage facilities of Atlantic Speedy Propane Limited at Saint John, N.B., Mileage 0.79 Dry Dock Spur, Sussex Subd., C.N.R.
- 98734 Aug. 6—Approving the C.P.R. restricted clearance on the siding serving Western Grocers Limited, in the City of Regina, Sask.
- 98735 Aug. 7—Authorizing the Toronto and York Roads Commission to widen Bayview Ave. where it crosses the C.N.R. in the Twp. of Markham, Co. of York, Ont., Mileage 16.9 Bala Subd.
- 98736 Aug. 7—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Pomme d'Or, P.Q., Mileage 28.14 Sorel Subd.
- 98737 Aug. 7—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and the highway at Glen River, P.Q., Mileage 3.55 Megantic Subd.
- 98738 Aug. 7—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 21A near Beiseker, Alta., Mileage 91.23 Three Hills Subd.
- 98739 Aug. 7—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 21 at Delburne, Alta., Mileage 21.13 Three Hills Subd.
- 98740 Aug. 7—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 32 at Peers, Alta., Mileage 109.82 Wabamun Subd.

- 98741 Aug. 7—Requiring the Northern Alberta Railways Company to install automatic protection at the crossing of its railway and Highway No. 2, Alberta, Mileage 168.0 Slave Lake Subd.
- 98742 Aug. 7—Requiring the C.N.R. to install automatic protection at the crossing of their railway and McKay Road (Highway No. 6 detour) in the Co. of Bonaventure, P.Q., Mileage 59.76 Cascapedia Subd.
- 98743 Aug. 7—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 98744 Aug. 7—Requiring the Northern Alberta Railways Company to install automatic protection at the crossing of its railway and Highway No. 2 at Canyon Creek, Alta., Mileage 177.22 Slave Lake Subd.
- 98745 Aug. 7—Authorizing the C.N.R. to leave Welland Canal Bridge No. 8 at Thorold, Ont., Mileage 0.24 Thorold Industrial Spur, in an open position for navigation.
- 98746 Aug. 7—Approving proposed additional flammable liquid storage facilities of Imperial Oil Limited at Imperial, Sask., C.P.R., Colonsay Subd.
- 98747 Aug. 7—Approving proposed flammable liquid storage facilities of the C.P.R. at Trenton, Ont., Mileage 102.32 Belleville Subd.
- 98748 Aug. 7—Approving flammable liquid storage facilities of Imperial Oil Limited at Glentworth, Sask., Wood Mountain Subd., C.P.R.
- 98749 Aug. 7—Authorizing the C.P.R. to discontinue its passenger train service between Ottawa, Ont., and Waltham, P.Q.
- 98750 Aug. 7—Approving proposed flammable liquid bulk storage facilities of Edwards Sudbury Limited at Sudbury, Ont., C.P.R.
- 98751 Aug. 7—Approving flammable liquid bulk storage facilities of North Star Oil Limited at Bentley, Alta., C.P.R.
- 98752 Aug. 7—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at White Fox, Sask., White Fox Subd., C.P.R.
- 98753 Aug. 7—Approving flammable liquid storage facilities of Canadian Oil Companies Limited at Kitchener, Ont., Waterloo Subd., C.N.R.
- 98754 Aug. 7—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 26 two miles northeast of Grainger, Alta., Mileage 77.51 Three Hills Subd.
- 98755 Aug. 7—Authorizing the Rural Munic. of Mantario No. 262 to construct the highway over the C.N.R. in the SE $\frac{1}{4}$  Sec. 34, Twp. 26, Rge. 27, W.3M., Sask., Mileage 25.07 Mantario Subd.
- 98756 Aug. 10—Authorizing the Quebec Central Railway Company to remove the station agent and appoint a caretaker at Ste. Rose Station, P.Q.
- 98757 Aug. 10—Authorizing the C.P.R. to construct a siding extension across the road allowance, at Gladstone, Man., Mileage 34.10 Minnedosa Subd.
- 98758 Aug. 10—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Manor, Sask., C.P.R.
- 98759 Aug. 10—Authorizing the Village of Entwistle, Alta., to construct a road across the pipe line of Trans Mountain Oil Pipe Line Company in the SW $\frac{1}{4}$  Sec. 20, Twp. 53, Rge. 7, W.5M.
- 98760 Aug. 10—Authorizing the Dept of Highways of the Province of Newfoundland to construct the Trans Canada Highway across the C.N.R. by means of an overhead bridge, near Brigus Junction, Nfld., Mileage 1.3 Carboneur Subd.
- 98761 Aug. 10—Authorizing the C.P.R. to reconstruct the bridge over the St. Maurice River at Wayagamack Spur, P.Q.
- 98762 Aug. 11—Approving tolls published in Supplement to Tariff by the C.N.R. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 98763 Aug. 11—Authorizing the Montreal Metropolitan Corporation to reconstruct the overhead bridge in the Town of Mount Royal, P.Q., mileage 4.5 Mount Royal Subd., C.N.R.

- 98764 Aug. 11—Authorizing the Ontario Department of Highways to construct Highway No. 97 across the C.P.R. by means of an overhead bridge, in the Twp. of North Dumfries, Co. of Waterloo, Ont., Mileage 63.8 Galt Subd.
- 98765 Aug. 11—Amending Order No. 97278 which authorized the City of Quebec to construct 22nd Street across the C.N.R. at Mileage 1.63 Batiscan Subd.
- 98766 Aug. 11—Authorizing the Twp. of Scarborough, Ont., to widen Birchmount Road where it crosses the C.P.R. at Mileage 97.9 Oshawa Subd.
- 98767 Aug. 11—Authorizing the B.C. Power Commission to construct a single phase power line across and over the pipe line of Westcoast Transmission Company Limited in Lot 5056, Cariboo Land District, B.C.
- 98768 Aug. 11—Authorizing the B.C. Power Commission to construct a single phase power line across and over the pipe line of Westcoast Transmission Company Limited, at Loxterkamp Road, Lot 6688, Cariboo Land District, B.C.
- 98769 Aug. 11—Authorizing the B.C. Power Commission to construct a single phase power line across and over the pipe line of Westcoast Transmission Company Limited, on Inscho Road, Lot 3975, Cariboo Land District, B.C.
- 98770 Aug. 11—Authorizing the B.C. Power Commission to construct a single phase power line across and over the pipe line of Westcoast Transmission Company Limited in District Lot 5054, Cariboo Land District, B.C.
- 98771 Aug. 11—Authorizing the B.C. Power Commission to construct a single phase power line across and over the pipe line of Westcoast Transmission Company Limited, on French Road, District Lot 4527, Cariboo Land District, B.C.
- 98772 Aug. 11—Authorizing the B.C. Power Commission to construct a single phase power line across and over the pipe line of Westcoast Transmission Company Limited, in Lot 6046.
- 98773 Aug. 11—Authorizing the B.C. Power Commission to construct a single phase power line across and over the pipe line of Westcoast Transmission Company Limited, in District Lot 3965, Cariboo Land District, B.C.
- 98774 Aug. 11—Authorizing the Newfoundland Dept. of Highways to construct the highway across the C.N.R. near the Village of Trinity Junction, Dist. Trinity North, Mileage 50.31 Bonavista Subd.
- 98775 Aug. 11—Authorizing the Township of Petawawa, Ont., to construct the highway across the C.P.R. at Mileage 101.92 Chalk River Subd.
- 98776 Aug. 11—Authorizing the C.P.R. to remove the caretaker at Kirkella, Man.
- 98777 Aug. 11—Authorizing the C.N.R. to remove the agent at Ardath, Sask., provided a caretaker is appointed.
- 98778 Aug. 11—Authorizing the Alberta Dept. of Highways to construct Highway No. 36 across the C.P.R. by means of an overhead bridge at Mileage 71.73 Brooks Subd.
- 98779 Aug. 11—Authorizing the C.N.R. to discontinue the summer agency and appoint a caretaker for the entire year at Langford, Ont.
- 98780 Aug. 11—Requiring the C.N.R. to install improved protection at the crossing of their railway and Keale St. and Springdale Road in King, Ont., Mileage 23.3 Newmarket Subd.
- 98781 Aug. 11—Requiring the C.N.R. to install improved protection at the crossing of their railway and the town line between the Twp. of Guelph and the Twp. of Waterloo, Ont., Mileage 54.37 Brampton Subd.
- 98782 Aug. 11—Authorizing the C.P.R. to operate its engines, etc. under the overhead bridge at Victoria Park Ave., in Lots 5 and 6, Conc. 1, Twp. of North York, Ont.
- 98783 Aug. 12—Authorizing the Manitoba Dept. of Public Works to widen the highway where it crosses the C.N.R. at Mileage 66.20 Cowan Subd.

- 98784 Aug. 12—Authorizing the C.N.R. to remove the agent at Jellicoe, Ont., subject to the condition that the present service in the handling of express is unchanged.
- 98785 Aug. 12—Authorizing the C.N.R. to remove the station agent and appoint a caretaker at Clericy, P.Q.
- 98786 Aug. 12—Authorizing the C.P.R. to remove the station shelter at Fox Lake, Ont., Mileage 11.3 Little Current Subd.
- 98787 Aug. 12—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at first public crossing east of station at Fannystelle, Man., Mileage 30.7 Glenboro Subd.
- 98788 Aug. 12—Authorizing the Village of Taylor to construct a road across the pipe line of Westcoast Transmission Company Limited in the SW $\frac{1}{4}$  Sec. 36, Twp. 82, Rge. 18, W.6M., B.C.
- 98789 Aug. 12—Authorizing the B.C. Dept. of Highways to construct Saunders Road across the Esquimalt and Nanaimo Railway at Mileage 89.9 Victoria Subd., B.C.
- 98790 Aug. 12—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 98791 Aug. 12—Approving proposed flammable liquid storage facilities of North Star Oil Limited at The Pas, Man., Mileage 87.41 Turnberry Subd., C.N.R.
- 98792 Aug. 12—Authorizing the New Brunswick Dept. of Public Works to relocate Highway No. 2 where it crosses the C.N.R. between Mileage 71.19 and Mileage 73.45 Temiscouata Subd.
- 98793 Aug. 12—Authorizing Nottingham Gas Limited to construct a gas line across and under the pipe line of Westspur Pipe Line Company in the NW $\frac{1}{4}$  Sec. 27, Twp. 5, Rge. 33, W.1M.
- 98794 Aug. 12—Approving flammable liquid storage facilities of Shell Oil Company of Canada Limited, at Rimouski, P.Q., Mileage 1.54 Rimouski Wharf Branch, Rimouski Subd., C.N.R.
- 98795 Aug. 12—Approving flammable liquid storage facilities of North Star Oil Limited at Birch River, Man., Mileage 21.6 Erwood Subd., C.N.R.
- 98796 Aug. 12—Approving application of the Township of Chinguacousy, Ont., to construct a water main across and under the pipe line of Trans Canada Pipe Lines Limited between Concs. 3 and 4, Twp. of Chinguacousy, Co. Peel, Ont.
- 98797 Aug. 12—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and Ontario Northland Communications.
- 98798 Aug. 12—Authorizing the C.N.R. to remove the caretaker at Charlemagne, P.Q.
- 98799 Aug. 12—Authorizing the C.N.R. and C.P.R. to charge tolls for telegraph messages in Canada on basis submitted with their application.
- 98800 Aug. 13—Approving proposed flammable liquid storage facilities of Texaco of Canada Limited at Atikokan, Ont., C.N.R.
- 98801 Aug. 13—Approving flammable liquid storage facilities of Imperial Oil Limited at Eastend, Sask., C.P.R.
- 98802 Aug. 13—Approving proposed flammable liquid storage facilities of the City of Rimouski, P.Q., at Mileage 18.06 Rimouski Subd., C.N.R.
- 98803 Aug. 13—Requiring the C.N.R. to install automatic protection at the crossing of Highway No. 6 and their railway at Mileage 57.40 Chandler Subd., P.Q.
- 98804 Aug. 13—Authorizing the Ontario Department of Lands and Forests to construct the highway across the C.N.R. in the unsurveyed territory of the District of Thunder Bay, Ont., Mileage 33.28 Dorion Subd.
- 98805 Aug. 13—Authorizing Nottingham Gas Limited to construct a gas line across and under the oil pipe line of Westspur Pipe Line Company.

- 98806 Aug. 13—Authorizing the C.P.R. to operate under the overhead bridge in Lot 39, Conc. 1, Twp. of Vespra, Ont.
- 98807 Aug. 13—Approving operation of the C.N.R. over the private siding serving The Hydro-Electric Power Commission of Ontario, in the City of Belleville, Ont., Mileage 1.21 Campbellford Subd.
- 98808 Aug. 13—Approving proposed flammable liquid storage facilities of the City of Rimouski, P.Q., Mileage 18.22 Rimouski Subd., C.N.R.
- 98809 Aug. 13—Authorizing Marsel A. Konforti and Associates to construct a sanitary sewer across and under the pipe line of Trans-Northern Pipe Line Company in part of Lot 21, Conc. 1, West of Yonge St., Twp. of North York, Co. of York, Ont.
- 98810 Aug. 13—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at St. Joachim, Ont., Mileage 89.88 Windsor Subd.
- 98811 Aug. 13—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and The Corporation of the Twp. of Caledon.
- 98812 Aug. 13—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Tuque Telephone Company.
- 98813 Aug. 13—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de St. Jude.
- 98814 Aug. 13—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under Section 8 of the Maritime Freight Rates Act.
- 98815 Aug. 13—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under Section 8 of the Maritime Freight Rates Act.
- 98816 Aug. 13—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under Section 8 of the Maritime Freight Rates Act.
- 98817 Aug. 13—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 48.1 Arborg Subd., Man.
- 98818 Aug. 13—Authorizing the Inland Natural Gas Company Limited to construct a natural gas main across and under the C.P.R. at Mileage 24.1 Thompson Subd., B.C.
- 98819 Aug. 13—Authorizing the removal of the speed limitation at the crossing of Maple Ave. and the C.P.R. at Yorkton, Sask., Mileage 26.3 Wynyard Subd.
- 98820 Aug. 13—Approving Traffic Agreement between The Bell Telephone Company of Canada and Telephone St-Evariste Inc.
- 98821 Aug. 13—Approving proposed flammable liquid storage facilities of the Consolidated Paper Corporation Limited at Van Bruyssels, P.Q., Mileage 22.8 Jonquiere Subd., C.N.R.
- 98822 Aug. 13—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at third public crossing south of Oro, Ont., Mileage 72.36 Newmarket Subd.
- 98823 Aug. 13—Approving proposed flammable liquid bulk storage facilities of the C.P.R. at North Bend, B.C.
- 98824 Aug. 13—Authorizing the Rural Munic. of Blucher No. 343 to relocate and widen the highway where it crosses the C.P.R. at Elstow, Sask., Mileage 84.0 Sutherland Subd.
- 98825 Aug. 13—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and Chapple Municipal Telephone System.
- 98826 Aug. 13—Authorizing the Ontario Dept. of Highways to relocate the highway where it crosses the C.P.R. in the Twp. of Admaston, Co. of Renfrew, Ont., Mileage 2.82 Kingston Subd.

- 98827 Aug. 13—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and the highway at Mileage 92.94 Ste. Agathe Subd., P.Q.
- 98828 Aug. 13—Approving Traffic Agreement between The Bell Telephone Company of Canada and Telephone de Henryville Enrg.
- 98829 Aug. 13—Authorizing the C.P.R. to remove the caretaker-agent and appoint a caretaker at Camrobert, P.Q.
- 98830 Aug. 13—Authorizing the removal of the speed limitation at the crossing of Highway No. 98 and the New York Central Railroad Company, west of Ruscomb, Ont., Mileage N.F. 201.53.
- 98831 Aug. 13—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Telephone Chibougamau Limitee.
- 98832 Aug. 13—Authorizing the Munic. of Notre Dame de Bon Secours Nord to construct the highway across the C.P.R. at Mileage 72.08 Lachute Subd., P.Q.
- 98833 Aug. 13—Authorizing the C.N.R. to remove the agent at Lorneville, Ont., provided a caretaker is appointed.
- 98834 Aug. 13—Authorizing the C.P.R. to operate over the industrial spur at certain locations in the City of Saskatoon, Sask.
- 98835 Aug. 13—Authorizing the City of Calgary, Alta., to construct the highway across the C.N.R. by means of a subway at Mileage 135.2 Drumheller Subd.
- 98836 Aug. 14—Authorizing the C.P.R. to construct an extension of the existing subway to carry one additional siding track over Lakeshore Road at Port Hope, Ont., Mileage 40.78 Oshawa Subd.
- 98837 Aug. 14—Dismissing application of the Northern Alberta Railways Company for authority to remove the station agent at Bluesky, Alta.
- 98838 Aug. 14—Approving flammable liquid storage facilities of Imperial Oil Limited at St. Hyacinthe, P.Q., Mileage 24.76 St. Guillaume Subd., C.P.R.
- 98839 Aug. 14—Authorizing the removal of the speed limitation at the crossing of Castlefield Avenue and the C.N.R. in Toronto, Ont., Mileage 6.89 Newmarket Subd.
- 98840 Aug. 14—Requiring the C.N.R. to install automatic protection at the crossing of their railway and the highway (future Route No. 45) in the Twp. of Landrienne, P.Q., Mileage 33.82 Amas Subd.
- 98841 Aug. 14—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 64.75 Asquith Subd., Sask.
- 98842 Aug. 14—Relieving the Northern Alberta Railways Company from erecting right of way fencing between certain mileages on its Slave Lake Subd., Alta.
- 98843 Aug. 14—Rescinding Order No. 69608 which approved the location of facilities of Huntingdon Woollen Mills Limited, near the tracks of the C.N.R. at Huntingdon, P.Q.
- 98844 Aug. 14—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under Section 8 of the Maritime Freight Rates Act.
- 98845 Aug. 14—Approving tolls published in tariffs filed by the Canada and Gulf Terminal Railway Company under Section 8 of the Maritime Freight Rates Act.
- 98846 Aug. 14—Authorizing the C.N.R. to construct an extension of its siding track at certain locations in the Town of Canora, Sask., Mileage 24.85 Margo Subd.
- 98847 Aug. 14—Authorizing the removal of the speed limitation at the crossing of Maitland St. and the C.N.R. in London, Ont., Mileage 77.5 Dundas Subd.
- 98848 Aug. 14—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. near Crumlin, Ont., Mileage 107.40 Galt Subd.

- 98849 Aug. 14—Amending Order No. 94939 which authorized the Ontario Department of Highways to construct Highway No. 27 across the C.N.R. by means of an overhead bridge, at Mileage 9.41 Oakville Subd., Twp. of Etobicoke, Ont.
- 98850 Aug. 14—Approving flammable liquid storage facilities of Imperial Oil Limited at Hallonquist, Sask., Shamrock Subd., C.P.R.
- 98851 Aug. 14—Approving flammable liquid storage facilities of Imperial Oil Limited at Lanigan, Sask., Prince Albert Subd., C.P.R.
- 98852 Aug. 14—Approving flammable liquid storage facilities of Imperial Oil Limited at Redvers, Sask., Arcola Subd., C.P.R.
- 98853 Aug. 14—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 111.88 Cayuga Subd., Ont.
- 98854 Aug. 14—Amending Order No. 92536 which authorized the B.C. Department of Highways to reconstruct the overhead highway bridge near Savona, B.C., Mileage 26.14 Ashcroft Subd.
- 98855 Aug. 14—Approving Drawing RW-5600, Rev. 3, granting leave to Trans Mountain Oil Pipe Line Company to carry its company pipe line loop across all public highways and pipelines as shown in said Drawing, in the Province of Alberta.
- 98856 Aug. 17—Amending Board Order No. 96949, which approved tolls published in tariff C.T.C. No. E. 5230 filed by the C.P.R.
- 98857 Aug. 17—Authorizing the C.P.R. to reconstruct its bridge over the Okanagan River at Mileage 18.0 Osoyoos Subd., B.C.
- 98858 Aug. 17—Authorizing the Corp. of the Twp. of Richmond, B.C., to construct a pedestrian crossing where Beckwith Road crosses the Vancouver & Lulu Island Railway Co. at Mileage 0.89 Steveston Branch, B.C.
- 98859 Aug. 17—Authorizing the C.P.R. to close the station and remove the station shelter at Nosbonsing, Ont., Mileage 101.8 North Bay Subd.
- 98860 Aug. 17—Approving tolls published in tariffs filed by the Maritime Freight Association under Section 3 of the Maritime Freight Rates Act.
- 98861 Aug. 17—Authorizing the removal of the speed limitation at the crossing of Beaugrand Ave. and the C.N.R. in Montreal, P.Q., Mileage 6.39 Longue Pointe Subd.
- 98862 Aug. 17—Authorizing the removal of the speed limitation at the crossing of Main St. and the C.N.R. at Roblin, Ont., Mileage 62.60 Togo Subd.
- 98863 Aug. 17—Authorizing the removal of the speed limitation at the crossing of Silver Creek Road and the C.N.R. west of the station at Guelph Junction, Ont., Mileage 50.24 Brampton Subd.
- 98864 Aug. 17—Authorizing the removal of the speed limitation at the crossing of Joseph St. and the C.P.R. at Brampton, Ont., Mileage 7.85 Orangeville Subd.
- 98865 Aug. 17—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. west of the station at Malton, Ont., Mileage 17.94 Brampton Subd.
- 98866 Aug. 18—Approving tolls published in tariffs filed by the C.N.R. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 98867 Aug. 18—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 98868 Aug. 18—Approving tolls published in tariffs filed by the Canadian Freight Association under Sections 3 and 8 of the Maritime Freight Rates Act.
- 98869 Aug. 18—Approving tolls published in tariffs filed by the Canadian Freight Association under Sections 3 and 8 of the Maritime Freight Rates Act.
- 98870 Aug. 18—Approving tolls published in tariffs filed by the Canadian Freight Association under Sections 3 and 8 of the Maritime Freight Rates Act.

- 98871 Aug. 18—Approving tolls published in tariffs filed by the Canadian Freight Association under Sections 3 and 8 of the Maritime Freight Rates Act.
- 98872 Aug. 18—Authorizing the N.B. Department of Highways to construct the highway across the C.P.R. at Mileage 92.92 Shogomoc Subd.
- 98873 Aug. 18—Approving flammable liquid storage facilities of British American Oil Company Limited at Fairview, Alta., Northern Alberta Rlys. Co.
- 98874 Aug. 18—Approving plans filed by the C.P.R. showing construction of Lawrence Ave. across the C.P.R. by means of a subway at Mileage 100.24 Oshawa Subd., Ont.
- 98875 Aug. 19—Authorizing the C.P.R. to use and operate the bridge at Mileage 41.6 Teeswater Subd., Ont.
- 98876 Aug. 19—Authorizing the C.P.R. to operate over the siding to serve Alberta Wheat Pool Elevators Limited, in the City of Medicine Hat, Alta.
- 98877 Aug. 19—Approving revisions to tariffs filed by the C.N.R.
- 98878 Aug. 19—Authorizing the B.C. Department of Highways to construct the Trans Canada Highway across the C.P.R. by means of an overhead bridge at Mileage 7.87 Mission Subd., B.C.
- 98879 Aug. 19—In the matter of tariffs and supplements to tariffs filed by the Canadian Freight Association under the provisions of the Maritime Freight Rates Act.
- 98880 Aug. 19—Approving flammable liquid storage facilities of Canadian Import Company at Chicoutimi, P.Q., C.N.R.
- 98881 Aug. 19—Authorizing the Township of West Ferris to widen the township road where it crosses the C.P.R. at Mileage 113.2 North Bay Subd., Ont.
- 98882 Aug. 19—Rescinding Order No. 76529 which approved the location of facilities of British American Oil Company Limited near the tracks of the Northern Alberta Railways Co. at High Prairie, Alta.
- 98883 Aug. 19—Approving revisions to tariffs filed by the C.P.R. Co. Communications Dept.
- 98884 Aug. 19—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 98885 Aug. 19—Approving flammable liquid storage facilities of Imperial Oil Limited at Pembroke, Ont., Mileage 20.27 Locksley Subd., C.N.R.
- 98886 Aug. 19—Requiring the C.N.R. to install automatic protection at the crossing of their railway and County Road No. 31 in the Twp. of Seymour, Ont., Mileage 23.18 Campbellford Subd.
- 98887 Aug. 20—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and The New Dundee Rural Telephone Co.
- 98888 Aug. 20—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and Sparrow Lake Private Telephone Line.
- 98889 Aug. 20—Approving tolls published in tariffs filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 98890 Aug. 20—Amending Order No. 97665, re apportionment of cost of installing automatic protection at Maddens Crossing and the Sydney and Louisburg Railway Co. 1½ miles west of the station at New Waterford, N.S.
- 98891 Aug. 20—Authorizing the C.N.R. to reconstruct the bridge at Mileage 83.0 Wabamun Subd., Alta.
- 98892 Aug. 20—Authorizing the C.P.R. to construct a private siding across Messier St., City of St. Boniface, Man., Mileage 0.98 Emerson Subd., to serve Dominion Structural Steel Limited.
- 98893 Aug. 20—Exempting the C.P.R. from erecting and maintaining right of way fencing between certain mileages on the east side of its Coutts Subd., Alta.

- 98894 Aug 20—Exempting the C.P.R. from erecting and maintaining right of way fencing between certain mileages on its Stirling Subd., Alta.
- 98895 Aug. 20—Rescinding Order No. 70182 which approved facilities of North Star Oil Limited for handling and storage of flammable liquids near the tracks of the C.P.R. at Melfort, Sask.
- 98896 Aug. 20—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Senneterre, P.Q., Mileage 1.09 Val d'Or Subd., C.N.R.
- 98897 Aug. 20—Rescinding Order No. 73468 which approved facilities of Imperial Oil Limited for storage of flammable liquids near tracks of the C.N.R. at Redwater, Alta., Mileage 27.5 Coronado Subd.
- 98898 Aug. 20—Approving flammable liquid storage facilities of The British American Oil Company Limited at The Pas, Man., Mileage 87.6 Turnberry Subd., C.N.R.
- 98899 Aug. 20—Approving flammable liquid storage facilities of Supertest Petroleum Corporation at St. Thomas, Ont., The Chesapeake & Ohio Rly. Co.
- 98900 Aug. 20—Approving flammable liquid storage facilities of Imperial Oil Limited at Midale, Sask., C.P.R.
- 98901 Aug. 20—Approving flammable liquid storage facilities of Imperial Oil Limited at Sexsmith, Alta., N.A.R. Co.
- 98902 Aug. 20—In the matter of the application of the C.P.R. for an extension of temporary permit on behalf of Provo Gas Producers, to load crude oil into tank cars from tank trucks at Hughenden, Alta.
- 98903 Aug. 20—Approving flammable liquid storage facilities of Imperial Oil Limited at Chaplin, Sask., C.P.R.
- 98904 Aug. 21—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of the Niagara, St. Catharines and Toronto Rly. and Fitch St., Welland, Ont., Mileage 15.77 Welland Subd.
- 98905 Aug. 21—Amending Order No. 95125 to show that upon completion of the subway at Mileage 3.57 Oshawa Subd., the C.N.R. shall close, within the limits of their right of way, the temporary pedestrian crossing, authorized by the said order.
- 98906 Aug. 21—Authorizing Hudson's Bay Oil and Gas Co. Limited, Pan American Petroleum Corp., and Canadian Fina Oil Limited, to construct a natural gas line across and over the company pipe line of the Trans Mountain Oil Pipe Line Company in the SW $\frac{1}{4}$  Sec. 18, Twp. 53, Rge. 18, W.5M., Alta.
- 98907 Aug. 21—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Road No. 6 in the Prov. of P.Q., Mileage 52.15 Chandler Subd.
- 98908 Aug. 21—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 6 (Gauthier crossing) at Mileage 82.77 Casapedia Subd., P.Q.
- 98909 Aug. 21—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 19 at Ostrander, Ont., Mileage 11.94 Port Burwell Subd.
- 98910 Aug. 21—Authorizing the C.N.R. to remove the caretaker at Brechin, Ont.
- 98911 Aug. 21—Authorizing the Corbett Lumber Company to construct a private road across and over the pipe line of the Westcoast Transmission Company Limited in the SW $\frac{1}{4}$  Sec. 13, Twp. 6, Rge. 25, W.6M., B.C.
- 98912 Aug. 21—Approving Traffic Agreement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Munic. of the Twp. of Tilbury West.
- 98913 Aug. 21—Rescinding Order No. 66243 which approved the location of facilities of Imperial Oil Limited for handling and storage of flammable liquids near the C.N.R. at Warspite, Alta.

- 98914 Aug. 21—Rescinding Order No. 75764 which approved the location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids near the C.N.R. at Bellis, Alta.
- 98915 Aug. 21—Approving Supplement to Traffic Agreement between the Bell Telephone Company of Canada Limited and The Perth and Christie's Lake Telephone Co. Ltd.

The Board of  
Transport Commissioners for Canada

Judgments, Orders, Regulations and Rulings

Vol. XLIX

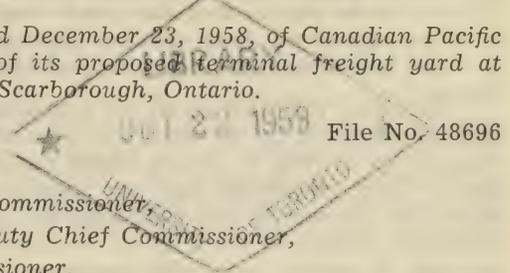
OTTAWA, OCTOBER 1, 1959

No. 13

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In the matter of the application, dated December 23, 1958, of Canadian Pacific Railway Company in respect of its proposed terminal freight yard at Agincourt, in the Township of Scarborough, Ontario.



Before:

ROD KERR, Q.C., Chief Commissioner  
A. SYLVESTRE, Q.C., Deputy Chief Commissioner,  
J. M. WOODARD, Commissioner.

Appearances:

K. D. M. SPENCE, Q.C. }  
and } for the Canadian Pacific Railway  
A. J. ALLISTON, } Company.  
H. E. BECKETT, Q.C., }  
JAMES WALLACE, }  
and } for the Township of Scarborough.  
CHARLES ONLEY, }

W. G. DINGWALL, for the Agincourt Ratepayers' Association.  
G. W. HEWITT, Q.C., for the Department of Highways of the Province of Ontario.  
F. A. BURGESS, Q.C., for The Bell Telephone Company of Canada.  
DAVID ROSS, for the Municipality of Metropolitan Toronto.

JUDGMENT

KERR, C.C.:

Canadian Pacific proposes to construct a terminal freight yard, commonly called a "hump yard", at Agincourt, in the Township of Scarborough. Its application to the Board for approval of the project was heard on July 8 and 9, 1959 after due notice to interested parties.

At the hearing evidence was given concerning the existing railway facilities in the rapidly expanding Toronto area, the volume of traffic using those facilities, congestion of traffic and traffic delays, and the overall need of Canadian Pacific for additional railway facilities to handle traffic to, from and through the Toronto area. Neither the evidence in that respect nor Canadian Pacific's need for additional facilities in the nature of a hump yard was seriously disputed by any party at the hearing and it is unnecessary for me to outline the evidence in detail. The evidence convinces me of Canadian Pacific's need for a modern hump yard somewhere in the Toronto area.

The principal issue for determination is whether, a hump yard being necessary, the Board should permit it to be established at Agincourt on the site selected by the Company. There are related issues respecting highway crossings, diversion roads, and other matters.

The requirements for the location of a hump yard were outlined by witnesses for Canadian Pacific. Briefly, these requirements are:

- (a) Some 400 acres of reasonably level land with an overall length of about 2 miles, uninterrupted by highways that would interfere with the operation of the yard.
- (b) The land must be available at an economic price.
- (c) The location must be such that the additional train mileage occasioned by the use of the yard will not be too great, which, in the Toronto area, means that the yard must be sufficiently close to the junction of railway lines serving Toronto to make its operation efficient and economic, both costwise and timewise.

Evidence was also given for Canadian Pacific respecting extensive studies and investigation by its officers of possible sites for the yard. A special group was set up in 1946 to review traffic requirements and facilities in the Toronto area. They concluded that the Lambton-West Toronto yard could not be expanded because it was restricted by industrial and residential development and main streets of the City of Toronto. Several sites easterly from Leaside towards Agincourt were also examined and found unsatisfactory, as was the area in the vicinity of Cooksville, west of Lambton yard. The area north of Toronto was considered but it would involve construction of access lines that would bypass Toronto and the cost would be around \$70,000,000, and this area consequently was unsatisfactory. The Company finally, early in 1956, decided that the proposed site at Agincourt is the only location within a reasonable distance of Toronto where the railway traffic could be handled economically, efficiently and without too great delay, and that this site is the best and proper location for the hump yard needed by the Company.

Having selected the site, officers of Canadian Pacific held a meeting in November, 1956, with the Reeve and Deputy Reeve of the Township of Scarborough, several of its Councillors and its Director of Planning and others, and the Company's plan to establish the hump yard at the proposed site was explained to them. The Company proposed the closing of Bellamy Road and McCowan Road but the Township disclosed that McCowan Road would become a through road and possibly a bus route, so the proposal to close McCowan Road was abandoned; but the need for the closing of Bellamy Road was emphasized. In February, 1957, the Company supplied a plan to the Township indicating generally how the proposed site would be used.

Four letters (Exhibit 9) exchanged between the Company and Township referred to the proposal to construct the yard. These letters are:

1. Letter from the Company to the Township Clerk dated February 11, 1957, requesting that the Township close a portion of Bellamy Road for the purposes of the yard;

2. Letter, dated March 13, 1957, from the Township Clerk to Canadian Pacific which stated that a report of its Roads and Works Committee concerning the Company's request was approved and adopted by Council on March 11, 1957. The report recommended the closing of Bellamy Road as requested by the Company.
3. A letter, dated August 22, 1957, from Canadian Pacific to the Township Clerk asking that a By-law closing Bellamy Road be passed promptly.
4. A letter, dated August 28, 1957, from the Township Clerk to Canadian Pacific advising that the Township's Legal Department had proceeded with the necessary postings and advertisements to close Bellamy Road, as requested by the Company, and that the Township's Solicitor advised that he expected that the road would be legally closed in about a month or six weeks.

Objections were made by residents in the area and the requested By-law was not passed and Canadian Pacific filed its application to the Board.

The "Official Plan" of the Township of Scarborough was filed at the hearing. The Plan was adopted by the Township Council in accordance with Section 11 of the Planning Act 1955, on April 11, 1957, and was approved by the Minister of Planning and Development of Ontario on December 18, 1957. This Plan includes a Roads Plan and a Land Use Plan. These plans show the proposed yard and the closing of Bellamy Road within the limits of the yard.

The Company began to purchase land for the yard early in 1957. It purchased 12.8 acres from the Township for a total price of \$49,063. It purchased a total of approximately 480 acres for approximately \$1,500,000. Some additional purchases will be made, bringing the expenditure for acquisition of land to about \$1,682,000. The Company's evidence was that land costs will be about 10% of the total cost of the yard. On the north and south of the yard it purchased more land than it needs for yard purposes. This land will be available for industry. The Company is also willing to plant trees along the north side of the yard as a buffer.

The proposed site is between 13 and 15 miles east of West Toronto yard. It is bounded on the south by Sheppard Avenue, a through highway under the jurisdiction of Metropolitan Toronto; on the east it is mainly bounded by Highway 48, under the jurisdiction of the Department of Highways of Ontario; on the north, it is bounded by Finch Avenue, under the jurisdiction of the Township of Scarborough. Roads directly involved because of additional tracks are McCowan Road, Brimley Road and Sheppard Avenue, on which crossings are west of the yard in that order; Bellamy Road in the centre of the yard; Highway 48 (Markham Road), Scarborough Golf Club Road, Neilson's Road and Staines Road, all with crossings east of the yard; and Finch Avenue.

The yard will consist of three main parts, a Receiving Yard where trains are received; a Classification Yard where cars are classified as to direction; and a Departure Yard. The "hump" of the yard is near the west end of the Classification Yard, and is about 15 feet high. Trains arriving in Toronto from the east, over the Oshawa Subdivision, will enter the Receiving Yard from the east. Trains arriving from the west, north and south, will enter the Receiving Yard from the west. When the yard is ready to receive a train it will be pulled back westerly over McCowan Road, first west of the yard. If the train is not more than 50 cars, it will not reach Brimley Road, next west of McCowan Road. If it is less than 80 cars, it will not reach Sheppard Avenue, next west of Brimley Road. If the train is the maximum of about 100 cars, it will cross Sheppard Avenue but will not reach the next road to the west, Midland Avenue. The hump is about  $1\frac{1}{4}$  miles from Sheppard Avenue and about  $1\frac{1}{2}$  miles from Midland Avenue.

Before each train arrives, advice will be given to the Supervisor concerning the disposition of each car in the train. When a train is pushed over the hump, automatic controls place each car on the right track in the Classification Yard to be part of a new train. The speed of cars is controlled by retarders.

There should be no engine whistling in the yard except in case of emergency, because movements within the yard will be controlled largely by hand signals or use of radio.

There will be a Repair Yard and facilities for repairing defective cars, and tracks and facilities for servicing diesel engines. No steam engines will be used. There will also be a stores building and bunk house for train and engine crews. The Company estimates that about 400 employees will likely be working in the yard or on trains leaving or arriving there. The main lines of the Oshawa and Peterborough Subdivisions will be relocated and a connecting track between these subdivisions will be constructed to the east of the yard.

The Company proposes in the early stages to construct two grade separations where tracks will cross McCowan Road and a grade separation at Highway 48 (Markham Road) on its Oshawa Subdivision. Grade separations are contemplated at a later date at Sheppard Avenue, Brimley Road, Finch Avenue and Highway 48 on the Peterborough Subdivision.

The largest built up residential area in the vicinity of the yard is the Glen Watford Subdivision, north of Canadian Pacific tracks and Sheppard Avenue and west of the yard site. Witnesses living in that subdivision gave evidence at the hearing in opposition to the application. There is another residential area south of Sheppard Avenue, about one third of the size of the Glen Watford area; almost continual housing west of Sheppard Avenue and Highway 48; and also land of Central Housing and Mortgage Corporation, known as the Malvern area, to the east of the yard, which will be developed for low-cost housing. The distance between the tracks and the nearest home thereto in the Glen Watford area is 607 feet. The distance from the Glen Watford residential area (and the home referred to) to the hump is 4,000 feet, and the yard proper is beyond the hump and still more distant from the Glen Watford residential area. Between Glen Watford and the hump there is a depression, and a height of land which puts the yard out of sight of homes in Glen Watford.

As already stated, the construction of the yard will involve the closing of a portion of Bellamy Road. Traffic counts in two 24-hour periods showed 35 and 21 vehicles, respectively, on the portion to be closed. On its Official Plan, the Township of Scarborough showed Bellamy Road to be closed within the yard area, but with proposed new roads to serve a dual purpose as diversions of Bellamy Road and as service roads for industrial development. One of these roads is shown to the north of the yard and connects Bellamy Road with McCowan Road. The Plan also shows Bellamy Road closed not only within the yard limits but for a distance south of the yard, with a proposed cross road connecting Markham Road and McCowan Road but not connected at all with Bellamy Road.

The Company also adduced evidence as to experience with its hump yard at Cote St. Luc, its effect on that community and the absence of serious complaint against the yard by people living in its vicinity; and evidence of the Company's Chief of Medical Services that diesel fumes will not be harmful.

*Official position of Metropolitan Toronto, Ontario Department of Highways and Township of Scarborough respecting the yard.*

The position of the Municipality of Metropolitan Toronto was indicated at the hearing and in correspondence with the Board. The Municipality does not object to the project. It disclosed that a grade separation at Sheppard Avenue would be undertaken at about the same time that Canadian Pacific would be

increasing its trackage and rail activities, and submitted that Canadian Pacific should assume all additional costs of grade separations occasioned by the additional tracks and increased rail activity and that the Municipality's contribution should be based on the conditions that now exist; that no action is necessary respecting the Kennedy Road crossing, as no additional tracks are to be constructed there and it is not high on the priority list for elimination of grade crossings.

Counsel for the Ontario Department of Highways stated that the Department is in accord with the project and that it agreed with Canadian Pacific's proposal to construct grade separations on Highway 48.

The Township of Scarborough did not object in principle to the establishment of the yard at the proposed site. Its principal submissions were:

- (i) That grade separations should be constructed at Pharmacy Road, Kennedy Road and Sheppard Avenue, in addition to those proposed by Canadian Pacific; that automatic protection should be installed at Birchmont Road, Midland Avenue, Scarborough Golf Club Road and Neilson Road; that the existing grade separation at Neilson Road should be modernized; that the project be modified to include realignment of Township roads and reconstruction of subway at intersection of Staines Road and Finch Avenue.
- (ii) That the yard is for the benefit of Canadian Pacific and the Company should bear all costs of the yard and grade separations and other related works.
- (iii) That Canadian Pacific should provide an easement across the yard for storm drainage, sewers and water services.
- (iv) That Canadian Pacific should contribute to the cost of trunk sewers and disposal plants and alleviate noise and glare of lights by establishing some form of buffer between the yard and residential areas.
- (v) That Canadian Pacific should provide diversionary roads for the portion of Bellamy Road to be closed within the yard area, and bear the cost thereof.

#### *Objections of Agincourt Ratepayers' Association*

Ever since the project was proposed it has been vigorously opposed by the Agincourt Ratepayers' Association. This Association has 75 paid up members, but purported to speak for many other residents of Agincourt. Several of its officers and members gave evidence at the hearing in opposition to the application. The Association sponsored circulation of public opinion survey sheets on which persons in the Agincourt area could indicate whether they were for or against the establishment of the yard in the proposed area. The preponderant indication of approximately 1,140 persons who signed the sheets was against the yard. Such a poll indicates opposition to the project but is not evidence as to the merits of the application or the merits of opposition thereto.

The Association was represented by Counsel at the hearing. It objected to the closing of Bellamy Road and the establishment of the yard. Its objections were numerous and I shall mention what seemed to me to be the principal ones, as follows, given in evidence by witnesses for the Association, briefs filed by the Association and argument by its Counsel:

- (a) The yard will depreciate the value of homes and privately owned property acquired before the project was initiated.
- (b) It will cause additional train traffic within the community and over highway crossings.
- (c) There will be much objectionable noise of engines and trains.
- (d) Air pollution, paint discolouration and other damage to property will be caused by diesel exhaust.

- (e) There will be increased delays, hazards and obstruction at level crossings due to increased train operations.
- (f) The yard will unduly interfere with town planning and future development.
- (g) The yard will occupy land otherwise available for development and consequently adversely affect assessments and revenues of the Township.
- (h) The yard may lead to piggy-back operations in Scarborough.
- (i) Undesirable high light towers within the yard.
- (j) The yard will be a target in event of war.
- (k) Lack of provision for park areas.
- (l) The project as a whole is objectionable to the Association because of its very nature.
- (m) Lack of certainty as to Canadian Pacific's intentions respecting land purchased but not needed for the yard, and as to what buffer will be provided between the yard and residential areas.

The Association suggested an alternative site east of Highway 48, which would put most of the yard further from the Glen Watford Subdivision but closer to the Malvern area, and relocation of the main track leads to the yard. Evidence on behalf of Canadian Pacific was that its engineers had studied the Association's alternative for a period of nearly three months and found that it was unacceptable for various reasons, because of technical and operational disadvantages, including gradient of the area, the curvature of tracks that would be necessary, lack of sufficient switching lead, interference with the Malvern project land, and additional cost, particularly the estimated cost of \$7,000,000 to divert main line tracks.

The alternative proposal was drawn up by Mr. H. H. Marshall, who is a professional civil engineer and a member of the Association. He agreed that he had no experience in railway matters and did not do a detailed engineering study of the alternative proposal. I discussed with our own experienced engineering and operating officers the engineering and operational features and requirements of hump yards in general and of the proposed yard and the alternative suggested by the Association. Our officers support the views expressed by the Company's witnesses in that respect.

The Board has considered all submissions, briefs and material filed by the Association with the Board, as well as the evidence given by witnesses for the Association and the argument made by its Counsel at the hearing.

#### *Decision*

The area concerned was viewed on the ground by the Commissioners who heard the application, and we consequently had, in determining it, the advantages given by an actual view of the proposed site of the yard and affected lands, residential areas and highways.

I have already stated that I am convinced that Canadian Pacific needs additional facilities in the nature of a hump yard somewhere in the Toronto area. I have also reached the conclusion that the Company has made out a good case for the proposed yard on the site chosen at Agincourt. It is the site in the Toronto area that meets hump yard requirements to the greatest extent. Comparing the Company's proposal and the alternative put forward by the Agincourt Ratepayers' Association and their respective advantages and disadvantages to the Company and to Scarborough and its residents, I have concluded that the Company's project should not be rejected by this Board in favour of the alternative proposed by the Association.

Construction and operation of the yard will inevitably cause a measure of noise and fumes, and increase the volume of railway traffic within Scarborough and across highways there, as well as other disturbances and disadvantages normally caused by a hump yard operation. But because of the distance (approximately 4,000 feet) between the hump and the nearest home within the Glen Watford residential area, the distance (607 feet) from Canadian Pacific's main line tracks to the nearest residence in Glen Watford, the rise of the land from Glen Watford to the hump (which puts the yard proper out of sight from the homes in Glen Watford, with the yard proper beyond the hump and still more distant from Glen Watford), the manner in which the yard will be operated with diesel engines and a minimum of engine whistling, and provision of grade separation and automatic protection at crossings where required, it is my view that the yard will not be unduly close to residential homes nor unduly disturb or endanger the people of Scarborough nor depreciate the value or attractiveness of their homes and residential areas to such an extent as to warrant rejection of Canadian Pacific's application. I am not unsympathetic to the objections and fears expressed on behalf of the home owners represented by the Association, but one must face the facts that industrial expansion and increase of population, which are so desirable and sought after, bring with them a need for transportation facilities; that there is such need in the Toronto area, which has a concentration of industry and population and a great volume of railway traffic; and that such railway facilities usually have some disadvantages to the community in which they are located, including noise, fumes and increase in railway traffic within the community and across its highways. Notwithstanding certain disadvantages to the community that may accompany the yard, I think that it is in the public interest to authorize it.

I would approve, in principle, the establishment of the yard generally as proposed by Canadian Pacific, but with diversion of Bellamy Road to join McCowan Road on the north of the yard, and thereupon the portion of Bellamy Road within the yard to be closed. This approval in principle extends to the construction of grade separations at Sheppard Avenue, Brimley Road, McCowan Road, Highway 48 and Finch Avenue; relocation of the Oshawa and Peterborough Subdivisions' main lines; construction of a connection between those subdivisions; and construction of other tracks, facilities and crossings generally as proposed by the Company and shown on plans of the project filed by the Company with the Board.

I would authorize now the work proposed by the Company for completion in 1959 and 1960, including relocation of pole lines; construction of the three grade separations proposed by the Company at McCowan Road and Markham Road (Highway 48), detailed plans thereof to be submitted to the Board for approval under General Order No. 589; relocation of the Oshawa Subdivision lines; construction of 10 tracks in the Receiving Yard, and the grading of the yard areas. Authorization for construction of the diversion of Bellamy Road and the work proposed to be completed after 1960, consistent with the project as applied for and approved in principle, will be given upon specific application therefor.

There are several matters that were the subject of unfinished discussions between the Company and the Township of Scarborough, including an easement across the yard for sewer and water facilities, drainage, planting of trees as a buffer, protection at grade crossings, re-alignment of Township roads, and contribution by Canadian Pacific towards the cost of trunk sewers and disposal plant and parks. I leave these questions for further discussion by the parties in the hope that they may agree thereon, now that the project is being approved in principle, but if they do not agree and a determination by this Board is necessary, the Board will make its determinations thereon at a later date and upon application therefor.

I would also reserve for future determination questions as to who shall bear the costs of grade separations and protection at highway crossings, the cost of constructing the diversion of Bellamy Road and relocating public utility lines, as to possible grants from The Railway Grade Crossing Fund. It appears to me at this time, however, that the yard is a major new capital project essentially for the greater convenience and improved facility of the Company in serving the traffic needs of a large area of Canada, and consequently, subject to the following reservation, the entire cost of the yard and all such works should be borne by Canadian Pacific, but I would reserve decision on those questions, as above stated, pending submission of plans, estimates of cost and any further submissions the parties may make in that respect. The reservation is that to the extent that such works are or will be necessary within the next few years, even if the yard were not established, they may qualify for grants from the Fund and justify an apportionment of their cost of construction, maintenance and operation between Canadian Pacific and other interested parties.

Order to go accordingly.

Dated at Ottawa, this eleventh day of September, 1959.

ROD. KERR

*I concur:*

J. M. WOODARD

A. SYLVESTRE

OTTAWA, September 3, 1959.

## CIRCULAR NO. 280

28638.25—TEMPORARY LOADING AND UNLOADING FACILITIES  
FOR FLAMMABLE LIQUIDS AND COMPRESSED GASES

This Circular pertains to applications for temporary Board approval of loading and unloading facilities used for the direct transfer of compressed gases or flammable liquids with flash points of 80°F. or below, between tank cars and tank trucks or process vessels on carrier's property.

*Introduction:*

Section 73.432 of the Board of Transport Commissioners, regulations for the "Transportation of Dangerous Commodities by Rail" prohibits the transfer of compressed gases or flammable liquids with flash points of 80°F. or below between tank cars and tank trucks on carrier's property, and requires that tank cars of these commodities shall **not** be unloaded on a carrier's track unless permanent storage facilities of sufficient capacity to receive the entire contents of the tank car are available. This is interpreted as also prohibiting the use of the tank car as a storage tank for unloading directly to a process vessel.

It is recognized, however, that under certain conditions, the regulations of Section 73.432 can be waived without an appreciable increase in hazard and that there are circumstances under which the granting of temporary approval to transfer the aforementioned commodities between tank cars and tank trucks, or between tank cars and a process vessel can be justified. The provisions of this Circular do not constitute an Order of the Board and are only intended to serve as a guide in the preparation and approval of applications.

The location, design, construction and operation of **permanent** bulk storage facilities are subject to the following General Orders:

1. Flammable Liquids with flash points below 175°F.—General Order No. 823;
2. Liquefied Petroleum Gases—General Order No. 841;
3. Anhydrous Ammonia—General Order No. 842;
4. Chlorine—The Board has no general order pertaining to bulk storage facilities for Chlorine. Approval of these facilities is based primarily on the recommended regulations of the Chlorine Institute.

## PART I

## PREREQUISITES

*Section 1.*—Consideration will be given to granting an exemption from complying with the requirements of Section 73.432 of the Board's regulations for the "Transportation of Dangerous Commodities by Rail", if:

(1) The location, design, construction and operation of the facilities comply at all times with the provisions of this Circular. Compliance  
with  
regulations.

(2) It is established that compliance with the regulations of Section 73.432 would create an unnecessary and unreasonable hardship for the applicant. Applicant shall give reasons why Hardship  
proven.

permanent facilities complying with the applicable General Order cannot be justified and shall advise the railway company as to the probable number of tank cars to be handled, frequency of connections to loading or unloading pipe and period for which approval is required.

*Note:* See Section 27 re period of approval.

Permanent facilities not available.

(3) **Temporary** loading or unloading facilities for flammable liquids, Anhydrous Ammonia or Liquefied Petroleum Gases are not located within 5 miles of Board approved **permanent** facilities for the same commodity. Chlorine and Crude Petroleum facilities are exempt from this requirement.

*Note:* The purpose of this requirement is to ensure that a situation of unfair competition is not established between Board approved permanent and temporary installations as a result of a relaxation of the regulations.

Approval of Fire Marshal.

(4) The Provincial Fire Marshal, or other local fire prevention authority having jurisdiction in the surrounding area, has indicated by letter or telegram to the railway company concerned that he has no objection to the proposed operation. Such approval is to be obtained by the applicant.

Approved Tank Truck.

(5) The tank trucks or process vessels to be used in the loading or unloading operation are approved by and registered with the Provincial authority concerned for the intended service. The applicant's statement that this requirement has been complied with will be sufficient.

Location description.

(6) The location is accurately described as to town or city, railway mileage, subdivision and division.

Railway approval.

(7) **The application for Board approval is submitted through the railway company concerned.**

Evidence by applicant.

(8) Evidence as to compliance with subsections (1), (2), (4), (5) and (6) of this Section is submitted by letter or telegram by the applicant to the railway concerned.

Evidence by railway.

(9) Evidence as to compliance with subsections (3) and (8) is submitted by letter or telegram to the Board by the railway company concerned.

Drawing requirements.

*Section 1A.*—In addition to the requirements of Section 1, applications for approval for a period exceeding 6 months' duration shall be accompanied by drawings prepared in accordance with the drawing requirements of the General Order which pertains to permanent installations of the same commodity, except that the area to be shown on the drawing shall be consistent with the distance requirements of Part II of this Circular.

## PART II

### DISTANCE REQUIREMENTS

Distance from public or residential buildings.

*Section 2.*—The horizontal distance from the loading or unloading connection of the tank car and tank truck, when in position for loading or unloading, to the nearest point of any occupied station,

or other public or residential building or place of public assembly shall not be less than that prescribed in this section:

	<i>Single Tank Car</i>	<i>More than one tank car being loaded or unloaded at same time</i>
(1) Class I flammable liquids (flash points of 80°F. and below), including Crude Petroleum .....	225 feet	300 feet
(2) Anhydrous Ammonia .....	225 feet	300 feet
(3) Liquefied Petroleum Gas .	300 feet	400 feet
(4) Chlorine .....	350 feet	470 feet

*Section 3.*—Except as provided in Section 5, the horizontal distance from the loading or unloading connection of the tank car and tank truck, when in position for loading or unloading, to the nearest point of any warehouse used for the storage of a combustible material or a dangerous commodity listed as such in the Board's regulations; any grain elevator, engine house, repair shop, or other similar processing or storage building shall not be less than that prescribed in this Section: Distance from grain elevators, etc.

	<i>Single Tank Car</i>	<i>More than one tank car being loaded or unloaded at same time</i>
(1) Class I flammable liquids (flash points of 80°F. and below), including Crude Petroleum .....	115 feet	150 feet
(2) Anhydrous Ammonia ....	115 feet	150 feet
(3) Liquefied Petroleum Gas .	150 feet	200 feet
(4) Chlorine .....	175 feet	235 feet

*Section 4.*—Except as provided in Section 5, the distance from the loading or unloading connection of the tank car and tank truck, when in position for loading or unloading, to the nearest point of any tool storage house, any warehouse used for the storage of a non-combustible and "non-regulated commodity", or any other similar unoccupied building shall not be less than 50 feet. Distance from non-dangerous storage.

*Section 5.*—The requirements of Section 3 and Section 4 shall be waived for those buildings which are owned by the company or person operating the installation and which are used **exclusively** for the storage or processing of the commodity being unloaded if such buildings are not less than 200 feet from the gauge side of the nearest rail of any main track and the distance requirements of Section 3 and Section 4 with respect to other buildings are satisfied. Distance from company owned buildings.

*Section 6.*—During loading or unloading, the distance between the tank car, when spotted for loading or unloading, and another tank car containing a **different** "dangerous commodity", measured between the nearest points of the two tank shells, shall not be less than 100 feet. Distance between tank cars.

Distance from main track or public road.

*Section 7.*—The horizontal distance from the loading or unloading connection of the tank car and tank truck, when in position for loading or unloading, to the gauge side of the nearest rail of any main track and the nearest edge of a public street or road shall not be less than that prescribed in this Section:

	<i>Single Tank Car</i>	<i>More than one tank car being loaded or unloaded at same time</i>
(1) Class I Flammable Liquids, Crude Petroleum, Anhydrous Ammonia .....	50 feet	75 feet
(2) Liquefied Petroleum Gases and Chlorine .....		

In no case shall the distance be less than that prescribed in (1) of this Section, but it is recommended that greater distances be maintained where practicable.

*Note:* See Section 13.

Distance from tank truck.

*Section 8.*—The distance from the nearest point on a tank car shell to the nearest point on a tank truck shell shall not be less than 10 feet.

Distance from engines.

*Section 9.*—The distance from the nearest point on a tank car shell and the nearest point on an internal combustion engine shall not be less than 25 feet.

Distance from loading or unloading racks.

*Section 10.*—The distance of the loading or unloading rack, or terminal, or other structure from the tank car track shall be as follows:

(1) That portion of loading or unloading racks or other structures over 4 feet high shall be at least 6 feet from the gauge side of the nearest rail of the loading or unloading track. That portion of the structure 4 feet or less in height shall be at least 3 feet 7 $\frac{3}{4}$  inches from the gauge side of the nearest rail of the loading or unloading track, except for nonstandard gauge track in the Province of Newfoundland where this clearance distance shall be at least 3 feet 10 inches. When the track is curved, the clearance distance shall be increased one inch per degree of track curvature.

(2) Loading and unloading terminals or structures of an over-all height that is less than 4 feet shall be located at least 6 feet from the gauge side of the nearest rail of the loading or unloading track.

### PART III

#### PIPING AND EQUIPMENT

*Section 11.*—

Electrical standards.

(1) All electrical motors, equipment, switches, wiring, lighting, etc., within 25 feet of the nearest point of a tank car or tank truck shell containing a Class I flammable liquid, Crude Petroleum, or a Liquefied Petroleum Gas shall comply with the requirements of the latest edition of the Canadian Electrical Code for Class I, Division I, Group D hazardous locations.

(2) All electrical motors, equipment, switches, wiring, lighting, etc., within 25 feet of the nearest point of a tank car or tank truck shell containing Anhydrous Ammonia or Chlorine shall comply with the requirements of the latest edition of the Canadian Electrical Code for corrosive atmospheres (category 2).

*Section 12.—*

(1) Except as provided in subsection (2) of this Section, <sup>Piping.</sup> the location, design, construction and operation of all piping, valves, gauges, fittings, hose, pumps and other transfer equipment shall comply in all respects with the requirements of the General Order pertaining to permanent installations of the same commodity. In the case of Chlorine for which there is no general order, piping and transfer facilities shall be in accordance with the regulations of the Province concerned, but in no case shall they comply with lower standards than those recommended by the Chlorine Institute in its pamphlet entitled "Recommended Specifications for Stationary Chlorine Storage Installations".

(2) Pipe lines not more than 18 inches above ground and not exceeding 2 inches in diameter (nominal) may be carried on wooden supports constructed from 4-inch by 4-inch lumber provided these supports are installed in a manner that will ensure that the piping is adequately supported, are spaced at intervals not exceeding 6 feet and are renewed annually after the spring thaw.

## PART IV

### LOADING OR UNLOADING OPERATIONS

*Section 13.—* Loading or unloading operations shall be discontinued by closing the discharge shut-off valve while any portion of <sup>Discontinu-</sup> an occupied passenger train is within 200 feet and any portion of <sup>ance of</sup> a working freight train is within 100 feet of the loading or unloading <sup>operations</sup> connection of the tank car. <sup>while</sup> <sup>trains in</sup> <sup>vicinity.</sup>

*Section 14.—*

(1) The requirements of this Section do not apply with <sup>No smoking</sup> respect to Chlorine or Anhydrous Ammonia installations. (See <sup>or welding.</sup> Section 15.)

(2) Smoking and the use of open flame lights shall be prohibited within 50 feet of the tank car and tank truck shell while loading or unloading operations are in progress and signs bearing the wording "Danger—No Smoking" in letters not less than 2 inches high by 1½ inches wide shall be posted at least 50 feet from the tank car and tank truck shells in locations which are readily visible to any one approaching the site. Where practicable, a "no smoking" distance of not less than 100 feet should be maintained.

(3) Welding and similar burning operations shall be prohibited within 150 feet of the tank car or tank truck shell while loading or unloading operations are in progress.

*Section 15.—* At Chlorine and Anhydrous Ammonia loading or <sup>Danger</sup> unloading sites, suitable signs bearing the wording "Danger— <sup>signs.</sup> Chlorine" or "Danger—Ammonia" as applicable, in letters not less than 2 inches high by 1½ inches wide shall be posted at least 25 feet from the tank car and tank truck shell in locations which are readily visible to any one approaching the site.

*Section 16.—*

Bonding  
and  
grounding  
of track.

(1) Except as provided in subsection (2) of this Section, the section of track used for loading or unloading Liquefied Petroleum Gases or Class I flammable liquids (including Crude Petroleum) shall be bonded and grounded in accordance with General Order No. 602.

(2) Loading or unloading of tank cars to tank trucks or to process vessels shall be prohibited on tracks equipped for electric operation or which are subject to stray electric currents as a result of crossing street car lines, etc.

*Section 17.—*

Tank car  
"Stop"  
sign.

(1) The tank car, during loading or unloading operations, shall be protected on the connected end or ends of the siding by a sign of metal or other suitable material 12 x 15 inches in size and reading "STOP—TANK CAR CONNECTED". The word "Stop" shall be in letters at least 4 inches high and the other words in letters at least 2 inches high. Letters shall be white on a blue background. The "Stop" sign shall be placed on the tank car or on the loading or unloading track in a manner that will ensure it is always visible to the crew of an engine on the same track.

Tank car  
brakes.

(2) During loading or unloading operations, tank car hand brakes shall be kept applied and the wheels at both ends of the tank car shall be blocked.

Disconnect-  
ing.

(3) Tank cars shall be disconnected from pipe lines immediately after the completion of loading or unloading operations.

Supervision.

(4) At least one experienced operator supplied by the consignee or the consignor, as the case may be, shall supervise the loading or unloading operations. During the absence of the operator supervising the loading or unloading operations from the immediate vicinity of the tank car, all valves shall be closed and the tank car shall be disconnected from the piping system.

Lighting.

(5) Loading or unloading operations shall only be carried out during the hours of daylight unless adequate permanent lighting installed in accordance with Section 11 is provided.

Fire  
extin-  
guishers.

*Section 18.—*At least one 15-pound carbon dioxide, dry chemical, or other fire extinguisher of a size and type suitable for putting out small fires of the type likely to be encountered at the loading or unloading site shall be readily available.

Tank  
truck  
brakes.

*Section 19.—*The hand brake of the tank truck shall be set and the rear wheels blocked while loading or unloading operations are in progress.

Venting  
gases.

*Section 20.—*Liquefied Petroleum Gases, Chlorine or Anhydrous Ammonia shall not be vented to the atmosphere to assist in the transfer of these commodities between tank car and tank truck or process vessel.

*Section 21.—*

Derails.

(1) Where practicable, Flammable Liquid, Liquefied Petroleum Gas and Anhydrous Ammonia tank cars should be protected during loading or unloading by a locked derail or switch located at least one car length from the tank car on the connected end or ends of the track.

(2) For Chlorine tank cars located on carrier's property, the recommendations of subsection (1) of this Section shall be mandatory.

*Section 22.*—The loading or unloading of Chlorine and Anhydrous Ammonia tank cars on carrier's property shall not be undertaken unless gas masks of a type approved by the U.S. Bureau of Mines for the intended service are readily available. Protective equipment.

## PART V

### GENERAL

*Section 23.*—The area within 50 feet of the shells of the tank car and tank truck, when in position for loading or unloading, shall be kept free of debris and any combustible, flammable or hazardous material. Grass and weeds within this area shall be kept cut to a height not exceeding 6 inches. Grass and weeds.

*Section 24.*—Any spills of a dangerous commodity shall be cleaned up immediately. Spills.

*Section 25.*—Defective piping, valves, fittings or equipment shall be repaired or replaced immediately. Repairs.

*Section 26.*—

(1) Tank cars shall comply in all respects with the Board's regulations for the "Transportation of Dangerous Commodities by Rail". Tank car requirements.

(2) The liquid and gaseous discharge connections of Liquefied Petroleum Gas and Chlorine tank cars and the liquid discharge connection of Anhydrous Ammonia tank cars shall be equipped with excess flow valves. Excess flow valves.

*Section 27.*—In no case will approval be granted for a period longer than one year, but at the end of the approval period, the applicant may re-apply in accordance with the procedure prescribed in Part I. Period of approval.

*Section 28.*—The owner or operator of the loading or unloading facilities shall report by wire to the railway company and the Director of Operation, Board of Transport Commissioners, Ottawa, every incident resulting in damage to those facilities, and every incident, such as a fire or explosion, which may be attributed in whole or in part to the commodity being handled, to failure of the approved facilities, or to faulty operating procedures, whether or not damage occurs. A detailed report shall be submitted by mail. Reporting.

*Section 29.*—The requirements contained herein shall be considered as minimum safety requirements. Compliance with these requirements does not relieve the applicant of responsibility for the safety of the loading or unloading operations under conditions not specifically covered by this Circular. Responsibility.

*Section 30.*—All dangerous commodity facilities approved in accordance with the requirements of this Circular are subject to inspection at any time by any duly authorized inspector of the Board. Inspection.

By Order of the Board,

C. W. RUMP,

Secretary.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 98916 Aug. 24—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 98917 Aug. 24—Authorizing the Twp. of Ekfrid, Ont., to improve the approach grades where the highway crosses the C.P.R. at Mileage 24.21 Windsor Subd.
- 98918 Aug. 24—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 4 at False Bay, N.S., Mileage 15.81 St. Peters Subd.
- 98919 Aug. 24—Requiring the New York Central Railroad Company (Michigan Central Railroad) to install automatic protection at the crossing of its railway and Dunnville Road (Highway No. 3) near Canfield, Ont.
- 98920 Aug. 24—Approving tolls published in tariffs filed by the C.N.R. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 98921 Aug. 24—Approving tolls published in tariffs filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 98922 Aug. 24—Authorizing Westcoast Transmission Company Limited to construct a pipe line at certain locations in the Peace River District of B.C.
- 98923 Aug. 24—Authorizing the Westcoast Transmission Company Limited to construct a pipe line at certain locations in the Peace River District of B.C.
- 98924 Aug. 24—Authorizing BP Refinery Canada Limited to construct a crude oil pipe line across and under the pipe line of Trans-Northern Pipe Line Company, in Montreal East, P.Q., formerly situated in Lot 68, Parish of Pointe aux Trembles.
- 98925 Aug. 24—Requiring the New York Central Railroad Co. (Michigan Central Railroad) to install automatic protection at crossing of its railway and Highway No. 3-A at Hewitt, Ont.
- 98926 Aug. 24—Amending Order No. 98219 which authorized the C.P.R. to construct a siding across the unopened lane of block east of Marshall Ave., Medicine Hat, Alta., to serve Alberta Wheat Pool Elevators Limited.
- 98927 Aug. 24—Authorizing the removal of the speed limitation at the crossing of The Chesapeake & Ohio Rly. Co. and Park Ave. in Chatham, Ont., Mileage 17.40 No. 2 Subd.
- 98928 Aug. 24—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Mount Pearl crossing, Nfld., Mileage 3.37 St. John's Subd.
- 98929 Aug. 24—Authorizing the C.P.R. to remove the caretaker at Ohaton, Alta.
- 98930 Aug. 24—Authorizing the Corp. of the District of Coquitlam, B.C., to construct a water main across and under the pipe line of Trans Mountain Oil Pipe Line Company at Thomas Avenue, and also at unnamed streets south of Thomas Avenue, Munic. of Coquitlam, B.C.
- 98931 Aug. 25—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 7, Mileage 46.20 Dartmouth Subd., N.S.
- 98932 Aug. 25—Authorizing the Twp. of Ekfrid, Ont., to improve the approach grades at crossing of its township road and the C.N.R. at Mileage 15.78 Chatham Subd.
- 98933 Aug. 25—Requiring the N.S. Dept. of Highways to install automatic protection at crossing of the highway and the C.N.R. at first public crossing east of station at West River, N.S., Mileage 20.61 Hopewell Subd.
- 98934 Aug. 25—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Barney's River East Side Road, N.S., Mileage 67.03 Hopewell Subd.
- 98935 Aug. 25—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Mabou Crossing on Trunk No. 19, Co. of Inverness, Mileage 39.60 Inverness Subd., N.S.

- 98936 Aug. 25—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 5 in the Prov. of Sask., Mileage 116.1 Blaine Lake Subd.
- 98937 Aug. 25—Requiring the C.N.R. to install automatic protection at the crossing of their railway and County Road No. 25-A near St. Thomas, Ont., Mileage 1.24 Chatham Subd.
- 98938 Aug. 25—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Cournoyer Blvd., Tracy, P.Q., Mileage 42.20 Sorel Subd.
- 98939 Aug. 25—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Greenfield Road in Colchester Co., N.S., Mileage 3.04 Hopewell Subd.
- 98940 Aug. 25—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Windsor Junction Road, Mileage 0.50 Dartmouth Subd., N.S.
- 98941 Aug. 25—Amending Order No. 98554 which authorized the installation of automatic protection at the crossing of the C.N.R. and Church Road in St. Arsene, P.Q., Mileage 75.86 Rimouski Subd.
- 98942 Aug. 25—Authorizing the Corp. of the District of Coquitlam, B.C., to construct a concrete sewer main across and under the pipe line of Trans Mountain Oil Pipe Line Co. at Laurentian Crescent, B.C.
- 98943 Aug. 25—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 98944 Aug. 25—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Sheet Harbour Road at Upper Musquodoboit, N.S., Mileage 81.70 Dartmouth Subd.
- 98945 Aug. 26—Approving plan submitted by Niagara Gas Transmission Ltd. showing location of gas main across and under the pipe line of Trans-Northern Pipe Line Co. in the Twp. of Cornwall, Ont.
- 98946 Aug. 26—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 3 at Port Mouton, N.S., Mileage 12.42 Yarmouth Subd.
- 98947 Aug. 26—Authorizing the C.N.R. to operate under the overhead bridge at Mileage 154.22 Clarenville Subd., Nfld.
- 98948 Aug. 26—Approving tolls published in tariffs filed by the C.P.R. under Section 3 of the Maritime Freight Rates Act.
- 98949 Aug. 26—Extending the time within which the N.Y. Central Railroad Company is required to install automatic protection at crossing of its railway and Lake St. in Town of Huntingdon, P.Q.
- 98950 Aug. 26—Amending Order No. 93812, re apportionment of cost of installing improved protection at crossing of the C.N.R. and road between Lots 22 and 23 in Con. 11, Twp. of Otonabee, Ont., Mileage 59.5 Campbellford Subd.
- 98951 Aug. 26—Authorizing the Sask. Power Corporation to construct a natural gas pipe line across and under the pipe line of Trans-Canada Pipe Lines Limited at certain locations in the Prov. of Sask.
- 98952 Aug. 26—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 1.93 Manitouwadge Subd., Ont.
- 98953 Aug. 26—Authorizing the C.N.R. to reconstruct their bridge at Mileage 85.8 Wabamun Subd., Alta.
- 98954 Aug. 27—Approving tolls published in tariffs filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 98955 Aug. 27—Amending Order No. 89189, re apportionment of cost of widening the overhead bridge at crossing of the C.P.R. in Lot 2, Conc. 6, Twp. of South Orillia, Ont., Mileage 3.08 Port McNicoll Subd.
- 98956 Aug. 27—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 3 in Barrington West, N.S., Mileage 84.00 Yarmouth Subd.

- 98957 Aug. 27—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 3 near Tusket, N.S., Mileage 127.75 Yarmouth Subd.
- 98958 Aug. 27—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Trunk No. 3, in the County of Yarmouth, N.S., Mileage 108.70 Yarmouth Subd.
- 98959 Aug. 27—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Shore Road, N.S., Mileage 93.61 Sydney Subd.
- 98960 Aug. 27—Requiring the C.N.R. to install automatic protection at the crossing of their railway and the highway north of Laurel Station, Ont., Mileage 7.38 Owen Sound Subd.
- 98961 Aug. 27—Authorizing the C.P.R. to remove the caretaker-agent and appoint a caretaker at Ivanhoe, Ont.
- 98962 Aug. 27—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Trunk No. 3, Co. of Shelburne, N.S., Mileage 79.70 Yarmouth Subd.
- 98963 Aug. 27—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 10, one mile south of Springfield, N.S., Mileage 24.42 Middleton Subd.
- 98964 Aug. 27—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Trunk No. 10, Co. of Annapolis, N.S., Mileage 49.59 Middleton Subd.
- 98965 Aug. 27—Approving tolls published in tariffs filed by the Sydney and Louisburg Rly. Co. under Section 8 of the Maritime Freight Rates Act.
- 98966 Aug. 27—Dismissing application of the C.N.R. to discontinue the agency at Alma, Ont.
- 98967 Aug. 27—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 98968 Aug. 28—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highways Nos. 7 and 12, Blackwater, Ont., Mileage 18.88 Uxbridge Subd.
- 98969 Aug. 28—Authorizing the C.P.R. to operate over the industrial spur track in the City of Regina, Sask., at Mileage 90.8 Indian Head Subd.
- 98970 Aug. 28—Authorizing the C.P.R. to remove the station agent at Roche Percee, Sask.
- 98971 Aug. 28—Dismissing the application of the C.P.R. for authority to remove the station agent and appoint a caretaker at Macoun, Sask.
- 98972 Aug. 28—Authorizing the County of Lambton, Ont., to construct the highway across the Michigan Central Railway between Conc. 4 and 5, Lot 19, Twp. of Moore, Ont., Mileage 60.97 St. Clair Subd.
- 98973 Aug. 28—Requiring the C.N.R. to install improved protection at the crossing of their railway and Town Line Road at Mileage 39.66 Newmarket Subd., Ont.
- 98974 Aug. 28—Amending Order No. 95781, re apportionment of cost of installing automatic protection at the crossing of the C.N.R. and Highway No. 45 west of Villemontel, P.Q., Mileage 57.08 Amos Subd.
- 98975 Aug. 28—Authorizing the Alberta Government Telephones to construct an underground cable across and under the pipe line of Trans Mountain Oil Pipe Line Company in Sec. 9, Twp. 52, Rge. 24, W.4M., Alta.
- 98976 Aug. 28—Extending the time within which the B.C. Electric Company Limited is authorized to operate its gas pipe line on the Second Narrows Bridge in the City of Vancouver, B.C.
- 98977 Aug. 28—Exempting the C.P.R. from erecting right of way fencing on the north side of its Shuswap Subd. between Mileages 26.1 and 27.0, B.C.
- 98978 Aug. 28—Authorizing the Dept. of Roads for Quebec to widen the road surface of the approaches to the highway where the highway crosses the C.N.R. at Mileage 12.47 Sorel Subd., P.Q.

- 98979 Aug. 28—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Victoria Drive, Vancouver, B.C., Mileage 126.9 Cascade Subd.
- 98980 Aug. 28—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and St. Joseph Road, at Charlesbourg, P.Q., Mileage 5.12 Batiscan Subd.
- 98981 Aug. 28—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 27, Chandler Subd., P.Q.
- 98982 Aug. 28—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. near Owen Sound, Ont., Mileage 71.28 Owen Sound Subd.
- 98983 Aug. 28—Authorizing the Department of Roads for Quebec to widen the approaches, etc., to the highway where it crosses St. Theresa West Road and the Quebec Central Rly. Co. at Mileage 4.49 Levis Subd., P.Q.
- 98984 Aug. 28—Amending Order No. 69125 which authorized the C.N.R. to operate over the private siding serving The Schutz Tile & Gravel Co. Ltd., across Prov. Highway No. 6 in the Town of Durham, Ont.
- 98985 Aug. 31—Authorizing the C.N.R. to make alterations to the inter-locker at crossing of their railway at St. James, Man., Man. Dist., Winnipeg Terminal Div., Mileage 4.1 Oakpoint Subd., and the C.P.R. Co.'s airport spur.
- 98986 Aug. 31—Authorizing the Town of Montreal South to construct Lafayette Blvd. across the C.N.R. at Mileage 1.26 Sorel Subd.
- 98987 Aug. 31—Authorizing the C.N.R. to divert a portion of their Viking Subd., in the Prov. of Alta., in the vicinity of Mileage 8.4.
- 98988 Aug. 31—Authorizing the Saskatchewan Dept. of Highways and Transportation to widen Highway No. 6 across the C.N.R. in the Town of Watson, Sask.
- 98989 Aug. 31—Authorizing the B.C. Department of Highways to construct the highway across the Northern Alberta Rlys. Co. at Mileage 119.06 Grande Prairie Subd., B.C.
- 98990 Aug. 31—Authorizing the removal of the speed limitation at the crossing of the Quebec Central Railway and St. Alphonse St. south of Thetford Mines, P.Q., Mileage 68.93 Quebec Subd.
- 98991 Aug. 31—Approving proposed flammable liquid storage facilities of British American Oil Company Ltd. at East Illecillewaet, B.C., Mileage 95.1 Mountain Subd., C.P.R.
- 98992 Aug. 31—Approving flammable liquid storage facilities of Husky Oil and Refining Limited at Savant Lake, Ont., Mileage 78.4 Allanwater Subd., C.N.R.
- 98993 Aug. 31—Authorizing the Twp. of Sandwich South to improve the approach grades of Town Line Road where it crosses the N.Y.C. Railroad Co. in the Twps. of Sandwich South and Maidstone, at Mileage 113.71 Main Line Subd. from Niagara Falls, Ont.
- 98994 Aug. 31—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Eriksdale, Man., Mileage 86.25 Oak Point Subd., C.N.R.
- 98995 Aug. 31—Approving proposed flammable liquid storage facilities of North Star Oil Limited at Norquay, Sask., Mileage 45.37 Preeceville Subd., C.N.R.
- 98996 Sept. 1—Authorizing Inland Natural Gas Company Limited to construct gas main across the C.N.R. at certain locations across the Fraser River at Prince George, B.C.
- 98997 Sept. 1—Authorizing the Quebec Natural Gas Corporation to construct a gas main across the C.N.R. at Candiac, P.Q., Mileage 15.36 Massena Subd.

- 98998 Sept. 1—Rescinding Order No. 87795 which approved facilities of Supertest Petroleum Corp. Limited, for storage of flammable liquids near the C.P.R. at Joliette, P.Q.
- 98999 Sept. 1—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. being the third crossing south of the station at Bradford, Ont., Mileage 39.66 Newmarket Subd.
- 99000 Sept. 1—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Westchester, N.S., Mileage 33.27 Springhill Subd.
- 99001 Sept. 1—Authorizing the removal of the speed limitation at the crossing of Breslau Road and the Grand River Railway Co. at Hagey, Ont., Mileage 5.9 Waterloo Subd.
- 99002 Sept. 1—Authorizing the C.P.R. to remove the caretaker at Elva, Man.
- 99003 Sept. 1—Authorizing the C.N.R. to construct a public access road by means of an overhead bridge in Moncton Yard, Moncton, N.B., at Mileage 3.8 Harcourt Subd.
- 99004 Sept. 1—Amending Order No. 89186, re apportionment of cost of reconstructing the overhead bridge at intersection of Highway No. 2 and main line of The T.H. & B. Railway Co., Twp. of Brantford, Ont., Mileage 59.17 Waterford Subd.
- 99005 Sept. 1—Rescinding Order No. 68396 which approved the location of facilities of C. E. Belzil, near the tracks of the C.N.R. at Pointe Levis, P.Q.
- 99006 Sept. 1—Authorizing the removal of the speed limitation at the crossing of the N.Y.C. Railroad Co. and New Erin Road, at New Erin, P.Q., Mileage 22.4 Adirondack and Malone Branch.
- 99007 Sept. 1—Authorizing the C.P.R. to operate under the overhead bridge in Lot 10, Conc. 1, Twp. of Elizabethtown, Ont., Mileage 26.71 Brockville Subd.
- 99008 Sept. 1—Authorizing the C.P.R. to use and operate the bridge at Mileage 85.9 Princeton Subd., B.C.
- 99009 Sept. 1—Authorizing the C.N.R. to operate the car ferry slip on Okanagan Lake, at Naramata, B.C.
- 99010 Sept. 1—Rescinding Order No. 70505 which approved facilities of Imperial Oil Limited for handling and storage of flammable liquids near the C.N.R. at St. Felicien, P.Q.
- 99011 Sept. 1—Exempting the C.P.R. from erecting and maintaining right of way fencing on both sides of its Emerson Subd. between Mileage 47.0 and Mileage 48.0, Man.
- 99012 Sept. 1—Rescinding Order No. 76524 which approved location of facilities of Imperial Oil Limited near the C.P.R. tracks at Ste. Agathe, P.Q.
- 99013 Sept. 1—Rescinding Order No. 60950 which approved location of facilities of Les Petroles du Saguenay, Enr., near the tracks of the C.N.R. at Roberval, P.Q.
- 99014 Sept. 1—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Second St. in the Twp. of London, Ont., Mileage 111.39 Galt Subd.
- 99015 Sept. 1—Authorizing the C.N.R. to reconstruct the overhead bridge at Mileage 5.2 Cowichan Subd., B.C.
- 99016 Sept. 1—Authorizing the Alberta Dept. of Highways to widen Highway No. 50.02 where it crosses the N.A.R. Co. at Mileage 34.02 Grande Prairie Subd., Alta.
- 99017 Sept. 1—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Woodroffe Ave., Nepean Twp., Ont., Mileage 8.60 Beachburg Subd.
- 99018 Sept. 1—Authorizing the C.N.R. to reconstruct the overhead bridge carrying Birchmount Ave. across their right of way between Lots 30 and 31, Conc. 3, Twp. of Scarborough, Ont., Mileage 326.6 Oshawa Subd.

- 99019 Sept. 2—Authorizing the removal of the speed limitation at the crossing of Kalar Road and the C.N.R. at Mileage 4.02 Welland Subd., Ont.
- 99020 Sept. 2—Authorizing Lakeland Natural Gas Limited to construct a gas main across and under the pipe line of Trans Northern Pipe Line Company in the road allowance between Lots 2 and 3, Conc. 3, Twp. of Kingston, Ont.
- 99021 Sept. 2—Authorizing the removal of the speed limitation at the crossing of Township Road and the C.N.R. at first public crossing east of station at Ridgeway, Ont., Mileage 8.88 Dunnville Subd.
- 99022 Sept. 2—Approving location of special design station to be erected at Terrace, B.C., by the C.N.R.
- 99023 Sept. 2—Authorizing the removal of the station agent from June 1 to Sept. 30 each year and appointing a caretaker for the full twelve months, at St. Irene, P.Q.
- 99024 Sept. 2—Authorizing the C.N.R. to remove the assistant station agent at Beaverton East, Ont.
- 99025 Sept. 2—Authorizing the City of Corner Brook, Nfld., to divert the highway along the south side of the C.N.R. from approximately Mileage 409.71 to Mileage 409.56 Port aux Basques Subd., Nfld.
- 99026 Sept. 2—Authorizing the Consumer's Gas Company to construct a gas main across and under the pipe line of Trans Canada Pipe Lines Limited at Sunnidale Road in Lot 19, Conc. 6, Twp. of Vespra, Ont.
- 99027 Sept. 2—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 3 1.65 miles west of the station at St. Francois du Lac, P.Q., Mileage 9.75 Yamaska Subd.
- 99028 Sept. 2—Approving Appendix and Supplement to Traffic Agreement between The Bell Telephone Company of Canada and Telephone de St-Germain de Drummond Limitee.
- 99029 Sept. 2—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 125 Three Hills Subd., Alta.
- 99030 Sept. 2—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 99031 Sept. 2—Authorizing the C.N.R. to remove the station agent at Fonhill, Ont.
- 99032 Sept. 3—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 99033 Sept. 3—Authorizing the Township of West Nissouri, Ont., to construct a municipal drain across and over the pipe line of the Interprovincial Pipe Line Company in Lot 25, Conc. 1, Twp. of West Nissouri.
- 99034 Sept. 3—Authorizing the Saskatchewan Dept. of Highways and Transportation to reconstruct the existing underpass which carries Highway No. 39 under the C.P.R. at Estevan, Sask., Mileage 0.67 Neptune Subd.
- 99035 Sept. 3—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 96.7 Cranbrook Subd., B.C.
- 99036 Sept. 3—Authorizing the Quebec Dept. of Roads to widen Highway No. 6 across the right of way of the C.N.R. in the Munic. of Pabos, County of Gaspé South, P.Q., Mileage 45.86 Chandler Subd.
- 99037 Sept. 3—Authorizing the Ontario Dept. of Highways to relocate and widen Highway No. 53 across the C.N.R. in Lot 14, Conc. 1, Twp. of Glanford, Ont., Mileage 7.12 Hagersville Subd.
- 99038 Sept. 3—Authorizing the B.C. Dept. of Highways to construct and maintain Highway No. 192A across the N.A.R. Co. at Mileage 117.26 Grande Prairie Subd., B.C.
- 99039 Sept. 3—Authorizing the Twp. of Etobicoke to construct an asphalt sidewalk across the C.P.R. and the Queensway, in part of Lot 6, Conc. 3, Twp. Etobicoke, Co. of York, Ont., Mileage 1.21 Canpa Subd.
- 99040 Sept. 3—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.

- 99041 Sept. 4—Rescinding Order No. 68398 which approved the location of facilities of Imperial Oil Limited, near the tracks of the C.P.R. at Crossfield, Alta.
- 99042 Sept. 4—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at Reward, Sask., Mileage 14.57 Bodo Subd., C.N.R.
- 99043 Sept. 4—Authorizing the C.N.R. to change the protection from manually controlled to automatically controlled at crossing of their railway and Ontario St., Cobourg, Ont., Mileage 264.5 Oshawa Subd.
- 99044 Sept. 4—Authorizing the C.N.R. to remove the station agent and appoint a caretaker at Roland, Man.
- 99045 Sept. 4—Approving Drawing submitted by The Chesapeake & Ohio Railway Company showing the extension of centralized train control from Blenheim to the east switch at Ridgetown, Ont.
- 99046 Sept. 4—Authorizing the City of Winnipeg to construct the highway across the C.P.R. by means of an overpass in the City of Winnipeg, Man., Mileage 125.42 Keewatin Subd.
- 99047 Sept. 4—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Third Ave. East in Owen Sound, Ont., Mileage 71.28 Owen Sound Subd.
- 99048 Sept. 4—Rescinding Order No. 67582 which approved facilities of Imperial Oil Limited for storage of flammable liquids near the C.P.R. at Pont Rouge, P.Q.
- 99049 Sept. 4—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Westbourne, Man., Mileage 17.1 Minnedosa Subd.
- 99050 Sept. 4—Rescinding Orders 76531 and 79806 which approved facilities of Imperial Oil Limited for storage of flammable liquids near the C.P.R. at St. Jovite, P.Q.
- 99051 Sept. 4—Dismissing application of the C.N.R. for authority to remove the caretaker at Shallow Lake, Ont.
- 99052 Sept. 8—Approving application of the Town of New Waterford, N.S., for protection at the crossing of Mahon St. and the Sydney and Louisburg Rly. Co. at Mileage 6.5 Victoria Subd.
- 99053 Sept. 8—Rescinding Orders 84447, 86708 and 87473 which approved facilities of New Superior Oils of Canada Limited for storage of flammable liquids near the C.P.R. near Ullin, Alta., Mileage 64.7 Alberta Central Subd.
- 99054 Sept. 8—Authorizing the Ontario Dept. of Highways to construct the highway across the C.N.R. by means of an overhead bridge at Mileage 77.19 Milton Subd., Twp. of Innisfil, south of Allandale, Ont.
- 99055 Sept. 9—Approving Drawing submitted by the City of Corner Brook, Nfld., showing details of the subway at the crossing of Petrie St. and the C.N.R., Mileage 408.8 Port aux Basques Subd.
- 99056 Sept. 9—Authorizing the City of Edmonton to construct 86th St. across the C.P.R. at Mileage 171.74, and 99th St. across the C.P.R. at Mileage 173.01, both in Willingdon Subd., Edmonton, Alta.
- 99057 Sept. 9—Authorizing the C.P.R. to operate over the pedestrian tunnel at Calgary Station, Alta., Mileage 0.00 Laggan Subd.
- 99058 Sept. 9—Authorizing the City of Guelph to widen Woodlawn Road across the C.N.R. at Mileage 32.22 Fergus Subd., Ont.

# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

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*In the matter of the General Freight Rates Investigation directed by Order in Council P.C. 1487 dated April 7, 1948, (Equalization Case) and of Section 336 of the Railway Act, (National Freight Rates Policy) re commodity freight rates on lumber and forest products.*

File 47828.4

Heard at:

VANCOUVER, B.C., March 3, 1958.  
OTTAWA, Ont., June 4, 5 and 6, 1958.

Before:

A. SYLVESTRE, Q.C., Deputy Chief Commissioner.  
F. M. MACPHERSON, Commissioner.  
L. J. KNOWLES, Commissioner.

While Mr. F. M. MacPherson attended the hearings in this matter he retired from his post as Commissioner on March 29, 1959 and consequently has not participated further in these proceedings.

*Appearances:*

C. W. BRAZIER, Q.C., and J. G. ALLEY,	}	for the British Columbia Lumber Manufacturers' Association.
J. J. FRAWLEY, Q.C.,		
V. M. STECHISHIN,		for the Province of Alberta; Revelstoke Sawmill Co. Ltd.; Manning Egleston Lumber Co. Ltd.; Beaver (Alberta) Lumber Ltd. and W. H. Clark Lumber Co. Ltd.
H. A. MANN,		for the Maritime Transportation Commission and the Maritimes Lumber Bureau.
L. J. REES and H. TISDELL,	}	for the Interior Lumber Manufacturers' Association.
H. J. CRAIG,		
L. A. SURTEES and M. KALAMAKOFF,	}	for Saskatchewan Timber Board.
P. W. PETERS,		
R. HALLIDAY and J. H. WILLIAMS,	}	for Canadian Lumbermen's Association.
L. BIENVENUE,		
R. P. C. McLEOD,		for Ontario Northland Railway.
K. D. M. SPENCE, Q.C., and A. J. ALLISTON,	}	for Canadian Pacific Railway Company.
J. W. G. Macdougall, and W. G. BOYD,		
		for Canadian National Railways.

## J U D G M E N T

By the Board:

## 1. INTRODUCTION

Reference to the matter of equalization of rates on lumber appears in the Board's judgment dated September 18, 1957 reported at 47 J.O.R & R. No. 13A, viz;

"A step has already been taken in the direction of equalization in the case of lumber by means of a new scale, which has been adopted in Western Canada as a whole. The Board in view of the work which has already been done on this scale, deferred further consideration of lumber rates for a more convenient opportunity; in the meantime, however, the Province

of Alberta has filed a submission requesting the Board now to call upon the railways to submit an equalized lumber scale both in Eastern and Western Canada. This matter will also be set down for hearing in the near future."

In its notice of sittings dated November 26, 1957, setting the matter down for hearing at Vancouver, B.C., the Board for the purpose of information and clarification of the case attached a memorandum outlining the general situation concerning the rates involved on lumber. This memorandum reads:

"Mileage commodity scales are published in both eastern and western Canada, and there are also many specific rates in effect. In western Canada the rates are all based on a mileage scale but there are numerous specific rates from Pacific territory that are related to the mileage scale on a group basis, which in many cases results in rates which are not exactly the same as the mileage rates, some being above the scale and others below the scale. This type of rate-making was agreed to between the railways and the lumber shippers.

In eastern Canada, a general mileage scale is published but nearly all the movements are made at specific rates based on a lower so-called 'constructive' scale. This basis varies considerably from the western scale and for longer distances is considerably lower than the scale in western Canada. The western shippers, however, have been satisfied up to the present with their scale, but the Province of Alberta, acting for the consumers in that Province is not satisfied with the rates they have to pay, and Mr. Frawley says in his letter to the Board of May 23, 1957 that:

'With regard to Equalized rates on lumber, I note what you say with regard to the scale which was recently instituted for the movement within Western Canada. I would respectfully suggest that the direction contained in Section 336 requires that the rates within Eastern Canada be equalized with the rates within Western Canada and that the establishment of a scale for Western Canada does not satisfy that requirement. I would accordingly request that the railways be directed to submit an Equalized scale of rates on lumber.'

It may also be noted that within and from western Canada there are rates related to the lumber rates on such articles as built-up woods, plywoods and hardboard, while in eastern Canada such rates are not so closely related to the lumber rates.

When the subject of lumber rates first came up some three years ago, the shippers in western Canada complained of the rates from the west to eastern Canada in comparison with the rates within eastern Canada. This was opposed by shippers in eastern Canada, who said that their lumber was of poorer quality compared with B.C. fir, and that they could stand no increases in eastern rates. Subsequently the western shippers withdrew their allegations against the eastern rates.

However, the situation has now by Mr. Frawley's application, become a matter of equalization, having regard to Section 336 of the Railway Act."

The Board set the final hearing in the matter at Ottawa on June 4, 5 and 6, 1958 and stated that following such hearing the Board would proceed to adjudicate upon the rates concerned and directed that parties interested should be prepared to make their final submissions and argument in the case at that time.

## 2. PRODUCTION OF LUMBER

The total production of sawn lumber in Canada in 1957 was 7,099,758 M ft.b.m. (thousand feet board measure) valued at \$466,227,702.00. There are about thirty kinds of wood produced in Canada. There follows a table extracted from the report of the lumber industry issued by the Dominion Bureau of Statistics showing the lumber sawn by provinces for the year 1957.

Province	Quantity (M.ft.b.m.)	Percent distribution of cut	Value	Average value per M.ft.b.m.
Newfoundland.....	38,616	0.5	\$ 2,354,944	\$60.98
Prince Edward Island.....	8,393	0.1	480,152	57.21
Nova Scotia.....	255,725	3.6	15,759,031	61.62
New Brunswick.....	249,670	3.5	16,795,520	67.27
Quebec.....	1,064,217	15.0	74,658,856	70.15
Ontario.....	671,551	9.5	54,317,609	80.88
Manitoba.....	37,246	0.5	2,022,717	54.31
Saskatchewan.....	55,926	0.8	2,735,665	48.92
Alberta.....	299,631	4.2	15,576,801	51.99
British Columbia:				
Interior.....	2,059,906	29.0	109,968,259	53.38
Coast.....	2,352,481	33.2	171,086,569	72.72
Yukon and N.W.T.....	6,396	0.1	471,579	73.73
CANADA.....	7,099,758	100.0	\$466,227,702	65.67

The sawmills of Canada range in size from the gigantic mills of the Pacific Coast cutting as much as half a million feet board measure in a shift, to small mills capable of cutting one or two thousand feet a day. The larger mills are located near the heaviest stands of larger timber and more or less are concentrated in Vancouver and New Westminster, on the mainland opposite Vancouver Island and on the island itself; large mills are also located along the Ottawa Valley, in the Georgian Bay and Rainy River districts and on the coast of New Brunswick. Of the 6276 active sawmills of all kinds which operated during 1957, excluding small mills whose output was less than 15,000 feet board measure, 1541 mills were located in British Columbia, 1431 in Quebec, 886 in Ontario, 468 in Alberta, 526 in Nova Scotia, 695 in Newfoundland, 336 in New Brunswick, 182 in Saskatchewan, 143 in Manitoba, 58 in Prince Edward Island and 10 in the Yukon and North West Territories.

The freight rate structure applicable on lumber moving between points in Western Canada has been a contentious matter for the past decade. Not only have the freight rates per se been assailed by the lumber industry but the varying methods adopted by the railway companies in applying the post war percentage increases to such traffic has been the subject of some criticism. The disturbance in the relationship rate-wise of competing lumber mills is another feature of the freight rate structure that is alleged to be of major concern to the lumber industry. This latter feature is exemplified by the fact that the freight rates for rail transportation of lumber is in cents per 100 lbs. while the unit of selling lumber is in dollars and cents per thousand feet board measure. It was stated in evidence that a thousand feet board measure of dry lumber approximates 2,600 lbs.,—thus a differential of 5 cents per 100 lbs. in the freight rate represents \$1.30 in the selling unit.

Because of the nature of the various prior proceedings in this matter scarcely any historical data has been set forth. For a clearer understanding, therefore, of the matter, there follows a short historical review of some of

the events and conditions concerning the freight rate structures on lumber applicable in Canada. During the regional and final hearings in these matters the Board received briefs, accompanied by exhibits. Numerous witnesses appeared and submitted oral evidence. This evidence totalled over 1500 pages of transcript. All of this extensive material has been reviewed in the consideration of this judgment, whether or not specifically referred to.

### 3. FREIGHT RATE STRUCTURE IN WESTERN CANADA

In the early part of the present century, between 1905 and 1910 the basis of freight rates on lumber was worked out between the British Columbia shippers and the railways. A blanket rate of 40 cents per 100 lbs. was established from British Columbia coast points to Manitoba and part of eastern Saskatchewan while from the interior of British Columbia the rate was set at 33 cents, or 7 cents below the coast rate. These rates were in order to enable the British Columbia producers, both coast and interior, to reach Manitoba and Saskatchewan markets in competition with lumber from Minnesota and, to some extent, with lumber produced in the Kenora-Rainy River districts of Ontario. To destinations west of eastern Saskatchewan the rates were graded in generally with a relationship to the then existing tenth class rates, while east of Winnipeg to Fort William the rates were graded up by means of arbitraries added to the Winnipeg rates. Consequent upon the first World War adjustments in rates, the blanket rate of 40 cents mentioned became 56½ cents and the rate of 33 from the interior became 48½ cents, a spread of 8 cents per 100 lbs. So far as the rates applicable within the Prairie were concerned, those rates were on a variety of bases in the early years,—different bases in different parts of the country. In 1940 following negotiations between the railways and the shippers a new basis of lumber rates to apply within the Prairie territory was worked out,—these new lumber rates were based on 75 per cent of the then 10th class standard mileage class rates. This, briefly, was the lumber freight rate structure of Western Canada prior to the mountain differential adjustment.

#### *Mountain differential Adjustment*

The term "mountain differential" is a principle of mileage inflation in order to produce a higher rate in the British Columbia area. It means the difference between the rates applied in pacific territory and those applied normally on the same commodity for a haul of equal distance between points in prairie territory. The Board by its Order 72298 dated April 23, 1949 directed that the "mountain differential" be removed from the tolls charged for the transportation of goods within, to and from the Province of British Columbia.

The railways interpreted the said Order to mean that the basis of rates to be applied should be the same as in prairie territory. This meant reducing the rates on lumber within British Columbia to the basis of the prairie mileage scale, which was 75 per cent of the prairie tenth class standard mileage rates, and also the rates from the British Columbia coast region to western destinations would be based on the same scale. As to the rates from the interior of British Columbia the same scale was applied, but in lieu of applying the prairie mileage scale on a point to point basis, the rates were established on an origin group basis. This rate formula kept the old coast group intact, kept the interior groups intact as nearly as could be, with the rates therefrom being calculated by using the mileage from a key point in each origin group to the actual destination,—thus, to illustrate, the rate from the coast group to Winnipeg was based on the prairie mileage scale applied for the Vancouver-Winnipeg distance and the rate from the Kamloops group was based on the same scale

for the Kamloops to Winnipeg distance. This adjustment created increases in rates to eastern prairie points, comprising, in general, all points in eastern Saskatchewan and eastward to Port Arthur, Ont. To the territory west thereof reductions in rates were made.

The British Columbia Lumber Manufacturers Association protested to the Board the proposed increases in rates mentioned on the grounds of unjust discrimination and requested the Board to suspend the tariff schedules pending hearing of the matter. The Board was unable to find that unjust discrimination would exist by the proposed adjustment of rates and the application for suspension was denied.

*1952-1953 Proceedings in the matter of Vancouver versus Seattle rates*

The British Columbia Lumber Manufacturers Association applied to the Board in April, 1952 for removal of discrimination in the rates on lumber from the west coast to prairie destinations. It was alleged that as a result of increases since April 8, 1948, plus the adjustment consequent upon the removal of the "mountain differential", the rates on lumber from Vancouver to prairie destinations east of Regina were much higher than equivalent rates from Seattle, Wash. and Portland, Ore., to the same Canadian destinations. The then comparable rates were as follows:

To	From Vancouver, B.C.	From Seattle, Wash.
Winnipeg, Man. ....	117	106
Port Arthur, Ont. ....	132	113

It was further alleged that as a result of these discriminatory freight rates favouring American shippers, the lumber industry on the British Columbia coast was losing substantial business to their United States competitors, and it was requested that the discrimination existing in the freight rates be removed.

The railways in reply to this application admitted the difference in rates as outlined but contended their investigation did not confirm that the British Columbia Coast lumber industry was losing business to its United States competitors.

The British Columbia Lumber Manufacturers Association replied to the railways submission asserting that the discrimination existed as alleged which fact had been admitted by the railway companies as evidenced by receipt of notification from the Canadian Pacific Railway indicating that the rates from the United States points in question would be increased and thereby eliminate the difference in the rates which was alleged to be discriminatory. The applicant took exception to the railways' proposed solution of the matter and requested the Board to order a reduction in the rates from Vancouver to the United States level of rates on the grounds that Canadian shippers of lumber from the West Coast are entitled to freight rates equal in amount and based on the same principle as those enjoyed by their American competitors. A new issue was thus raised and as the scope of the original application had been enlarged the railways were called upon to answer these allegations.

The railways in answer stated that the United States railways had taken action to increase their rates from Washington and Oregon shipping points to destinations in the Canadian prairies in order to place them on a parity with rates from British Columbia coast points and it was maintained that the British Columbia manufacturers suffered no loss of business to the Washington and Oregon producers by reason of differences in the freight rates. No reply to this answer from the railways was received by the Board from the British Columbia Lumber Manufacturers Association.

By its Order 80462, dated December 20, 1952 (42-JOR & R-269) the Board authorized, inter alia, a nine per cent (9%) increase in commodity rates. The

application of this increase to the lumber rates from the British Columbia Coast to prairie destinations again disturbed parity of rates with those applicable from the States of Washington and Oregon. The British Columbia Lumber Manufacturers Association again made application to the Board for removal of the alleged unjust discrimination prevailing between the American and Canadian rates to prairie destinations. The then comparable rates from Vancouver, B.C. and Seattle, Wash., to representative prairie destinations were as follows:

To	From Vancouver, B.C.	From Seattle, Wash.
Regina, Sask. ....	105	104
Virden, Man. ....	114	106
Rivers, Man. ....	121	113
Brandon, Man. ....	121	111
Portage la Prairie, Man. ....	125	115
Winnipeg, Man. ....	128	117

The railways' reply to this application was that preparations were in progress to obtain an increase in the rates from United States shipping points so that parity would be restored with the rates from the British Columbia coast. The Board heard the matter at Vancouver, B.C., on March 17, 1953.

At this hearing a submission was also made by the Interior Lumber Manufacturers Association of British Columbia on behalf of its members comprising 92 mills located in what are known as the Kamloops and Nelson Forest Districts and comprising that section of the Province of British Columbia lying east of the Cascade Mountains and extending from Hope along and south of the main line of the Canadian Pacific and Canadian National Railways to the Alberta border. The contention of this Association was that if as a result of the presentation of the B.C. Lumber Manufacturers Association brief, the Board saw fit to reduce the British Columbia coast rates, then any reduction applicable to the Coast should apply from the interior of British Columbia as well. The Timberland Lumber Company of British Columbia also made presentations to the Board at this hearing—in addition to supporting the application of the B.C. Lumber Manufacturers Association, the Board's attention was directed to discrimination existing in respect to the movements of long length timbers, poles and piling to Western Canadian destinations, it being alleged that a lower basis of rates on such materials applied to eastern Canadian destinations than to western destinations.

Upon completion of the hearings on this phase of the rate structure the following oral judgment was delivered by the Chief Commissioner as reported at 43 JOR & R 40.

"The next case is in the matter of the application of the British Columbia Lumber Manufacturers Association for an Order of the Board under Sections 33, 314, 316, 317, 319, 325 and 344 of the Railway Act directing the Canadian Pacific Railway Company and the Canadian National Railways to remove the discrimination in the rates against shipments of lumber from the West Coast to Prairie points between Regina and Winnipeg, inclusive.

In order to avoid confusion, it should be recalled that the B.C. Lumber Manufacturers Association have made two separate and distinct complaints to the Board with respect to rates on lumber, timber, and other like commodities.

One complaint, which has not yet been set down for hearing, is a general complaint of unreasonableness in the lumber rates, and this will be heard at some future date.

The application which came before the Board for hearing here at Vancouver on March 18th is a complaint dated January 19, 1953, based on the ground of unjust discrimination in the rates and rules governing the movement of lumber from British Columbia coast points to points on the Prairies in the general territory Regina to Winnipeg, inclusive, as compared with the rates from Seattle and other points in the States of Oregon and Washington to the same territory. Not only are the rates on lumber from Vancouver and other B.C. points for example, higher than from Seattle, but there is a greater charge also in the case of poles, piling and square-sawn timber longer than 48' 6", by a rule in the governing tariffs, under which the rates from Vancouver are assessed at the higher Group B rates, whereas from Seattle there is no such surcharge, and it is also stated that there is no such surcharge on shipments from Vancouver, for example, to points east of Port Arthur, Ont.

There is ample and uncontradicted evidence on the record that the rates and the rule referred to are unjustly discriminatory against British Columbia shippers and unduly preferential in favour of shippers in the States of Washington and Oregon because the Canadian Pacific Railway Company and the Canadian National Railways both join with the American carriers in the lower rates from Seattle, etc., to the same destinations and in part, over the same routes as are applicable from British Columbia shipping points to the said territory.

Since unjust discrimination has been found as a fact, we have no option but to order it removed under the provisions of the Sections of the Act invoked by the applicant, and an Order will, therefore, issue requiring the removal of the said discrimination on or before May 31, 1953.

There are, of course, two ways of removing discrimination—one, by increasing the lower rate, and the other by reducing the higher rate, and it has been the practice, with some exceptions, to issue an Order merely requiring the removal of unjust discrimination, leaving to the railway companies the option of the manner in which the discrimination is removed.

In this case the Board deems it advisable to say that the rule referred to with respect to longer poles, piling and square-sawn timber, bears in some respects the appearance not only of unjust discrimination but of unreasonableness. In dealing with this rule the Board will require the railway companies to present for the Board's consideration a more reasonable rule with respect to such poles, piling and square-sawn timber.

The Order which I have before me simply requires the railways to remove the unjust discrimination on or before May 31st next."

The railways complied with the said directive—Order 81055 dated March 24, 1953—by restoring parity of rates by again increasing the Washington-Oregon rates to the level of the Vancouver rates.

#### *1954 Proceedings in the matter of equalization of rates*

The British Columbia Lumber Manufacturers Association on behalf of its member mills filed an application with the Board in January, 1953 for a review of the present Canadian rail freight rates on lumber and lumber products which it was submitted were unreasonable and unjust and constituted undue discrimination against B.C. coast lumber shippers and for an order of the Board reducing such rates on long-haul traffic so as to re-establish equitable rate relationships between the competing regions in Canada. The said Association has 60 members engaged in the manufacture, sale and shipment of

lumber and lumber products; these 60 companies are located on the Pacific Coast of British Columbia and on Vancouver Island.

The Board subsequently received applications from other interested parties concerning the freight rates applicable in other parts of Canada which consequently enlarged the scope of the entire matter and in order to deal equitably with all interested parties the matter was deemed to be a part of the Equalization of Freight Rates Case. The Board consequently caused the following letter served upon all interested parties.

"The Board has under consideration an application of the British Columbia Lumber Manufacturers Association for a review of railway freight rates on lumber and lumber products and for an Order of the Board reducing such rates on long-haul traffic to re-establish equitable relationships between competing regions in Canada which has been set down for hearing on February 15, 1954, in Ottawa.

The Board has received inquiries concerning the above application from wood products concerns in various parts of Canada. The Board has also received complaints with respect to rates on lumber from the Quebec Lumber Manufacturers Association, the Alberta Forest Products Association, the Western Retail Lumbermen's Association of Winnipeg and the Western Quebec Forest Association Inc. at Rouyn, P.Q.

In order to give full cognizance of the issue involved to such other interested parties who have heretofore not been officially notified of the foregoing application and a full opportunity to make submissions, if they so desire, I have been directed to advise that the application of the B.C. Lumber Manufacturers Association and the complaints of other organizations referred to and such further complains or submissions as may in the interval be received will all be dealt with as part of the Equalization of Freight Rates Case, and will be heard by the Board on February 15, 1954 in its Court Room in the Union Station Building, Ottawa.

Apart from such further complaints or submissions the Board invites suggestions in writing as to an appropriate rate scale for lumber products throughout the whole of Canada. All such complaints, submissions or suggestions should be received by the Board not later than January 21, 1954 together with 50 copies thereof which the Board will undertake to promptly distribute to those on its mailing list."

The matter was heard at Ottawa, Ont. on February 15, 16, 17, 18, 19, 22 and 23, 1954. The views and position of the various parties as expressed at this hearing are set out briefly below:

*B.C. Lumber Manufacturers Association* proposed a level of rates from Vancouver and British Columbia coast points to destinations between Calgary and Fort William. The formula proposed was the rates in effect on April 7, 1948, which rates had been in effect for some 25 years, and subjecting such rates to the various percentage increases authorized by the Board since 1948, namely 98.2%. It was also proposed that the cumulative percentage increase of 98.2% be applied to the differentials, or differences in rates between the coast rates and the various B.C. interior producing centres in existence on April 7, 1948 and that such new differentials be maintained thereafter. This proposal involved increases in rates for the shorter hauls, roughly destination territory west of Regina and Saskatoon and decreases in the rates for the longer hauls, that is the territory Regina and Saskatoon and east to the Lakehead.

*Interior Lumber Manufacturers Association* were granted a period of thirty days from date of conclusion of the hearing for the filing of their brief with the Board and all interested parties outlining their position

*Cariboo Lumbermen's Association* submitted a brief requesting the Board to order a reduction in rates on lumber from the central interior of British Columbia to Eastern Canadian markets. The application of this freight rate structure will be further dealt with herein.

*Alberta Forest Products Association* alleged that the proposal as made by the B.C. Lumber Manufacturers Association would have a detrimental effect on the northern Alberta and eastern interior British Columbia mills. Unless a parallel adjustment was made from Alberta mills, it was asserted, a distortion would be introduced by the scale of rates proposed by the coast interests which would be such as to place Alberta and eastern British Columbia shippers under a heavy penalty. It was stressed that the important feature of the rates applicable on lumber within Western Canada was not the rates, per se, but the relationship between the various producers' rates from different origins to the same markets.

Counsel for the *Province of Alberta* made a motion for non-suit of the application of the B.C. Lumber Manufacturers Association and requested that the Board dismiss the said application on the grounds that the proposal as advanced constituted increases in rates on lumber from Vancouver to consuming centres in Alberta, a proposition that the railways were not advocating. Attention was drawn to the fact that under the Mountain differential adjustment of 1949 rates on lumber from the B.C. Coast to Alberta destinations were reduced and that the proposition now being advanced would nullify the advantage secured by the Province of Alberta under the said "mountain differential" adjustment.

*Saskatchewan Timber Board* was not opposed to the B.C. Lumber Manufacturers Association application for reductions in rates. They opposed however a reduction in the differential between the freight rates on B.C. Lumber into eastern Saskatchewan and Manitoba and the rates from Saskatchewan lumber origins to the same destinations. The Timber board did not desire that their shipping position be worsened by reverting to the former rate differentials. In the event that B.C. lumber into these areas are reduced, it was desired by the said Timber Board that the same percentage reduction should be applied from Saskatchewan origins.

*The railways* stated that from a review of the proposal of the B.C. Lumber Manufacturers Association it appeared that a very substantial change would occur in the relationship as between the coast rates and the rates from the interior and from Alberta to the prairie markets. While the Interior Association had not submitted their proposal to the Board at the hearing the railways were of the opinion they could expect that the said Interior Association would not want to have their rate relationships seriously distorted. The railways position was that they desired all lumber areas to ship lumber to markets and that they were desirous of not giving one area an undue advantage over another as far as practicably possible. The railways stated they would welcome an opportunity to work out a rate structure that would be suitable to all lumber interests. The suggestion was put forward that possibly this could be done by conference at which all lumber shipping interests would be represented and also the railways. A solution to the problem it was suggested might be an entirely new mileage scale of rates and relating such rates to the various shipping centres by a grouping key point plan or some other method that would give each area its rates on the same scale related to distance, and which would also give the railways on balance the same revenue.

*Maritime Lumber Bureau and the Maritimes Transportation Commission* maintained that lumber, a basic commodity, should be enabled to move as freely as possible to markets from the more distant sources and that special consideration should be given by means of exceptions to authorized percentage increases when railway revenue needs were found justifiable. The Lumber Bureau stressed that in the matter of equalization of freight rates on lumber nothing should be done that in any way would worsen or restrict the competitive position of the Maritime lumber industry in markets in Canada outside the Maritime Territory.

*Quebec Lumber Manufacturers Association* requested a review of the present Canadian railway freight rates and for an order from the Board reducing such rates on long-haul traffic so as to re-establish relationships between the competing regions of Canada. They objected to the preferential treatment granted the western part of the country in the movement of lumber to Eastern Canada, and requested reductions in rates from the northern producing centres of Ontario and Quebec to eastern markets. They objected vigorously to the B.C. scale of rates for application within Eastern Canada and stated such rates would have a detrimental effect on the Quebec lumber industry. The freight rate structures mentioned are dealt with further herein.

*Federation of the Chamber of Commerce of Abitibi; Forestry Association of Western Quebec, Inc. and Hearst, Ont. and District Chamber of Commerce* contended that the rates on lumber from the northern sections of Ontario and Quebec to eastern markets were unjustly discriminatory and retarded the progress of the lumber industry. They stated that due to the geographical location of their production areas they are compelled to move their products to eastern markets involving two railway hauls, and that consequently the rates for such movements are excessive in relation to rates applicable from other areas involving only single line railway hauls for comparable distances. They allege this is manifestly unfair and that they should have the benefit of single line rates for the distance via the shortest rail route. This feature of the freight rate structure of Eastern Canada is also dealt with later herein.

At the conclusion of the submissions of all evidence in the matter of rates on lumber, the B.C. Lumber Manufacturers Association made an application for adjournment of the hearing. They requested the Board to hold further hearings on its application at a later date, and also of the proposals to be made by the Interior Lumber Manufacturers Association. The Board concurred in this application and suggested an adjournment would accord all interested parties an opportunity of reviewing the brief to be submitted by the Interior Association. The Board also stated that the suggestion put forward by the railways for a conference of all lumber shipping interests might be considered in the interval and progress made by all concerned through this means to narrow the many contentious issues. The hearing was adjourned to reconvene in Vancouver, B.C. on May 4, 1954.

In the meantime the Interior Lumber Manufacturers Association submitted its brief to all concerned strongly opposing the proposals as set forth by the B.C. Lumber Manufacturers Association. The counter formula suggested by the said Interior Association was to create a rate structure based on two separate closely related formulae; first, group to zone rates and second, sub-group to specific point rates. The group-to-zone rates to be applicable to the territory east of Portage la Prairie to the Lakehead, with the origin territory of British Columbia divided into seven major groups and the destination territory divided into zones of approximately 100 miles each. Rates between these groups and zones to be calculated by applying a mileage scale of rates for the average distance between the proposed groups and zones. To other destinations in Western Canada—sub-group to specific point rates—it was proposed that the British Columbia origin territory be divided into 16 sub-groups

and the rates therefrom calculated by applying the mileage scale of rates for the actual mileage from basing points in each origin sub-group to each specific destination. This proposal constituted in the main reductions in rates as well as some increases in rates to certain areas in Western Canada.

The hearing was adjourned to reconvene in Vancouver, B.C. and Calgary Alta. Prior to the reconvening of the hearing in Vancouver a conference lasting one week was held between representatives of the railways and the lumber shipping associations. At this conference the railways initially submitted a plan they thought might solve the problem but which after study by many of the interested shippers was not altogether satisfactory. Following a series of meetings among the shipping associations and jointly with the railways, another plan was worked out which met with general approval by all concerned. The primary objective was to devise a scale of rates which would apply uniformly throughout Western Canada, but coupled with this was the necessity of reaching agreement as to the differentials which the rates from the interior should have under the coast rates. The new scale of rates finally agreed upon differed from the railways original proposal for distances between 800 and 1,800 miles for which distances downward revisions were made. In general, the groupings and mileages proposed by the Interior Lumber Manufacturers Association were adopted with certain exceptions. At the formal hearings of the Board on May 4, 1954 the results of this conference were made known and the Board was informed that agreement in toto had been reached between the parties.

At the Calgary hearing before the Board on May 17 and 18, 1954, the Saskatchewan Forest Products and the Province of Alberta objected to the scale of rates negotiated in Vancouver. Following conferences between the railways and these interested parties, the railways agreed to a modification of the scale of rates for distances between 300 and 825 miles by a reduction of one cent for each mileage block. The railways in offering this modification in the rate scale alleged it would result in substantial reduction in railway revenue. The lumber interests accepted the railways proposal.

The tariff schedules giving effect to this new negotiated freight rate structure in Western Canada were filed with the Board on December 1, 1954 to become effective on January 1, 1955. Prior to the coming into effect of these tariff schedules, the Interior Lumber Manufacturers Association; Northern Interior Lumbermens Association; Saskatchewan Federated Co-operatives Limited and Crows Nest Pass Lumber Company Limited filed with the Board applications complaining of certain rates in these tariffs and asking for suspension thereof. Upon consideration of the tariffs and of the complaints the Board issued Order 85233 dated December 23, 1954 (44 JOR & R 338) postponing until February 1, 1955 the effective date of the tariffs to enable the interested parties to hold discussions and reach agreement. The Board held hearings in Vancouver, B.C. on January 17, 1955 at which it was reported to the Board that agreement had been finally reached and that some modifications in the rate differentials applicable from certain mills would be made as result of which the above mentioned lumber interests withdrew their applications for suspension of the tariff schedule and this long negotiated rate structure went into effect on February 1, 1955. There follows a comparison of the lumber commodity rates with the Class 100 rates applicable between representative points in Western Canada based on the rates in effect in 1958, i.e., exclusive of the 17% interim increase. All rates specified are in cents per 100 lbs.

It will be observed from this analysis that the general level of rates reflect approximately 23.5% of the Class 100 rates, except in respect to the rates from British Columbia and Alberta to Winnipeg and Fort William which are on a lower level due to such rates being maintained at the same rates as applicable from the states of Washington and Oregon. This latter feature of the rate structure has been fully outlined herein.

TO	FROM	Class 100	Com- modity Rate	Percentage com- modity rate is of Class 100	
Calgary.....Alta.	<i>British Columbia—</i>				
	Vancouver.....	346	80	23.1	
	Lytton.....	286	64	22.4	
	Ashcroft.....	266	64	24.1	
	Kamloops.....	246	58	23.6	
	Armstrong.....	226	58	25.7	
	Kelowna.....	246	55	23.6	
	Penticton.....	266	64	24.1	
	Carmi.....	296	64	21.6	
	Castlegar.....	266	62	23.3	
	Nelson.....	256	62	24.2	
	Creston.....	226	51	22.6	
	Cranbrook.....	206	48	23.3	
	Arrowhead.....	206	47	22.8	
	Fernie.....	176	41	23.3	
	Bull River.....	196	48	24.5	
	Crowsnest.....	167	41	24.6	
	Vanderhoof.....	406	93	22.9	
	Prince George.....	376	80	21.3	
	Bend.....	346	80	23.1	
	Canoe River.....	306	71	23.2	
	Canoe.....	216	54	25.0	
	Chase.....	236	58	24.6	
	Savona.....	256	58	22.7	
	Average relationship from British Columbia.....				23.3
		<i>Alberta</i>			
		Grande Prairie.....	336	78	23.2
		Grimshaw.....	306	71	23.2
		Chisholm.....	216	51	23.6
		Barrhead.....	196	47	24.0
		Imperial Mills.....	236	56	23.7
		Lac La Biche.....	226	53	23.5
		Edmonton.....	167	39	23.4
		Whitecourt.....	226	53	23.5
		Entwistle.....	206	50	24.3
		Erith.....	246	58	23.6
		R. Mtn. House.....	155	34	21.9
		Winfield.....	155	36	23.2
		Burmis.....	155	34	21.9
Average relationship from Alberta.....				23.4	
	<i>Saskatchewan</i>				
	Akosane.....	346	60	23.1	
	Bennock.....	326	75	23.0	
	Bertwell.....	336	78	23.2	
	Big River.....	316	73	23.1	
	Bjorkdale.....	316	73	23.1	
	Carrot River.....	316	73	23.1	
	Crooked River.....	316	73	23.1	
	Kelvington.....	356	82	23.0	
	Mistatim.....	316	80	25.3	
	Peesane.....	316	73	23.1	
	Pelly.....	356	82	23.0	
	Prairie River.....	326	75	23.0	
	Reserve.....	336	78	23.2	
	Sturgis.....	336	78	23.2	
Average relationship from Saskatchewan.....				23.3	
	<i>Manitoba</i>				
	Barrows.....	356	82	23.0	
	Bowsman.....	376	87	23.1	
	Cranberry Portage.....	396	91	23.0	
	Hudson Bay.....	336	78	23.2	
	The Pas.....	376	87	23.1	
	Timberton.....	366	84	23.0	
	Mofeking.....	356	89	25.0	
	Winnipegosis.....	396	91	23.0	
Average relationship from Manitoba.....				23.3	

TO	FROM	Class 100	Commodity Rate	Percentage commodity rate is of Class 100	
Edmonton.....Alta.	<i>British Columbia</i>				
	Vancouver.....	396	91	23.0	
	Lytton.....	336	75	22.3	
	Ashcroft.....	316	75	23.7	
	Kamloops.....	296	69	23.3	
	Armstrong.....	306	69	22.5	
	Kelowna.....	326	69	21.2	
	Penticton.....	336	82	24.4	
	Carmi.....	376	82	21.8	
	Castlegar.....	346	80	23.1	
	Nelson.....	336	80	23.8	
	Creston.....	306	69	22.5	
	Cranbrook.....	276	67-	24.3	
	Arrowhead.....	286	64	22.4	
	Fernie.....	256	60	23.4	
	Bull River.....	266	67	25.2	
	Crownsnest.....	236	60	25.4	
	Vanderhoof.....	316	73	23.1	
	Prince George.....	286	62	21.7	
	Bend.....	256	62	24.2	
	Canoe River.....	216	51	23.6	
	Canoe.....	296	69	23.3	
	Chase.....	316	69	21.8	
	Savona.....	306	69	22.5	
	Average relationship from British Columbia....				23.1
	<i>Alberta</i>				
	Grande Prairie.....	296	60	20.3	
	Grimshaw.....	226	53	23.5	
	Chisholm.....	133	30	22.6	
	Barrhead.....	105	24	22.9	
	Imperial Mills.....	155	34	21.9	
	Lac la Biche.....	144	32	22.2	
	Calgary.....	167	38	22.8	
Whitecourt.....	133	29	21.8		
Entwistle.....	105	24	22.9		
Erith.....	144	33	22.9		
R. Mtn. House.....	155	34	21.9		
Winfield.....	111	26	23.4		
Burmis.....	226	53	23.5		
Average relationship from Alberta.....				22.4	
<i>Saskatchewan</i>					
Akosane.....	306	71	23.2		
Bannock.....	296	69	23.3		
Bertwell.....	306	71	23.2		
Big River.....	256	60	23.4		
Bjorkdale.....	286	67	23.4		
Carrot River.....	286	67	23.4		
Crooked River.....	286	67	23.4		
Kelvington.....	326	75	23.0		
Mistatim.....	286	67	23.4		
Peesane.....	286	67	23.4		
Pelly.....	326	75	23.0		
Prairie River.....	296	69	23.3		
Reserve.....	306	71	23.2		
Sturgis.....	306	71	23.2		
Average relationship from Saskatchewan.....				23.3	
<i>Manitoba</i>					
Barrows.....	326	75	23.0		
Bowsman.....	336	78	23.2		
Cranberry Portage.....	366	84	23.0		
Hudson Bay.....	306	71	23.2		
The Pas.....	346	80	23.1		
Timberton.....	336	78	23.2		
Mofeking.....	326	75	23.0		
Winnipegosis.....	366	84	23.0		
Average relationship from Manitoba.....				23.1	

TO	FROM	Class 100	Commodity Rate	Percentage commodity rate is of Class 100	
Regina.....Sask.	<i>British Columbia</i>				
	Vancouver.....	526	118	22.4	
	Lytton.....	476	104	21.8	
	Ashcroft.....	456	104	22.8	
	Kamloops.....	436	101	23.2	
	Armstrong.....	416	101	24.3	
	Kelowna.....	436	101	23.2	
	Penticton.....	446	104	23.3	
	Carmi.....	456	104	22.8	
	Castlegar.....	396	91	23.0	
	Nelson.....	386	91	23.6	
	Creston.....	356	80	22.5	
	Cranbrook.....	336	78	23.2	
	Arrowhead.....	396	89	22.5	
	Fernie.....	306	71	23.2	
	Bull River.....	326	78	23.9	
	Crowsnest.....	296	71	24.0	
	Vanderhoof.....	506	111	21.9	
	Prince George.....	476	101	21.2	
	Bend.....	416	101	22.6	
	Canoe River.....	406	93	22.9	
	Canoe.....	406	97	23.9	
	Chase.....	416	101	24.3	
	Savona.....	446	101	22.6	
	Average relationship from British Columbia....				22.9
		<i>Alberta</i>			
		Grande Prairie.....	446	101	22.6
		Grimshaw.....	416	95	22.8
		Chisholm.....	326	75	23.0
		Barrhead.....	316	73	23.1
		Imperial Mills.....	346	80	23.1
		Lac la Biche.....	336	78	23.2
		Calgary.....	276	64	23.2
		Whitecourt.....	326	75	23.0
		Entwistle.....	306	71	23.2
		Erith.....	346	80	23.1
		R. Mtn. House.....	316	73	23.1
		Winfield.....	306	71	23.2
		Burmis.....	286	67	23.4
		Edmonton.....	286	67	23.4
	Average relationship from Alberta.....				23.1
		<i>Saskatchewan</i>			
	Akosane.....	186	43	23.1	
	Bannock.....	206	48	23.3	
	Bertwell.....	176	42	23.9	
	Big River.....	226	53	23.5	
	Bjorkdale.....	196	47	24.0	
	Carrot River.....	226	53	23.5	
	Crooked River.....	196	48	24.5	
	Kelvington.....	176	42	23.9	
	Mistatim.....	206	49	23.8	
	Peesane.....	206	49	23.8	
	Pelly.....	176	40	22.7	
	Prairie River.....	196	48	24.5	
	Reserve.....	176	41	23.3	
	Sturgis.....	155	37	23.9	
Average relationship from Saskatchewan.....				23.7	
	<i>Manitoba</i>				
	Bowman.....	196	46	23.5	
	Barrows.....	206	49	23.8	
	Cranberry Portage.....	246	58	23.6	
	Hudson Bay.....	186	44	23.7	
	The Pas.....	226	53	23.5	
	Timberton.....	186	43	23.1	
	Mofeking.....	206	49	23.8	
	Winnipegosis.....	216	51	23.6	
Average relationship from Manitoba.....				23.6	

TO	FROM	Class 100	Com- modity Rate	Percentage com- modity rate is of Class 100	
Saskatoon.....Sask.	<i>British Columbia</i>				
	Vancouver.....	516	115	22.3	
	Lytton.....	466	104	22.3	
	Ashcroft.....	446	104	23.3	
	Kamloops.....	426	98	23.0	
	Armstrong.....	416	98	23.6	
	Kelowna.....	436	98	22.5	
	Penticton.....	456	104	22.8	
	Carmi.....	486	104	21.4	
	Castlegar.....	456	102	22.4	
	Nelson.....	446	102	22.9	
	Creston.....	416	91	21.9	
	Cranbrook.....	396	89	22.5	
	Arrowhead.....	396	87	22.0	
	Fernie.....	366	82	22.4	
	Bull River.....	386	89	23.1	
	Crowsnest.....	356	82	23.0	
	Vanderhoof.....	446	101	22.6	
	Prince George.....	416	91	21.9	
	Bend.....	376	91	24.2	
	Canoe River.....	346	80	23.1	
	Canoe.....	406	94	23.2	
	Chase.....	426	98	23.0	
	Savona.....	436	98	22.5	
	Average relationship from British Columbia....				22.7
	<i>Alberta</i>				
	Grande Prairie.....	386	89	23.1	
	Grimshaw.....	356	82	23.0	
	Chisholm.....	266	62	23.3	
	Barrhead.....	246	58	23.6	
	Imperial Mills.....	286	67	23.4	
	Lac la Biche.....	276	64	23.2	
	Calgary.....	246	58	23.6	
	Whitecourt.....	266	62	23.3	
	Entwistle.....	246	58	23.6	
	Erith.....	276	64	23.2	
	R. Mtn. House.....	266	62	23.3	
	Winfield.....	256	60	23.4	
	Burmis.....	346	80	23.1	
	Edmonton.....	226	53	23.5	
	Average relationship from Alberta.....				23.3
<i>Saskatchewan</i>					
Akosane.....	186	43	23.1		
Bannock.....	167	38	22.8		
Bertwell.....	186	42	22.6		
Big River.....	155	37	23.9		
Bjorkdale.....	155	36	23.2		
Carrot River.....	155	37	23.9		
Crooked River.....	155	34	21.9		
Kelvington.....	196	48	24.5		
Mistatim.....	155	37	23.9		
Peesane.....	155	36	23.2		
Pelly.....	196	46	23.5		
Prairie River.....	167	38	22.8		
Reserve.....	176	41	23.3		
Sturgis.....	176	42	23.9		
Average relationship from Saskatchewan.....				23.3	
<i>Manitoba</i>					
Bowsman.....	216	51	23.6		
Barrows.....	196	46	23.5		
Cranberry Portage.....	236	55	23.7		
Hudson Bay.....	176	42	23.9		
The Pas.....	216	51	23.6		
Timberton.....	206	49	23.8		
Mofeking.....	196	48	24.5		
Winnipegosis.....	236	56	23.7		
Average relationship from Manitoba.....				23.8	

TO	FROM	Class 100	Commodity Rate	Percentage commodity rate is of Class 100	
Winnipeg.....Man.	<i>British Columbia</i>				
	Vancouver.....	676	133	19.7	
	Lytton.....	616	124	20.1	
	Ashcroft.....	596	124	20.8	
	Kamloops.....	576	116	20.5	
	Armstrong.....	556	118	21.2	
	Kelowna.....	576	118	20.5	
	Penticton.....	596	124	20.8	
	Carmi.....	596	124	20.8	
	Castlegar.....	536	115	21.5	
	Nelson.....	526	115	21.9	
	Creston.....	496	109	21.8	
	Cranbrook.....	476	108	22.7	
	Arrowhead.....	536	115	21.5	
	Fernie.....	446	101	22.8	
	Bull River.....	466	108	23.2	
	Crowsnest.....	456	101	23.2	
	Vanderhoof.....	626	124	19.8	
	Prince George.....	606	118	19.5	
	Bend.....	566	118	20.8	
	Canoe River.....	536	115	21.5	
	Canoe.....	546	118	21.6	
	Chase.....	566	118	20.8	
	Savona.....	586	118	20.1	
	Average relationship from British Columbia.....				21.1
		<i>Alberta</i>			
		Grande Prairie.....	576	118	20.5
		Grimshaw.....	546	115	21.1
		Chisholm.....	456	104	22.8
		Barrhead.....	436	101	23.2
		Imperial Mills.....	476	104	21.8
		Lac la Biche.....	466	104	22.3
		Calgary.....	416	95	22.8
		Whitecourt.....	446	101	22.6
		Entwistle.....	436	101	23.2
		Erith.....	466	104	22.3
		R. Mtn. House.....	456	104	22.8
		Winfield.....	446	101	22.6
	Burmis.....	476	98	23.0	
	Edmonton.....	406	93	22.9	
Average relationship from Alberta.....				22.4	
	<i>Saskatchewan</i>				
	Akosane.....	246	58	23.6	
	Bannock.....	256	60	23.4	
	Bertwell.....	236	56	23.7	
	Big River.....	336	78	23.2	
	Bjorkdale.....	256	60	23.4	
	Carrot River.....	296	69	23.3	
	Crooked River.....	256	60	23.4	
	Kelvington.....	236	56	23.7	
	Mistatim.....	256	60	23.4	
	Peesane.....	286	62	23.3	
	Pelly.....	216	51	23.6	
	Prairie River.....	256	60	23.4	
	Reserve.....	236	56	23.7	
	Sturgis.....	216	51	23.6	
Average relationship from Saskatchewan.....				23.5	
	<i>Manitoba</i>				
	Bowsman.....	206	49	23.8	
	Barrows.....	326	53	23.5	
	Cranberry Portage.....	296	69	23.3	
	Hudson Bay.....	246	58	23.6	
	The Pas.....	276	64	23.2	
	Timberton.....	176	40	22.7	
	Mofeking.....	216	51	23.6	
	Winnipegosis.....	176	41	23.3	
Average relationship from Manitoba.....				23.4	

TO	FROM	Class 100	Commodity Rate	Percentage commodity rate is of Class 100	
Fort William.....Ont.	<i>British Columbia</i>				
	Vancouver.....	846	151	17.8	
	Lytton.....	786	142	18.1	
	Ashcroft.....	766	142	18.5	
	Kamloops.....	746	135	18.1	
	Armstrong.....	726	135	18.6	
	Kelowna.....	746	135	18.1	
	Penticton.....	766	142	18.5	
	Carmi.....	766	142	18.5	
	Castlegar.....	706	133	18.8	
	Nelson.....	706	133	18.8	
	Creston.....	666	127	19.1	
	Cranbrook.....	646	127	19.7	
	Arrowhead.....	706	133	18.8	
	Fernie.....	616	122	19.8	
	Bull River.....	636	129	20.3	
	Crowsnest.....	606	122	20.1	
	Vanderhoof.....	806	142	17.6	
	Prince George.....	786	135	17.2	
	Bend.....	746	135	18.0	
	Canoe River.....	706	133	18.8	
	Canoe.....	726	135	18.6	
	Chase.....	726	135	18.6	
	Savona.....	766	135	17.6	
	Average relationship from British Columbia.....				18.6
	<i>Alberta</i>				
	Grande Prairie.....	746	138	18.5	
	Grimshaw.....	726	135	18.6	
	Chisholm.....	626	124	19.8	
	Barrhead.....	606	122	20.1	
	Imperial Mills.....	646	127	19.7	
	Lac la Biche.....	636	127	20.0	
	Calgary.....	586	120	20.5	
	Whitecourt.....	626	124	19.8	
	Entwistle.....	606	122	20.1	
	Erith.....	636	127	20.0	
	R. Mtn. House.....	626	124	19.8	
	Winfield.....	616	124	20.1	
	Burmis.....	596	122	20.5	
	Edmonton.....	586	120	20.5	
	Average relationship from Alberta.....				19.8
<i>Saskatchewan</i>					
Akosane.....	416	95	22.8		
Bannock.....	426	98	23.0		
Bertwell.....	416	95	22.8		
Big River.....	506	111	21.9		
Bjorkdale.....	426	98	23.0		
Carrot River.....	466	104	22.3		
Crooked River.....	436	101	23.2		
Kelvington.....	416	95	22.8		
Mistatim.....	436	101	23.2		
Peesane.....	436	101	23.2		
Pelly.....	356	89	23.1		
Prairie River.....	426	98	23.0		
Reserve.....	406	93	22.9		
Sturgis.....	396	91	23.0		
Average relationship from Saskatchewan.....				22.9	
<i>Manitoba</i>					
Bowsman.....	376	87	23.1		
Barrows.....	396	91	23.0		
Cranberry Portage.....	476	104	21.8		
Hudson Bay.....	416	95	22.8		
The Pas.....	456	101	22.1		
Timberton.....	356	82	23.0		
Mofeking.....	396	91	23.0		
Winnipegosis.....	346	80	23.1		
Average relationship from Manitoba.....				22.7	

#### 4. FREIGHT RATE STRUCTURE FROM WESTERN TO EASTERN CANADA

The existing rate structure from Western to Eastern Canada is composed of competitive rates from British Columbia and Alberta and normal commodity rates from Saskatchewan and Manitoba.

The basic factor in the rate structure from British Columbia is the competition of American railways which transport lumber from the States of Washington and Oregon to destinations in the eastern United States at low rates to compete with steamship service via the Panama Canal. For many years this basic factor has influenced the Canadian freight rate structure on lumber from British Columbia and Alberta origins to Eastern Canada. As early as 1921 the rate from Vancouver to Toronto was set at the same rate as applicable from Seattle to Buffalo and the rate from Vancouver to Montreal was set the same as from Seattle to New York and Boston and this parity of rate relationship continued until 1938. From that year until 1951 due to rate increases under various Ex Parte decisions of the Interstate Commerce Commission and Canadian Freight rate increases authorized by this Board the rate parity mentioned was destroyed. In 1951 the rates from the United States coast to the markets in Montreal and Toronto were lower than the comparative rates from Canadian coast points to the same markets. Following negotiations between the B.C. lumber interests and the railways, the railways voluntarily undertook to reduce the rates from the B.C. Coast to the same level prevailing from Seattle, Wash. to Eastern Canadian destinations. Also adjustments were made in the rates applicable from interior British Columbia and Alberta shipping points, the rates therefrom varying, only in respect to their differential relationship with the Coast rates; this interior rate adjustment being made due to a similar pattern of rates prevailing from interior shipping points in the United States.

Following enactment of the "Bridge Subsidy" provisions in the Railway Act, which statute stipulated that a reduction in the relative level of rates be applied on freight traffic moving in both directions between points in Eastern Canada and points in Western Canada, the Board issued its directive that a specific reduction in rates be made effective on certain traffic passing over the so-called 'bridge'. Competitive traffic designated as such in the railways tariffs was made an exception to such reduction. The consequent non-application of this 'bridge' reduction on lumber traffic from British Columbia and Alberta was challenged by the lumber industry, resulting in a full review of this particular feature of the rate structure being made by the Board and judgment thereon dated August 7, 1953 as reported at 43 JOR&R 203 was issued. The finding of the Board in this judgment was that the said rates are competitive rates. There is shown on the following page a comparison of the lumber rates with the Class 100 rates applicable from representative points in British Columbia and Alberta to Toronto which indicates this competitive rate structure reflects a rate level of approximately 15% of the Class 100 rates.

The rates applicable from Saskatchewan and Manitoba to Eastern Canada do not come within the competitive area above outlined and the rate structure from these two provinces fall within the category of normal commodity rates. Little more need be said in respect to these rates other than that shippers receive the benefit of the 'bridge' reduction above mentioned. The statement shown on the following page indicates this normal commodity rate structure reflects 18% of the Class 100 rates, which level is considerable lower than the level of rates prevailing on the same traffic moving within Western Canada of approximately 23½ per cent of the Class 100 rates.

TO	FROM	Class 100	Commodity Rate	Percentage commodity rate is of Class 100	
Toronto.....Ont.	<i>British Columbia</i>				
	Vancouver.....	1130	158	14.0	
	Ashcroft.....	1063	156	14.7	
	Kamloops.....	1046	155	14.8	
	Folkland.....	1099	155	14.1	
	Armstrong.....	1028	153	14.9	
	Midway.....	1063	150	14.1	
	Kelowna.....	1046	155	14.8	
	Penticton.....	1063	155	14.6	
	Carmi.....	1063	155	14.6	
	Castlegar.....	1028	150	14.6	
	Nelson.....	1010	150	14.9	
	Creston.....	992	150	15.1	
	Cranbrook.....	957	150	15.7	
	Arrowhead.....	1010	150	14.9	
	Vanderhoof.....	1099	155	14.1	
	Prince George.....	1063	153	14.4	
	Bend.....	1028	150	14.6	
	Chase.....	1046	153	14.6	
	Savona.....	1063	155	14.6	
	Wardner.....	957	150	15.7	
	Average relationship from British Columbia....				14.7
	<i>Alberta</i>				
	Grande Prairie.....	1046	149	14.2	
	High Prairie.....	975	144½	14.8	
	Chisholm.....	939	141½	15.1	
	Barrhead.....	921	141½	15.4	
	Lac la Biche.....	939	147	15.7	
	Edmonton.....	904	141½	15.7	
	Whitecourt.....	939	141½	15.1	
	Erith.....	957	141½	14.8	
	R. Mtn. House.....	939	141½	15.1	
	Winfield.....	939	141½	15.1	
	Calgary.....	921	141½	15.4	
	Burmis.....	921	141½	15.4	
	Average relationship from Alberta.....				15.1
	<i>Saskatchewan</i>				
	Akosane.....	726	134	18.5	
	Arborfield.....	766	138	18.0	
Bertwell.....	726	131	18.0		
Big River.....	826	152	18.4		
Carrot River.....	786	143	18.2		
Crooked River.....	746	138	18.5		
Kelvington.....	726	131	18.0		
Mistatim.....	746	134	18.0		
Peesane.....	746	134	18.0		
Pelly.....	706	127	18.0		
Reserve.....	726	131	18.0		
Sturgis.....	706	127	18.0		
Average relationship from Saskatchewan.....				18.1	
<i>Manitoba</i>					
Barrows.....	706	129	18.3		
Bowsman.....	686	125	18.2		
Hudson Bay.....	726	131	18.0		
The Pas.....	766	138	18.0		
Timberton.....	666	118	17.7		
Mofeking.....	706	127	18.0		
Winnipegosis.....	656	118	18.0		
Average relationship from Manitoba.....				18.0	

## 5. FREIGHT RATE STRUCTURE IN EASTERN CANADA

In Eastern Canada there are two commodity freight rate mileage scales applicable on lumber; a normal scale and a lower so-called 'constructive scale'. There are also numerous normal specific commodity rates published as point-to-point rates, many of which are joint rates. The normal specific commodity rates, generally speaking, reflect the so-called 'constructive' lumber scale. Little or no lumber traffic moves under the normal mileage scale of rates and it can be accepted that the 'constructive' scale of rates reflect the normal basic level of rates for the movement of lumber within Eastern Canada. Unlike the Western Canadian rate structure the rates apply from and to specific points and do not apply from origin rate groups other than that inherent in the said 'constructive' scale.

A comparison of the said 'constructive' scale with the Class 100 rates is set out below and it will be noted the overall level of the commodity rate scale reflects approximately 18½ per cent of the Class 100 rates.

Miles	Class 100	Commodity Rate	Percentage commodity rate is of Class 100
5	56	13	23.2
10	56	14	25.0
20	56	17	30.4
25	61	19	31.1
30	67	19	28.4
35	72	20	27.8
40	78	20	25.6
45	83	20	24.1
50	89	20	22.5
55	94	24	25.5
60	100	24	24.0
70	105	24	22.9
80	111	28	25.2
90	117	28	23.9
100	122	29	23.8
125	133	30	21.6
150	144	33	22.9
175	155	34	21.9
200	167	37	22.2
225	176	38	21.6
250	186	38	20.4
275	196	39	19.9
300	206	44	21.4
325	216	44	20.4
350	226	44	19.5
375	236	46	19.5
400	246	46	18.7
425	256	46	18.0
450	266	46	17.3
475	276	48	17.4
500	286	48	16.8
525	296	52	17.6
550	306	52	17.0
575	316	53	16.8
600	326	53	16.3
625	336	57	17.0
650	346	57	16.5
675	356	62	17.4
700	366	62	16.9

Miles	Class 100	Commodity Rate	Percentage commodity rate is of Class 100
725.....	376	65	17.3
750.....	386	65	16.8
775.....	396	67	18.9
800.....	406	67	16.9
825.....	416	70	16.8
850.....	426	70	16.4
875.....	436	72	16.5
900.....	446	72	16.1
925.....	456	73	16.0
950.....	466	73	15.7
975.....	476	79	16.6
1,000.....	486	79	16.3
Average relationship.....			18.3

Mention has been made of the application of the Federation of the Chamber of Commerce of Abitibi, et al, concerning the rates applicable from the northern sections of Ontario and Quebec to eastern markets which it was alleged retarded the progress of the lumber industry. Following presentation to the Board of such application a general reduction in the freight rates on lumber from northern Ontario and Quebec was granted by the railways following negotiations with the lumber interests. The rates from such producing areas were established on basis of the 'constructive' lumber scale mentioned for single railway hauls, and in respect to joint haul movements, an arbitrary over such lumber 'constructive' scale was adopted to compensate for the interchange of traffic between two separate railway systems. These reduced normal rates became effective in July 1954, shortly after the coming into force of the negotiated Western Canadian rate structure that has been outlined herein. Following agreement between the lumber interests and the railways on these rates the Federation of the Chamber of Commerce of Abitibi, et al, requested that the Board take no action on its application as previously submitted and desired that same be deemed to be withdrawn.

The foregoing outlines the normal freight rate structures applicable on lumber traffic moving within Canada, west of the Maritime territory, at the time of the conclusion of the hearings before the Board in June, 1958.

## 6. SUBMISSIONS OF RAILWAYS AND LUMBER INTERESTS

The submissions of the railways and the various lumber interests in Canada as presented at the concluding hearings of the Board in the matter of equalization of rates on lumber are briefly summarized below.

*B.C. Lumber Manufacturers Association* stated they were of the opinion that it is impracticable and undesirable to attempt to apply equalization to lumber commodity rates. They are of the opinion that rates on lumber should be made an exception to the national freight rates policy section of the Railway Act. Their submission is summarized:

"In regard to Equalization, members of the British Columbia Lumber Manufacturers Association are firmly of the opinion that it is impractical and undesirable to attempt to apply Equalization to commodity rates, particularly to Lumber and Lumber Products.

In this connection it is noted in the Report of the Royal Commission on Transportation, 1951, page 123, that:

'There is therefore no specific provision in the Railway Act calling for complete equalization of rates throughout Canada.'

It must be noted also that the present Canadian Freight Rate Structure, as far as lumber from Pacific Coast origins to Eastern Canadian destinations is concerned, these rates are tied into and governed by the competitive rates, established between United States Pacific Coast origins and Prairie and Eastern Canadian destinations.

Also Canadian carriers are a party to and participate in competitive rates on Lumber and Lumber Products from Pacific Coast origins to all United States destinations.

Western Canadian mileage rates on lumber are higher than Eastern Canadian mileage rates on lumber, and much higher than truck and water compelled rates in Ontario and Quebec.

In view, therefore, of the exceptions which have to be recognized including (a) Crow's Nest Pass Grain Rates, (b) Maritime subsidized rates, (c) International rates, (d) export and import traffic rates moving through Canadian ports (e) competitive rates, (f) Agreed Charges, we would therefore oppose the proposal to establish an equalized rate scale throughout Canada for the hauling of lumber from the various producing regions to consuming destinations."

*Alberta Forest Products Association* informed the Board they were neither opposed to nor in favour of equalization of freight rates on lumber.

*Interior Lumber Manufacturers Association* took the position that the differentials and the grouping and zoning principle negotiated in 1954 for application within Western Canada should be retained. In lieu of the existing basic Western lumber scale the said Association submitted for Board consideration an equalized scale of rates. This proposed scale, the existing Eastern scale and the existing Western scale, together with their respective relationship to the Class 100 rates are set out on the following page.

*Saskatchewan Timber Board* stated that in respect to short haul traffic, that is for rail hauls not exceeding 150 miles, the rates within Eastern Canada are higher than the rates for similar distances in Western Canada and concern was expressed by the said Timber Board that the equalization of lumber rates would result in increases in the existing short haul rates within Western Canada.

The *Canadian Lumbermen's Association* represents most of the lumber manufacturers, wholesalers and retailers in Quebec and Ontario, east of the Head-of-the-Lakes. They state the lumber industry of that region has been developed under the railway freight rate structure created for the particular needs and conditions of that region. It is alleged that the eastern lumber freight rate structure cannot stand further freight rate increases and if through equalization the eastern rates are increased the lumber industry must seek other and cheaper means of transportation. The said Association states they do not consider that it is reasonably possible to equalize lumber freight rates. Their submission is summarized as follows:

- (1) Order in Council P.C. 1487 does *not* enjoin upon the Board the necessity of equalizing *all* rates in Canada.
- (2) The same Order in Council does enjoin upon the Board that it should have due regard for the basic industries.

- (3) Section 336 of the Railway Act does *not* enjoin upon the Board the necessity of equalizing *all* rates in Canada. Indeed, on the contrary, subsection 4, paragraph (g) allows the Board to use its discretion in the application of section 336.
- (4) We do not consider it to be reasonably possible or desirable to try to strike an overall scale of mileage rates which will fit the needs of both eastern and western Canada.

Miles	Class 100	Eastern Scale		Western Scale		I.L.M.A. Scale	
		Rate	Percentage Rate is of Class 100	Rate	Percentage Rate is of Class 100	Rate	Percentage Rate is of Class 100
5	56	13	23.2	10	17.9	9	16.1
10	56	14	25.0	11	19.6	10	17.9
15	56	17	30.4	12	21.4	11	19.6
20	56	17	30.4	13	23.2	12	21.4
25	61	19	31.1	14	23.0	13	21.3
30	67	19	28.4	16	23.9	14	20.9
35	72	20	27.8	17	23.6	15	20.8
40	78	20	25.6	18	23.1	16	20.5
45	83	20	24.1	19	22.9	17	20.5
50	89	20	22.5	20	22.5	18	20.2
55	94	24	25.5	21	22.3	19	20.2
60	100	24	24.0	22	22.0	20	20.0
65	105	24	22.9	23	21.9	21	20.0
70	105	24	22.9	24	22.9	22	21.0
80	111	26	25.2	26	23.4	23	20.7
90	117	28	23.9	27	23.1	24	20.5
100	122	29	23.8	28	23.0	25	20.5
110	133	30	22.6	29	21.8	26	19.5
120	133	30	22.6	30	22.6	27	20.3
125	133	30	22.6	31	23.3	28	21.1
130	144	33	22.9	31	21.5	28	19.4
140	144	33	22.9	32	22.2	29	20.1
150	144	33	22.9	33	22.9	30	20.8
160	155	34	21.9	34	21.9	31	20.0
170	155	34	21.9	36	23.2	32	20.6
175	155	34	21.9	37	23.9	33	21.3
180	167	37	22.2	37	22.2	33	19.8
190	167	37	22.2	38	22.8	34	20.4
200	167	37	22.2	39	23.4	35	21.0
210	176	38	21.6	40	22.7	36	20.5
220	176	38	21.6	41	23.3	37	21.0
225	176	38	21.6	42	23.9	38	21.6
230	186	38	20.4	42	22.6	38	20.4
240	186	38	20.4	43	23.1	39	21.0
250	186	38	20.4	44	23.7	40	21.5
260	196	39	19.9	46	23.5	41	20.9
270	196	39	19.9	47	24.0	42	21.4
275	196	39	19.9	48	24.5	43	21.9
280	206	44	21.4	48	23.3	43	20.9
290	206	44	21.4	49	23.8	44	21.4
300	206	44	21.4	50	24.3	45	21.8
325	216	44	20.4	51	23.6	46	21.3
350	226	44	19.5	53	23.5	48	21.2
375	236	46	19.5	56	23.7	50	21.2
400	246	46	18.7	58	23.6	52	21.1
425	256	46	18.0	60	23.4	54	21.1
450	266	46	17.3	62	23.3	56	21.1
475	276	48	17.4	64	23.2	58	21.0
500	286	48	16.8	67	23.4	60	21.0
525	296	52	17.6	69	23.3	62	20.9
550	306	52	17.0	71	23.2	64	20.9
575	316	53	16.8	73	23.1	66	20.9
600	326	53	16.3	75	23.0	68	20.9
625	336	57	17.0	78	23.2	70	20.8
650	346	57	16.5	80	23.1	72	20.8
675	356	62	17.4	82	23.0	74	20.8
700	366	62	16.9	84	23.0	76	20.8
725	376	65	17.3	87	23.1	78	20.7
750	386	65	16.8	89	23.1	80	20.7
775	396	67	16.9	91	23.0	82	20.7
800	406	67	16.9	93	22.9	84	20.7
825	416	70	16.8	95	22.8	86	20.7

Miles	Class 100	Eastern Scale		Western Scale		I.L.M.A. Scale	
		Rate	Percentage Rate is of Class 100	Rate	Percentage Rate is of Class 100	Rate	Percentage Rate is of Class 100
850.....	426	70	16.4	98	23.0	88	20.7
875.....	436	72	16.5	101	23.2	91	20.9
900.....	446	72	16.1	101	22.6	91	20.4
925.....	456	73	16.0	104	22.8	94	20.6
950.....	466	73	18.7	104	22.3	94	20.2
975.....	476	79	16.6	108	22.7	97	20.4
1,000.....	486	79	16.3	108	22.2	97	20.0
Average relationship.....			18.9		23.0		20.7

The Railways state the freight rate structure applicable on lumber in Eastern Canada differs substantially from that applicable within Western Canada; that each rate structure has been created to meet the particular circumstances and conditions of its own region and the railways take the position it is not reasonably possible to effect equalization in respect of lumber commodity rates. It is recommended to the Board that an exception be made in respect to these freight rate structures as permitted under Section 336 of the Railway Act. The following extract from railway Counsels' arguments we believe outlines the railways' position.

Mr. J. W. G. Macdougall:—

The general position of the railways in that we believe equalization should be effected in accordance with the law of the land by equalizing like with like and where reasonably possible the commodity mileage scales should be equalized. Now, you have heard the evidence given in this case, that there are presently two commodity mileage scales in Canada; one in Eastern Canada and one in Western Canada and in addition there is what has been called the constructive scale in effect in Eastern Canada which is published as a mileage scale but which, as the evidence showed, is really a compilation of a number of specific rates put into a scale for the convenience of shippers.

Now, with regard to the Eastern mileage scale and the Western mileage scale. The Western scale applies locally in British Columbia and locally on the Prairies, and then there are specific commodity rates based on this scale, which move the large volume of traffic throughout Western Canada. The specific rates in Eastern Canada which are published as a mileage scale are the effective rates that move the large volume of traffic in Eastern Canada. These are the rates which the evidence shows had their origin years ago due to the effect of the historic economic conditions found by the railways when they commenced to operate in Eastern Canada, where they found water carriers already carrying goods and certain rates already in effect, and in the face of this situation, this historic economic situation, they put in their rates in Eastern Canada on a lower than normal level. I think that is a reasonable way of putting it. That was the origin of the effective rates in Eastern Canada.

In Western Canada you have heard the evidence of the origin of the effective rates there, they being the result of the negotiations which took place in 1954—and here I am referring to the latest addition to the Western rates, the ones we are concerned with here, which was a scale of rates worked out and tailored to the particular economic conditions obtaining in Western Canada at that time, and containing large origin and destination groupings as the Board is well aware of.

Therefore, the facts of the situation as they are before the Board at the moment are that these two sets of rates—one in the East which are in

reality specific commodity rates set out in a scale and the other in the West based on rates tailored to the economic problems of Western Canada—in our view are not comparable. They are not like. Nor do they in our view admit of equalization, if we are talking about equalizing like with like. Mr. Headley said you can make an equalized scale at any time by a mathematical process, but even on that my first proposition, and our first reason for holding the view that we do that it is not reasonably possible to equalize the Eastern and Western lumber rates, is that we must consider and look at the basis and the origin of these rates, and the reason they are at the levels they are is because of different economic factors applying in the two parts of Canada.

My second point deals with the theory, which Mr. Headley spoke of, of the possibility of making an equalized scale of rates, but against that I direct the Board's attention to the evidence of Mr. Headley and also of Mr. Halliday, that the result of such theoretical equalization would be a serious loss of revenue to the carriers. I appreciate that and I urge the Board to consider that this is a point which is the crux of this problem, because we have many times said to the Board, and I think correctly, that equalization is a most desirable thing and that where we can equalize, and properly equalize, in Canada we should do so, and, in fact, the law says we have to. There is no question about that, but our basic position has been and as has been admitted by the Board, that equalization must not take place at the expense of the railroad's revenue, because all the consequences which flow from that, as the Board is well aware, are serious, and they are consequences which should not be imposed either on the carriers or on the general shipping public.

My third point deals with this old problem of market patterns and disruption of trade conditions and the Board is very familiar with that problem and has heard how it applied in this lumber case. The rates which were devised following the meetings in 1954 and accepted by some with relish and, perhaps, some with reluctance—and in the latter group I think we can include the railways—as the best arrangement that could be obtained considering all points of view of the problem and the parties involved, would, it seems, have to be discarded if we are to have one uniform scale of mileage commodity rates having application throughout the whole of Canada. It is true it might well be possible to have equalized scales with certain elements of grouping, and I do not think there is any argument about that proposition, but from the railroads' point of view, we are not anxious to disrupt the trade and market patterns of the trade and industry in Western Canada because we do not think that it is a good idea just on its face and also quite frankly when that happens it usually rebounds to the detriment of the rail carriers.

We do not speak for the manufacturers or the producers, nor do we presume to do so, but we understand the submissions of the producers' organizations in the West, and also in the East, that they are strongly opposed to alterations in the existing system which would have the effect of disrupting their trade and market patterns, so I say to the Board in these circumstances we feel this is a particular reason why we are right in concluding it is not reasonably possible to equalize these rates.

It might be pointed out, again at this juncture that the effective rates both of Eastern and Western Canada, are in existence because of certain historic economic and competitive factors which have compelled the rates to be published at the level at which they presently are. In the East the rates are on the level they are because of the historic economic conditions arising out of the existence of the water routes. This has tended as a general condition to keep these rates on a fairly low basis—at any rate, on a basis which is lower today than in Western Canada—and in the West we have the conditions—call them competitive or whatever you like—the

economic marketing conditions in the Prairies which have set the level of the rates in Western Canada.

So the conclusion we draw from these facts is that we have equalization in respect of the rates on lumber today as far as is reasonably possible, and any attempt to change the situation either in the East or the West can only result in a depletion of the carriers' revenues and a disruption of the business, of the trade and market patterns of the lumber producers, and we think it would do more harm than good taking all of Canada as a whole. No doubt, there are sections of the country which would claim there may be some great amount of good come to them, and perhaps small amounts of harm will come to others, but the Board's purpose is, I know, well known to the Board, and that is to listen to the sections of the country, to listen to the railroads, to the East and to the West, and then to decide from a Canadian point of view whether anything can be done further to make greater equalization of the rates or whether the existing circumstances and conditions may preclude it from taking any further action in that regard, and I leave it to the Board on that basis.

Mr. K. D. M. Spence:

I might say a few of the same things that my friend Mr. Macdougall, has said. I agree with all the things that he has said, but I would like to say some of them in my own words.

There has been some suggestion here that Mr. Frawley and the railway counsel were on opposite sides, and at one point in the proceedings I took exception to that suggestion. I want to make it very clear, as I have always made it clear in the equalization proceedings, that the railroads have endorsed and assisted and approved of the equalization of the Class Rates and mileage commodity rates, and our only doubt has been as to specific commodity rates and in respect to the advisability of applying equalization at all to them, but we have always taken the position that there were, even in the other rates, circumstances that would justify the Board holding its hand and not applying the strict letter of the equalization statute because it was not a reasonable and practical and possible thing to do, and I suggest that here we have come to one of those cases.

The facts are very clear on the record proving that it is not reasonably possible to equalize lumber rates. The reason is that under equalization—one reason is that under equalization the railways' revenues must be protected, and in the case of lumber rates they cannot be protected by any averaging of the rates in the East and the West. If we reduce the rates in the West we are losing revenue. If we increase the rates in the East and attempt to compensate for such loss of revenue the business will undoubtedly go to other forms of transportation.

Now, Mr. Halliday's evidence was unmistakably clear on this, and it was not contradicted in any respect. The result will be that almost the day after we put in an average equalized scale we will be forced to put in truck competitive rates if we are going to retain Mr. Halliday's business, and the business of the members of his Association and that will make the equalized scale nothing but paper rates so far as Eastern Canada is concerned, and we will have lost heavily on our Western revenue with no gain elsewhere to balance it.

Furthermore, we obviously cannot apply equalization even in Western Canada because of the disturbance which would ensue to the industry there by the removal of the groupings and the average mileages which are set up to meet the needs of the lumber industry in the West. It has been suggested that rate groups can be retained but that is not equalization, and if we are to make an exception to equalization in the West, then, to be fair, we should not apply equalization in the East, where the East says it does not want it and cannot use it.

*Province of Alberta Through Witness Telford of the Alberta Freight Bureau* an exhibit was filed with the Board showing a comparison of the prevailing rates on lumber applicable within Western Canada with the rates applicable for similar distances within Eastern Canada. It is the differences in the lumber freight rate structures revealed by this exhibit which it is suggested that the Board review with the object of implementing the national freight rates policy provisions of the Railway Act. Mr. Frawley, Counsel for the Province of Alberta drew the Board's attention to the mandatory provisions of Section 336 of the Railway Act. Mr. Frawley said:

"I submit the statute casts on the Board the duty to equalize regardless of dissimilar circumstances and conditions, and in this case I would point out there has been no proof of the slightest dissimilarity in circumstances and conditions. The only condition, if it could be called a condition, was the observation by Parliament that equalization must be reasonably possible, and that, in my respectful submission, is precisely as it should be. Secondly, the existence of commodity mileage scales both in the East and in the West makes the situation ideal for the preparation of an equalized scale. The Board cannot be expected to, and should not attempt to, explore the historical reasons for the publication of the existing mileage scale in the East. The Board should act upon the situation as it finds it today. Thirdly, there is no need to eliminate the present shipping groups in Western Canada, but, on the contrary, the Board should maintain the groups in the working-out of any equalized scale, and there is ample precedent for that, if at no place else, in the retention of Groups A and B in the Class Rates Scale. Fourthly, there is no substance in the suggestion, and it is no more than a suggestion, that the entire movement of lumber will leave the rails and go to the highways if the Board discharges its statutory obligation and equalizes the lumber rates. I turn now to the railways, and I am glad to say that although I have taken up quite a bit of the Board's time I am just about finished. What is the position of the railways? They fear a loss of revenue, and they rely on the phrase 'so far as is reasonably possible'. Mr. Deputy Chief Commissioner and Mr. Commissioner Knowles, are there no equities in this case? There are, indeed, and these are the equities: The higher freight rates in the West, the lower freight rates in the East, and the revenue position of the railways. I think that is a perfectly fair way to sum up what are the equities. Those are the equities which must be kept in mind, and which must be resolved one against the other in the disposition of this case. The statute says to the Board that there must be equalization, that there must be an end to the inequality. The higher rates in the East, when they are higher, must be equalized with the lower rates in the West, and, vice versa, the higher rates in the West, when they occur, must be equalized with the lower rates in the East, and then Parliament immediately says: 'But, unless you can guarantee—guarantee—not a dollar's loss of revenue then do nothing about it. Do nothing about it; leave the inequalities there'. If that is what my friends are saying that is a perfectly unsound argument. Parliament has not said anything at all about it. The paramount purpose of Section 336 is to remove inequalities, and it must be done wherever reasonably possible, and if the Board was absolutely certain that there was going to be a large loss of revenue to the railways then there might be presented a problem. Then, I wonder what the situation would be. Even in that event, then, must the statute be ignored? Must the higher rates in the East or in the West, wherever they happen to be, continue? Must the removal of the inequality which, surely, was the prime object of that section, be excepted; must that be allowed to continue because there was what looked like an assured loss of revenue to the railways? I would

not accept that. That is not this case, but I would not accept that. I would say that Parliament would still say the inequalities must be removed, and if in the doing of that the railways have to reconstruct their freight rate structure, and find larger revenues within some other larger segments of industry, then that must be the consequence, but the inequities must be removed.

So, I say the removal of the inequities is the prime object and purpose of Section 336, and unless the railways can make out a case, which they have not made out here at all, of an absolutely assured loss of revenue—and in my opinion not even then—the Board must not hesitate in the discharge of the function which the statute has put upon it.”

*Western Retail Lumbermens Association* represents approximately one thousand retail lumber and building supply outlets in Western Canada, extending from the Head-of-the-Lakes to the interior of British Columbia. The said Association stated they associate themselves in every respect with the submissions of the Province of Alberta.

## 7. DISCUSSION

Under these proceedings the Board is directed insofar as it is reasonable to do so to prescribe a uniform level of rates for the rail transportation of lumber and related articles between all points in Canada west of the Maritime territory. In the light of the freight rate structures existing at the time of the final hearings in this matter it did not appear to the Board that maintaining the existing rate group system in Western Canada should be a barrier to the institution of uniformity of rates as required by the statute. The statute does not dictate that uniformity of commodity freight rates must be accomplished on a mile-for-mile formula. It is the basic level of rates that is in issue and the Board considered at that time that a pattern of rates that would be approximately uniform in its relation to the governing uniform class rate scale could reasonably be accepted as meeting the requirements of the statute and in accordance with the national freight rates policy. The basic concept of equalization is that Canada has reached a stage in its development that former methods of making regional rates must give way to a uniform freight rate structure that, as far as may be reasonably possible, will treat all citizens, localities, districts and regions alike.

We come now to a consideration of the normal commodity rate level applying within Eastern Canada on lumber and the normal commodity rate level applying within Western Canada with the view to creating uniformity in the application of these two separate freight rate structures. These rates are shown on the following page, together with the scale of rates proposed by the Interior Lumber Manufacturers Association. Based upon the facts as heretofore set out, a commodity rate level reflecting approximately 21% of the Class 100 rates would not be an unreasonable normal level of rates for general application on lumber traffic in Canada, west of the Maritime Territory. This level of rates was evaluated by the Board's Traffic Department by applying to such scale a revenue test based on an estimated annual movement of 6,300 carloads of lumber moving under normal commodity rates during the year 1957. This detailed revenue analysis revealed that railway revenue would have been maintained within 1½ per cent of the then existing revenues.

It is important to here note that subsequent to the above mentioned review and analysis the general freight rate structure applicable to lumber within Eastern Canada was drastically changed.

Effective in July 1958 the Canadian National Railways issued Tariff No. CF-465, C.T.C. No. E.4111 putting into effect competitive rates applicable from northern Ontario and Quebec, between Hearst, Ont. and the Lake St. John

District, to consuming centres throughout Ontario and Quebec, this in order to meet alleged motor truck competition.

Miles	Present Scales		I.L.M.A. Proposed Scale	21% of Class 100
	East	West		
5	13	10	9	12
10	14	11	10	12
15	17	12	11	12
20	17	13	12	12
25	19	14	13	13
30	19	16	14	14
35	20	17	15	15
40	20	18	16	16
45	20	19	17	17
50	20	20	18	19
55	24	21	19	20
60	24	22	20	21
65	24	23	21	22
70	24	24	22	22
80	28	26	23	23
90	28	27	24	25
100	29	28	25	26
110	30	29	26	28
120	30	30	27	28
125	30	31	28	28
130	33	31	28	30
140	33	32	29	30
150	33	33	30	30
160	34	34	31	33
170	34	36	32	33
175	34	37	33	33
180	37	37	33	35
190	37	38	34	35
200	37	39	35	35
210	38	40	36	37
220	38	41	37	37
225	38	42	38	37
230	38	42	38	39
240	38	43	39	39
250	38	44	40	39
260	39	46	41	41
270	39	47	42	41
275	39	48	43	41
280	44	48	43	43
290	44	49	44	43
300	44	50	45	43
325	44	51	46	45
350	44	53	48	47
375	46	56	50	50
400	46	58	52	52
425	46	60	54	54
450	46	62	56	56
475	48	64	58	58
500	48	67	60	60
525	52	69	62	62
550	52	71	64	64
575	53	73	66	66
600	53	75	68	68
625	57	78	70	71
650	57	80	72	73
675	62	82	74	75
700	62	84	76	77
725	65	87	78	79
750	65	89	80	81
775	67	91	82	83
800	67	93	84	85
825	70	95	86	87
850	70	98	88	89
875	72	101	91	92
900	72	101	91	94
925	73	104	94	96
950	73	104	94	98
975	79	108	97	100
1,000	79	108	97	102
Average relationship to Class 100 rates....	18.9%	23.0%	20.7%	21.0%

Section 334 (2) of the Railway Act provides:—

“The Board may require a company issuing a competitive rate tariff to furnish at the time of filing the tariff, or at any time, any information required by the Board to establish that

(a) the competition exists;  
 (b) the rates are compensatory; and  
 (c) the rates are not lower than necessary to meet the competition; and such information, if the Board in any case deems it practicable and desirable, shall include all or any of the following:

- (i) the names of the competing carrier or carriers,
- (ii) the route over which competing carriers operate,
- (iii) the rates charged by the competing carriers, with proof of such rates as far as ascertainable,
- (iv) the tonnage normally carried by the railway between the points of origin and destination,
- (v) the estimated amount of tonnage that is diverted from the railway or that will be diverted if the rate is not made effective,
- (vi) the extent to which the net revenue of the company will be improved by the proposed changes,
- (vii) the revenue per ton-mile and per car-mile at the proposed rate and the corresponding averages of the company's system or region in which the traffic is to move, and
- (viii) any other information required by the Board regarding the proposed movement.”

The Board consequently requested the substantiation of the institution of the above mentioned motor truck competitive rates and in response to this request the following submission was received from the Canadian National Railways.

“It is quite true that at the time of the hearing of this matter before the Board in June last, the rates on lumber from Northern Ontario and Quebec to destinations in Quebec and Ontario shown in Tariff No. CF 465, CTC E-4111 were marked as normal commodity rates. Shortly thereafter we were shown by the industry in the area that this traffic was imperilled by motor truck competition and, effective July 28th, 1958, truck competitive rates were published to hold this traffic. On December 1st, 1958, the 17% general increase in freight rates was applied to this traffic and a sincere effort has been made to retain the increase without an offsetting loss of traffic. Since that time, however, a number of the major and reputable industries concerned in this area have again made it very clear to us that if we remained adamant in continuing the application of the 17% freight rate increase on these rates it would result in the loss of upwards of 3,000 cars per year through truck competition.

Another factor entering into the situation is that the B.C. coast producers usually set the price of lumber in Eastern Canada because of the low cost of production in B.C., coupled with the fact that the rates to Eastern Canada are not affected by the Canadian freight rate increases since they are tied to the Seattle rate and move with the U.S. increases.

This matter has caused us a great deal of concern and has been the subject of special meetings between our officers and the major lumber operators. We have been shown that the various lumber operators in the Hearst area were working on a transportation pool whereby lumber could be trucked from the Hearst area to Cochrane and then turned over to common carrier truckers keenly anxious to secure return loads from the Cochrane area to destinations in Central Ontario and Quebec. A similar

situation existed insofar as concerns traffic from the North Bay area to the same destination. Truckers making daily northbound trips were exerting extreme pressure on the lumber operators to obtain return loads.

Our study of this matter revealed that while truck operators in Southern Ontario increased their rates the full 17% effective December 1st, 1958 when the rail increases were applied and that they did this because prior to that time their rates were based on a very low level, the truck operators handling traffic to and from Northern Ontario and Quebec did not follow the action of the truckers in Southern Ontario and did not increase their rates.

A further spur to the removal of the 17% increase in these rates was the certainty that the action described above on the part of the larger truck operators would be followed by similar action on the part of the smaller truckers at even lower competitive rates.

We are satisfied that the circumstances fully justified our action in exempting these motor truck competitive lumber rates from the general 17% increase, reluctant as we have been to make that change. We are satisfied also that any other course would have definitely resulted in the rail carriers' loss of the major portion of that traffic with a consequent serious depletion in our revenues.

It is realized that the Board in its letter requested information as set out in Section 334 of the Railway Act. We think it is clearly evident that competition exists via highway carriers and that the rates have not been kept any lower than necessary to meet competition. We are satisfied also that the rates are compensatory, but we do not have a detailed study in this regard to submit at this time. We would hope that the Board might be satisfied with this explanation and that we would not be required to make a full-scale detailed study into these rates. If there is any further information which we have available we will be only too happy to send it along if need be."

Subsequently, effective December 1, 1958, the said motor truck competitive rates were increased by the railways by 17 percent, but apparently the transportation competition was such that this increase could not be maintained and same was removed effective in February 1959. Following this voluntary action on the part of the railways the authorized 17 percent increase on normal lumber rates applying from origins in the Maritime territory to eastern Ontario and Quebec markets was also removed due obviously to market competitive conditions.

On July 6, 1959 the Canadian Pacific Railway took somewhat similar action to that taken by the Canadian National Railways the year previous, by publishing a mileage scale of rates applicable from its lumber producing areas located in Chalk River, Ont. and west to consuming centres in Ontario and Quebec, such level of rates being also established to meet alleged motor truck competition.

Thus from practically all main lumber producing areas of Ontario and Quebec a general lower level of rates had been established by both the Canadian Pacific and Canadian National Railways to meet motor truck competition.

## 8. CONCLUSION AND FINDINGS

In summary the freight rate structures now applicable on lumber traffic in Canada, west of the Maritime territory, are;

- (a) Normal commodity rates within Western Canada

- (b) Competitive commodity rates from British Columbia and Alberta to Eastern Canada established to meet rates from United States western origins via American railroads.
- (c) Competitive commodity rates within Eastern Canada established to meet motor truck transportation.

Competitive rates are exempt from the equalization provisions of the Railway Act and consequently such class of freight rates cannot be recognized in the formulation of a uniform level of rates for general application in Canada.

The Board does not now consider that the normal commodity rates prevailing in Eastern Canada which reflect approximately 19 per cent of the Class 100 rates, in conjunction with the normal commodity rates applicable within Western Canada of 23½ percent of the Class 100 rates can, for practical reasons, be used as a basis for the establishment of uniform rates. Such a formula would result in increases in most of the present normal commodity rates within Eastern Canada and reductions in practically all commodity rates within Western Canada. The resulting rates within Eastern Canada would be of no material value inasmuch as the major portion of this traffic now moves at much lower motor truck competitive rates, while the reduction in rates within Western Canada could only result in loss of railway revenues. It is axiomatic that such loss of revenue on the western traffic could not be offset by increases in rates in the eastern portion of Canada. In the final analysis the adoption of this method would merely be the creation of a theoretical uniform scale of rates.

In the circumstances and under the conditions as herein set out the Board does not consider that it is reasonably possible to effect further uniformity in railway freight rates on lumber traffic in Canada, and the Board finds the freight rate structures as they exist at the present time must be, and they are hereby, declared to be an exception to the national freight rates policy under the provisions of paragraph (g) of Section 336 (4) of the Railway Act.

OTTAWA, Ont., September 15, 1959.

A. SYLVESTRE,  
*Deputy Chief Commissioner.*

L. J. KNOWLES,  
*Commissioner.*

## ORDER No. 99180

*In the matter of the application of Niagara Gas Transmission Limited, hereinafter called the "Applicant", under sections 11 and 12 and other relevant sections of the Pipe Lines Act and Section 251 of the Railway Act, for an Order granting the Applicant leave to construct a pipe line for the transportation of natural gas from a point in the City of Ottawa, in the Province of Ontario, across the Ottawa River to a point in the Village of Gatineau Point, in the Province of Quebec:*

File No. 45371.49

WEDNESDAY, the 16th day of September, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

J. M. WOODARD, *Commissioner.*

*Upon reading Order in Council P.C. 1959-1172, dated September 11, 1959, and the submissions filed—*

*And upon hearing the application at a sittings of the Board held in Ottawa on September 10, 1959, in the presence of Counsel for the Applicant and Counsel representing the Attorney General of the Province of Quebec, no one appearing in opposition to the application—*

*And upon commitment by the Applicant to obtain the necessary title to the river bed from the appropriate authorities in the Provinces of Ontario and Quebec—*

*The Board having reserved its Judgment and having considered the evidence submitted—*

*It is hereby ordered as follows:*

1. Leave is granted to the Applicant to construct a pipe line from a point in the City of Ottawa, in the Province of Ontario, to a point in the Village of Gatineau Point, in the Province of Quebec, as shown on the route map dated September 10, 1959, on file with the Board under file No. 45371.49; leave is also granted to the Applicant to construct its pipe line across the Ottawa River as shown on plan D-299, revised July 28, 1959, on file with the Board under file No. 45371.49.

2. The Applicant shall submit to the Board for approval a plan, profile and book of reference of the said company pipe line pursuant to Section 11 of the Pipe Lines Act.

A. SYLVESTRE,  
*Deputy Chief Commissioner.*

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
JULY, 1959

Railway Accidents .....	265	Killed 22	Injured 602
Level Crossing Accidents ....	34	Killed 14	Injured 43
Total .....	299	36	645

	Killed	Injured
Passengers .....	2	364
Employees .....	6	225
Others .....	28	56
Total .....	36	645

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

NEWFOUNDLAND

- 1 Auto truck struck by train. Licence: Nfld. C-2890.

PRINCE EDWARD ISLAND

- 2 — Automobile struck by train. Licence: N.S. 4-68-63.

NOVA SCOTIA

- 3 Automobile struck by train. Licence: N.S. 12-0585.  
— 2 Automobile ran into side of train. Licence: N.S. 37524.

NEW BRUNSWICK

- 2 Automobile struck by train. Licence: N.B. 26-527.  
— 1 Cyclist slid into side of train.

QUEBEC

- 1 Automobile struck by train. Licence: Que. 377-804.  
— 2 Automobile struck by train. Licence: Que. 330-801.  
1 2 Automobile ran into side of train. Licence: Que. 556-104.  
1 — Automobile struck by train. Licence: Que. 267-147.  
— 1 Automobile struck by train. Licence: Que. 419-440.  
— 1 Track motor car struck by automobile. Licence: Que. T-11676.  
1 5 Automobile struck by train. Licence: Que. 588-962.

ONTARIO

- 1 Automobile ran into side of train. Licence: Ont. 294-987.  
— 2 Automobile struck by train. Licence: Ont. 791-101.  
— 1 Auto truck struck by train. Licence: Ont. 33841-B.  
— 1 Auto truck struck by train. Licence: Ont. 24526-B.  
— 1 Automobile ran into side of train. Licence: Ont. J-42728.  
2 — Automobile struck by train. Licence: Ont. 99-780.  
2 — Automobile struck by train. Licence: N.Y. EC-9501.  
— 1 Auto truck struck by train. Licence: Ont. 14-034-B.  
2 — Auto truck struck by train. Licence: Ont. 49-761-A.  
— 2 Motorcycle ran into side of engine. Licence: Ont. C-427.  
1 — Automobile ran into side of train. Licence: Ont. 909-197.  
1 — Pedestrian struck by R.D. unit.  
— 2 Automobile struck by train. Licence: Ont. 359-388.  
— 4 Automobile ran into side of train. Licence not given.  
— 1 Auto truck ran into side of train. Licence: Ont. 25-981-B.  
1 — Automobile struck by train. Licence: Ont. A-12948.

*Killed Injured*

## MANITOBA

- 1 Automobile ran into side of train. Licence: Man. 6-N-888.

## SASKATCHEWAN

- 1 Automobile ran into side of train. Licence: Alta. TE-444.  
— 1 Auto truck ran into side of train. Licence not given.  
— 1 Automobile struck by train. Licence: Sask. 63-284.

## ALBERTA

- 2 Automobile struck by train. Licence: Alta. GY-660.
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Of the 34 accidents at highway crossings, 24 occurred at unprotected crossings, 10 at protected crossings, 25 occurred after sunrise and 9 after sunset.

OTTAWA, Ontario, September 15, 1959.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 99059 Sept. 9—Authorizing Imperial Oil Limited to construct a salt water pipe line across and under the pipe line of Westspur Pipe Line Company in Sec. 17, Twp. 4, Rge. 5, West 2nd M., Sask.
- 99060 Sept. 9—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 99061 Sept. 9—Relieving the C.P.R. from erecting right of way fencing along the east side of its right of way between Mileage 62.05 and Mileage 62.2 Winnipeg Beach Subd., Man.
- 99062 Sept. 9—Authorizing the Manitoba Dept. of Public Works to widen Highway No. 21 where it crosses the C.N.R. at Mileage 55.17 Rapid City Subd., Man.
- 99063 Sept. 9—Rescinding Order No. 67876 which approved facilities of Imperial Oil Limited for storage of flammable liquids near the C.P.R. at Ste. Anne de la Parade, P.Q.
- 99064 Sept. 9—Approving flammable liquid storage facilities of North Star Oil Limited at Swan River, Man., Mileage 0.13 Erwood Subd., C.N.R.
- 99065 Sept. 9—Approving flammable liquid storage facilities of Imperial Oil Limited at Kimberley, B.C., C.P.R.
- 99066 Sept. 9—Approving flammable liquid storage facilities of Imperial Oil Limited at Yellow Creek, Sask., C.N.R.
- 99067 Sept. 9—Authorizing the removal of the speed limitation at the crossing of 51st Ave. and the C.P.R. in Edmonton, Alta., Mileage 94.9 Leduc Subd.
- 99068 Sept. 9—Approving application of The Chesapeake & Ohio Rly. Co. to operate its engines, cars and trains over the siding serving Dow Chemical Co. of Canada Limited, Sarnia, Ont.
- 99069 Sept. 9—Authorizing Consumers' Gas Company to construct a gas main across and under the pipe line of Trans-Northern Pipe Line Co. at Dixon Road, Twp. of Etobicoke, Ont.
- 99070 Sept. 9—Approving crude oil loading facilities of Gibson Petroleum Company Limited at Reno, Alta.
- 99071 Sept. 9—Approving proposed flammable liquid bulk storage facilities of Imperial Oil Limited at Mariapolis, Man., Mileage 96.20 Carman Subd., C.N.R.
- 99072 Sept. 9—Approving Drawing No. PPB-7100, Rev. 1, submitted by Westcoast Transmission Co. Ltd., showing revised location of its gathering pipe line at certain locations in the Peace River District of B.C.
- 99073 Sept. 10—Approving location of freight and passenger shelter proposed to be erected by the C.N.R. at Banning, Ont.
- 99074 Sept. 10—Authorizing the Manitoba Dept. of Public Works to construct its Metropolitan Winnipeg By-Pass across the C.P.R. in River Lot 94, Parish of St. Charles, Man., Mileage 5.29 Glenboro Subd.
- 99075 Sept. 10—Dismissing application of the C.P.R. for authority to remove the caretaker at Jack Fish, Ont.
- 99076 Sept. 10—Authorizing the C.P.R. to construct an industrial spur across Norseman St., between Lots 12 and 13, in First Meridian Conc., Twp. of Etobicoke, County of York, Ont.
- 99077 Sept. 10—Requiring the C.N.R. to install automatic protection at the crossing of their railway and the highway in the Village of Lac au Saumon, Co. Matapedia, P.Q., Mileage 52.65 Matapedia Subd.
- 99078 Sept. 10—Authorizing the Plains-Western Gas & Electric Co. Ltd., to construct a natural gas main across and under the pipe line of Westcoast Transmission Company Limited, in the SW $\frac{1}{4}$  Sec. 31, Twp. 83, Rge. 18, W.6M., Prov. of B.C.
- 99079 Sept. 11—Approving tolls published in tariffs filed by the Canadian Freight Association under Sections 3 and 8 of the Maritime Freight Rates Act.
- 99080 Sept. 11—Approving proposed flammable liquid storage facilities of British American Oil Company Limited, at Senneterre, P.Q., C.N.R.

- 99081 Sept. 11—Authorizing the C.N.R. to discontinue the services of a station agent during the summer at Sixteen Island, P.Q., provided a caretaker is appointed for the full year.
- 99082 Sept. 11—Rescinding Order No. 72873 which approved facilities of Canadian Oil Companies Limited near the C.N.R. at Brazeau, Alta.
- 99083 Sept. 11—Authorizing the removal of the speed limitation at the crossing of Cote St. Luc Road and the C.P.R. in Cote St. Luc, P.Q., Mileage 44.98 Adirondack Subd.
- 99084 Sept. 11—Approving revisions to tariffs filed by the British Columbia Telephone Company.
- 99085 Sept. 11—Approving flammable liquid storage facilities of Imperial Oil Limited at Bracebridge, Ont., Mileage 10.0 Huntsville Subd., C.N.R.
- 99086 Sept. 11—Approving flammable liquid bulk storage facilities of Ethelbert Consumers Co-Operative Limited, at Ethelbert, Man., Mileage 29.67 Cowan Subd., C.N.R.
- 99087 Sept. 11—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Magpie, Ont., Mileage 9.09 Michipicoten Subd., Algoma Central and Hudson Bay Rly. Co.
- 99088 Sept. 11—Approving flammable liquid storage facilities of North Star Oil Limited at Dominion City, Man., Emerson Subd., C.P.R.
- 99089 Sept. 11—Authorizing the City of Edmonton to construct 105th Street across the C.N.R. by means of an overhead bridge in the City of Edmonton, Alta.
- 99090 Sept. 11—Rescinding Orders Nos. 66211, 73883 and 74689, which approved location of facilities of Imperial Oil Limited near the tracks of the C.N.R. at Beaver River, Alta.
- 99091 Sept. 11—Rescinding Orders 63888, 64465 and 74750 which approved the location of facilities of Imperial Oil Limited near the tracks of the C.P.R. at Senate, Sask.
- 99092 Sept. 11—Rescinding Order No. 64092, which approved the location of facilities of North Star Oil Limited near the tracks of the C.P.R. at Frontier, Sask.
- 99093 Sept. 11—Approving flammable liquid storage facilities of Canadian Oil Companies Limited, at Espanola, Ont., Mileage 1.99 Little Current Subd., C.P.R.
- 99094 Sept. 11—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Martin St., in Beachville, Ont., Mileage 54.4 Dundas Subd.
- 99095 Sept. 11—Rescinding Order No. 56337, which approved the location of facilities of North Star Oil Limited near the C.P.R. tracks at Robsart, Sask.
- 99096 Sept. 14—Authorizing the N.S. Dept. of Highways to construct Roland Avenue across the C.N.R. in the Village of Timberlea, Co. Halifax, N.S., Mileage 7.85 Chester Subd.
- 99097 Sept. 14—Dismissing application of the C.P.R. for authority to remove the caretaker at Algoma, Ont.
- 99098 Sept. 14—Authorizing the Town of Bracebridge, Ont., to relocate Thomas Street where it crosses the C.N.R. at Mileage 9.83 Huntsville Subd.
- 99099 Sept. 14—Rescinding Order No. 64094, which approved the location of facilities of North Star Oil Limited, near the tracks of the C.P.R. at Orkney, Sask.
- 99100 Sept. 14—Rescinding Order No. 56619, which approved location of facilities of North Star Oil Limited near the C.P.R. tracks at Climax, Sask.
- 99101 Sept. 14—Requiring the C.P.R. to install automatic protection at the crossing of their railway and Highway No. 23 five miles southeast of Blackie, Alta., Mileage 69.33 Aldersyde Subd.
- 99102 Sept. 14—Requiring the C.N.R. to install flashing light signals, in lieu of the existing wig wag signals, at the crossing of their railway and Caradoc and Metcalfe Sts., Co. Middlesex; and Oxford, Victoria and Richmond Sts., in the Town of Strathroy, Ont.
- 99103 Sept. 14—Amending Order No. 91300, re apportionment of cost of constructing an overhead bridge across the C.N.R. at intersection of Plank Road and Indian Road, in Sarnia, Ont.

- 99104 Sept. 14—Authorizing the City of St. Laurent, P.Q., to construct Toupin Boulevard across the C.N.R. at Mileage 0.96 Montford Subd.
- 99105 Sept. 14—Authorizing the Great Northern Railway Company to construct an industrial branch line at certain locations in the New Westminster District of B.C.
- 99106 Sept. 14—Requiring the C.N.R. to install two flashing light signals, in lieu of the existing wig wag signals, at the crossing of their railway and Norwich St., in the City of Woodstock, Ont., Mileage 49.05 Dundas Subd.
- 99107 Sept. 14—Authorizing the Manitoba Dept. of Public Works to widen Highway No. 13 where it crosses the C.N.R. at Mileage 35.20 Harte Subd.
- 99108 Sept. 14—Authorizing the B.C. Dept. of Highways to construct the highway across the C.P.R. by means of an overhead bridge at Mileage 3.71 New Westminster Subd.
- 99109 Sept. 14—Requiring the N.Y.C. Railroad Company to install automatic protection at the crossing of their railway and New Erin Road, at New Erin, P.Q., Adirondack Subd.
- 99110 Sept. 14—In the matter of protection at crossing of Highway No. 46 and the C.N.R. at Kirkfield, Ont., Mileage 23.76 Coboconk Subd.
- 99111 Sept. 14—Requiring the C.N.R. to install flashing light signals, in lieu of the existing wig wag signals, at the crossing of their railway and Ridge Road, in Ridgeway, Ont., Mileage 9.04 Dunnville Subd.
- 99112 Sept. 14—Authorizing the Quebec Dept. of Roads to widen Edward Road across the C.N.R. at St. Justin, County of Maskinonge, Mileage 77.56 Grand'Mere Subd.
- 99113 Sept. 14—Requiring the C.N.R. to install flashing light signals, in lieu of the existing wig wag signals at the crossing of their railway and the highway at Mileage 13.91 Dundas Subd.
- 99114 Sept. 14—Requiring the C.N.R. to install flashing light signals, in lieu of the existing wig wag signal at the crossing of their railway and Park St. in Kitchener, Ont., Mileage 63.40 Brampton Subd.
- 99115 Sept. 14—Requiring the C.N.R. to install a flashing light signal, in lieu of the existing wig wag signal, at the crossing of their railway and King St., in Port Colborne, Ont., Mileage 19.17 Dunnville Subd.
- 99116 Sept. 14—Approving proposed temporary anhydrous ammonia unloading facilities of Consolidated Mining and Smelting Company at Headingley, Portage la Prairie, Brandon and Orthez, Man., C.P.R.
- 99117 Sept. 14—Requiring the C.N.R. to install flashing light signals in lieu of the existing wig wag signals at the crossing of their railway and Wilson Street in Woodstock, Ont., Mileage 49.26 Dundas Subd.
- 99118 Sept. 14—In the matter of protection at the crossing of the C.N.R. and Highway No. 46 near Argyle, Ont., Mileage 16.4 Coboconk Subd.
- 99119 Sept. 14—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 49.73 Prescott Subd., Ont.
- 99120 Sept. 14—In the matter of protection at the crossing of the C.N.R. and Raglan St., Renfrew, Ont., Mileage 53.9 Renfrew Subd.
- 99121 Sept. 14—Requiring the C.N.R. to install flashing light signals, in lieu of existing wig wag signals, at crossing of their railway and the highway east of Princeton Station, Ont., Mileage 37.77 Dundas Subd.
- 99122 Sept. 14—Requiring the C.N.R. to install two flashing light signals, in lieu of the existing wig wag signals at the crossing of their railway and the highway just east of station at Grimsby Beach, Ont.
- 99123 Sept. 15—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 99124 Sept. 15—Authorizing the Algoma Central and Hudson Bay Rly. Company to remove the caretaker at Coppell, Ont.
- 99125 Sept. 15—Authorizing the Ontario Dept. of Highways to construct Highway No. 401 across the pipe line of the Interprovincial Pipe Line Company in Lot 8, Conc. 9, Twp. of Blenheim, County of Oxford, Ont.
- 99126 Sept. 15—Authorizing the B.C. Electric Company Limited to construct a gas main across and over the pipe line of the Trans Mountain Oil Pipe Line Company at Rathburn Road, Munic. of Surrey, B.C.

- 99127 Sept. 15—Authorizing Lakeland Natural Gas Limited to construct a gas main across and under the pipe line of Trans-Canada Pipe Lines Limited, in the county road, Lot 32, Conc. 5, Cramahe Twp., Ont.
- 99128 Sept. 15—Rescinding Orders 70108 and 70292, which approved the location of facilities of Cornwall Co-Operative Association near the C.N.R. at Cornwall, Ont.
- 99129 Sept. 15—Rescinding Orders 67794 and 76781, which approved the location of facilities of Imperial Oil Limited near the C.N.R. at Fort Kent, Alta.
- 99130 Sept. 15—Rescinding Order 59551 which approved the location of facilities of North Star Oil Limited near the C.N.R. at Beechy, Sask.
- 99131 Sept. 15—Rescinding Order 67798, which approved the location of facilities of North Star Oil Limited near the C.N.R. at Demaine, Sask.
- 99132 Sept. 15—Rescinding Order No. 59732, which approved the location of facilities of Imperial Oil Limited, for the storage of flammable liquids near the C.N.R. at Main Centre, Sask.
- 99133 Sept. 15—Approving flammable liquid storage facilities of British American Oil Company Limited, at Carnduff, Sask., Estevan Subd., C.P.R.
- 99134 Sept. 15—Approving the location of a proposed warehouse of the Shell Oil Company of Canada Limited, at St. James, Man., Mileage 3.4 Oak Point Subd., C.N.R.
- 99135 Sept. 15—Approving location of station to be constructed by the C.N.R. at Vernon, P.E.I.
- 99136 Sept. 15—Rescinding Orders 62786 and 77029 which approved facilities of Imperial Oil Limited for the storage of flammable liquids near the C.N.R. at Therien, Alta.
- 99137 Sept. 15—Approving flammable liquid storage facilities of Texaco Canada Limited, at Charlottetown, P.E.I., Mileage 0.00 Kensington Subd., C.N.R.
- 99138 Sept. 15—Requiring the C.N.R. to install flashing light signals in lieu of the existing wig wag signals at crossing of their railway and Highway No. 2 in Woodstock, Ont., Mileage 50.67 Dundas Subd.
- 99139 Sept. 15—Amending Order 93518, which authorized the Co. of Wentworth, Ont., to construct the overhead bridge carrying County Road No. 22 across the C.N.R. at Mileage 11.5 Hagersville Subd.
- 99140 Sept. 15—Amending Order No. 88436, re apportionment of cost of constructing a subway to carry Bloor St. under the C.P.R. tracks in the Twp. of Etobicoke, Ont.
- 99141 Sept. 15—Amending Order 98849 which authorized the Ont. Dept. of Highways to construct Highway No. 27 over the C.N.R. by means of an overhead bridge, to replace the existing overhead bridge at Mileage 9.41 Oakville Subd.
- 99142 Sept. 15—Approving Supplement to Traffic Agreement between The Bell Telephone Co. of Canada and Les Pionniers de St-Marc.
- 99143 Sept. 15—Requiring the C.N.R. to install a flashing light signal in lieu of the existing wig wag signal at the crossing of their railway and Queen St., in Kitchener, Ont., Mileage 1.37 Waterloo Subd.
- 99144 Sept. 15—Requiring the C.N.R. to install one flashing light signal, in lieu of the existing wig wag signal, at the crossing of their railway and Erie Street (Highway No. 7) in Stratford, Ont., Mileage 0.80 Thornedale Subd.
- 99145 Sept. 15—Amending Order No. 88366, which authorized the Munic. of Metropolitan Toronto to construct a subway at the intersection of Royal York Road and the C.P.R. at Mileage 7.70 Galt Subd., and to construct an overhead highway bridge at Dundas St. and the Railway, at Mileage 7.76 Galt Subd., all in Twp. of Etobicoke, County of York, Ont.
- 99146 Sept. 16—Authorizing the C.N.R. to reconstruct its bridge at Mileage 74.3 Brazeau Subd., Alta.
- 99147 Sept. 16—Requiring the C.P.R. to install automatic protection at crossing of their railway and Highway No. 7A, near Cavan, Ont., Mileage 33.8 Peterborough Subd.

- 99148 Sept. 16—Requiring the C.N.R. to install a flashing light signal, in lieu of the existing wig wag signal, at crossing of their railway and James St. in St. Mary's, Ont., Mileage 11.31 Thorndale Subd.
- 99149 Sept. 16—Requiring the C.N.R. to install a flashing light signal in lieu of the existing wig wag signal at the crossing of their railway and Main St., Rockwood, Ont., Mileage 41.27 Brampton Subd.
- 99150 Sept. 16—Requiring the C.N.R. to install a flashing light signal in lieu of the existing wig wag signal at the crossing of their railway and Strange St., Kitchener, Ont., Mileage 63.52 Brampton Subd.
- 99151 Sept. 16—Requiring the C.N.R. to install a flashing light signal in lieu of the existing wig wag signal at crossing of their railway and Main St. in Forest, Ont.
- 99152 Sept. 16—Requiring the C.N.R. to install a flashing light signal in lieu of the existing wig wag signal at the crossing of their railway and Highway No. 7 near Rannocho, Ont., Mileage 4.12 Forest Subd.
- 99153 Sept. 16—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 606 at Markstay, Ont., Mileage 54.93 Cartier Subd.
- 99154 Sept. 16—Requiring the C.N.R. to install a flashing light signal, in lieu of the existing wig wag signal, at the crossing of their railway and Main Street in Lucan, Ont.
- 99155 Sept. 16—Requiring the C.N.R. to install flashing light signals, in lieu of the existing wig wag signals, at the crossing of their railway and Yorkshire Street in Guelph, Ont., Mileage 49.33 Brampton Subd.
- 99156 Sept. 16—Approving proposed additional flammable liquid storage facilities of Imperial Oil Limited, at Sidney, Man., C.P.R.
- 99157 Sept. 16—Approving proposed additional flammable liquid storage facilities of Imperial Oil Limited at Deer Lake, Nfld., C.N.R.
- 99158 Sept. 16—Authorizing Lakeland Natural Gas Limited to construct a gas main across and under the pipe line of Trans-Northern Pipe Line Company in the County road in Lot 32, Conc. 5, Twp. of Cramahe, Ont.
- 99159 Sept. 16—Requiring the C.N.R. to install one flashing light signal, in lieu of the existing wig wag signal, at the crossing of their railway and Highway No. 7 at Mileage 2.18 Forest Subd., Ont.
- 99160 Sept. 16—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Valois Avenue, Town of Pointe Claire, P.Q., Mileage 12.77 Cornwall Subd.
- 99161 Sept. 16—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 59.9 Indian Head Subd., Sask.
- 99162 Sept. 16—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at first public crossing south of station at Trochu, Alta., Mileage 50.7 Three Hills Subd.
- 99163 Sept. 16—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at Mileage 49.84 Drumheller Subd., Alta.
- 99164 Sept. 16—Requiring the C.N.R. to install one flashing light signal, in lieu of the existing wig wag signal, at Christina St., Sarnia, Ont., Mileage 0.66 Point Edward Subd.
- 99165 Sept. 16—Requiring the C.N.R. to install one flashing light signal, in lieu of the existing wig wag signal, at the crossing of their railway and the highway just east of the station at Stevensville, Twp. of Bertie, County of Welland, Ont.
- 99166 Sept. 16—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at Mileage 36.95 Unity Subd., Sask.
- 99167 Sept. 16—Requiring the C.N.R. to install a flashing light signal in lieu of the existing wig wag signal at the crossing of their railway and Highway No. 8, about  $1\frac{1}{2}$  miles east of Stamford, Ont., Mileage 1.21 Welland Subd.
- 99168 Sept. 16—Requiring the C.N.R. to install one flashing light signal, in lieu of the existing wig wag signal, at the crossing of their railway and Huron Road (Highway No. 8) in Goderich, Ont., Mileage 160.39 Goderich Subd.

- 99169 Sept. 16—Requiring the C.N.R. to install one flashing light signal, in lieu of the existing wig wag signal, at crossing of their railway and Main Street in Parkhill, Ont., Mileage 29.83 Forest Subd.
- 99170 Sept. 16—Requiring the C.N.R. to install one flashing light signal, in lieu of the existing wig wag signal, at the crossing of their railway and Hope and Woodstock Streets, in the Village of Tavistock, Ont.
- 99171 Sept. 16—Requiring the N.Y.C. Railroad Co. to install automatic protection at the crossing of its railroad and Range 6 Rd., Village of St. Stanislas, P.Q., Mileage 41.10 Adirondack Subd.
- 99172 Sept. 16—Requiring the C.N.R. to install one flashing light signal, in lieu of the existing wig wag signal, at crossing of their railway and Ontario St., in Stratford, Ont.
- 99173 Sept. 16—Requiring the C.N.R. to install one flashing light signal, in lieu of the existing wig wag signal, at crossing of their railway and Waterloo St., at New Hamburg, Ont., Mileage 75.12 Brampton Subd.
- 99174 Sept. 16—Requiring the C.N.R. to install a flashing light signal, in lieu of the existing wig wag signal, at the crossing of their railway and Main Street, in Seaforth, Ont., Mileage 24.76 Goderich Subd.
- 99175 Sept. 16—Requiring the C.N.R. to install a flashing light signal, in lieu of the existing wig wag signal, at the crossing of their railway and Drummond Road, Twp. of Stamford, Ont., Mileage 1.91 Welland Subd.
- 99176 Sept. 16—Authorizing the C.N.R. to make certain signal changes on their Ruel Subd., at Capreol, Ont.
- 99177 Sept. 16—Authorizing the Quebec Department of Roads to construct a temporary diversion of Metropolitan Blvd. across the C.N.R. and to relocate the signals at the crossing of Highway No. 2 and the C.N.R. in the Munic. of Montreal West, P.Q.
- 99178 Sept. 16—Authorizing Union Gas Company of Canada Limited to construct a gas main across and over the C.P.R. at Mileage 112.0 Windsor Subd., Ont.
- 99179 Sept. 16—Authorizing the C.N.R. to operate under the overhead bridge in the Village of St. Georges, P.Q., Mileage 40.75 Grand'Mere Subd.
- 99180 Sept. 16—Approving application of Niagara Gas Transmission Limited, to construct a pipe line for the transportation of natural gas from a point in the City of Ottawa, Ont., across the Ottawa River to a point in the Village of Gatineau Point, P.Q.
- 99181 Sept. 16—Rescinding Orders 84652 and 88756, which approved location of facilities of Rockgas Propane Limited, near the tracks of the Esquimalt and Nanaimo Rly. at Parksville, B.C.
- 99182 Sept. 16—Authorizing the N.S. Department of Highways to construct the highway over the C.P.R. at Mileage 56.44 Kentville Subd.
- 99183 Sept. 16—Authorizing Union Gas Company of Canada Limited to construct a gas pipe line across and under the main track and spur of the C.P.R. at Elgin St., Galt, Ont., Mileage 56.5 Galt Subd.
- 99184 Sept. 16—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 99185 Sept. 17—Approving plan submitted by Niagara Gas Transmission Limited, showing location of its pipe line across the Ottawa River, from Ottawa, Ont., to Gatineau Point, P.Q.

# The Board of

# Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

Vol. XLIX

OTTAWA, NOVEMBER 2, 1959

No. 15

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*In the matter of the application of Acme Shingle & Lumber Company Limited, et al, endorsed by the Corporation of the Township of Richmond, the Corporation of the District of Burnaby, the City of Vancouver, and the North Fraser Harbour Commissioners for an Order:*

- (1) *That the lines or tracks of the Canadian National Railways and of the Vancouver and Lulu Island Railway Company (Canadian Pacific Railway Company) at or near Tucks in the Municipality of Richmond and Sussex Avenue in the Municipality of Burnaby be connected so as to admit of the safe and convenient transfer or passing of engines, cars and trains from the tracks or lines of the one railway to those of the other and that such connections shall be maintained and used:*
- (2) *Determining by what company or companies or other corporations or persons, and in what proportions the cost of making and maintaining such connections shall be borne and upon what terms traffic shall be transferred from the lines of the one railway to those of the other:*

File No. 37381.3

Heard at Vancouver, B.C., June 29 and 30, 1959.

Before:

H. H. GRIFFIN, *Assistant Chief Commissioner.*  
L. J. KNOWLES, *Commissioner.*  
J. M. WOODARD, *Commissioner.*

Appearances:

C. W. BRAZIER, Q.C.,	}	for the Applicants.
and		
J. G. ALLEY,	}	for the Canadian National Railways.
W. G. BOYD,		
and		
H. F. HUTTON,		
K. D. M. SPENCE, Q.C.,		for the Canadian Pacific Railway Company.
W. H. Q. CAMERON,		for the British Columbia Electric Railway Co.
Ltd.		
B. E. EMERSON,		for the City of Vancouver.

## J U D G M E N T

KNOWLES, *Commissioner*:

The application in this matter was made on the 15th day of December, 1958 by 26 firms, 4 of whom are located on the Canadian National Railways' branch on Lulu Island, south and west of New Westminster, B.C., and the remainder are located on the Lulu Island Branch of the Canadian Pacific Railway running westward between New Westminster and Marpole, B.C. Subsequent to the filing of the application, 4 of the applicant firms withdrew from participation, one because they had moved their plant and were no longer on the trackage in question, another because they desired to remain neutral in the case as they do business with both railways, a third as a result of information which was not available to them at the time they executed the application, and a fourth withdrew because of an improvement in the service given to them by the Canadian Pacific since the application was filed. One new applicant was added to the case by Mr. Brazier at the hearing, namely, the Dominion Construction Company Limited. With the one addition and the eliminations, the net number of applicants is now 23.

The application is unusual in the respect that it was "endorsed" by 4 corporate bodies, namely, the Corporation of the Township of Richmond, the Corporation of the District of Burnaby, the North Fraser Harbour Commissioners, and the City of Vancouver. The word "endorse" in Webster's New International Dictionary, among other definitions, is shown to mean "To give one's name or support to; to sanction; to aid by approval; to approve; as, to endorse an opinion." Such being the case, the 4 corporate parties just referred to will be considered as parties to the application.

This point is important because of controversy respecting a former and similar case (39 C.R.C. 1) heard and decided by the Board in 1931, in which these 4 parties directly joined as applicant parties. At the opening of the hearing of the present case, differences of opinion were placed on the record by Counsel for the Applicants, for the Canadian National, and for the Canadian Pacific, as to whether or not this case was, in fact, a re-opening of the 1931 case above referred to, which was decided against the then applicants.

At the hearing, Mr. Spence for the Canadian Pacific contended that:

"The position of the Canadian Pacific is simply this, that this proposal if carried out would create an invasion of our territory by the Canadian National. The whole question was considered by the Board in 1931. The circumstances have not changed in any respect that would have a bearing upon that decision since that time and therefore, there is no justification for permitting these interchanges to be made." (Page 2911 of Transcript, Vol. 1041).

Mr. Boyd, for the Canadian National, in reply to Mr. Spence said:

"I think he did say this was an application by the C.N.R. to invade the C.P.R. territory. This is not a C.N.R. application." (Page 2913 of Transcript, Vol. 1041).

"And in that respect it differs from the application which was before the Board in 1931. That, as I recall it, was an application by the C.N.R. to connect its tracks with the two lines of the B.C. Electric at that time. This application before the Board now is not the same application. This is an application by the shippers. We are supporting it." (Page 2913 of Transcript, Vol. 1041).

Mr. Brazier for the Applicants stated:

"Might I just, Mr. Chairman, comment very briefly on what Mr. Spence has said.

I think the principal defence he apparently relies on is there has been no change of conditions since 1931 which would warrant any different decision on this application than was reached on the application made by the C.N.R. in 1931, and if that is so I presume that is the only issue, real issue, that we have to meet in this case." (Page 2914 of Transcript, Vol. 1041).

The facts of the matter are that the 1931 case, as is plainly shown by former Chief Commissioner Fullerton in his Judgment, was not solely an application from the Canadian National but was, first, an application of that Company for permission to join its Lulu Island Branch with the Vancouver and Lulu Island Railway at a stated point (now known as Sussex in the vicinity of Sussex Avenue in the Municipality of Burnaby, B.C.) and at Tucks; and, second, a joint application of the North Fraser Harbour Commissioners, the 3 cities and townships referred to above, 3 Boards of Trade and 6 shippers for interchanges at the two points referred to. Furthermore, two of these shippers, namely, the Eburne Saw Mills Ltd. and the Burke Lumber Co. Ltd. are now two of the 23 applicants in the present case (Eburne Saw Mills Ltd. in the 1931 case is now known as "Canadian Forest Products Limited, Eburne Saw Mill Division"). One other immaterial difference might be mentioned, i.e., the Canadian National Railway Company was one of the applicant parties in 1931, but in the present case, while not an applicant, its position is, in the words of Mr. Boyd:

"In that respect we refer to the fact that in reply to a letter from Mr. Brazier notifying us of the application, we advised him in a return letter of March 19, that we would support the application. Our letter to the Board of April 14 confirmed our support of the application." (Page 2911 of Transcript, Vol. 1041).

It can be considered, therefore, that subject to the inclusion of some additional shippers, the Applicants and "endorsers" are some of the same parties as those who applied to the Board in 1931 for these interchanges. There is a difference in the form of the applications, but no difference in substance.

The main point of the three applications (the two heard concurrently in 1931 and the present application) is substantially the same, i.e. the connection of the Canadian National Railways' Lulu Island branch and the Canadian Pacific Railway's Vancouver and Lulu Island branch at Sussex Avenue in the Municipality of Burnaby, and Tucks in the Municipality of Richmond.

The original corporate status of the Vancouver and Lulu Island Railway, and the jurisdiction of the Board over it, were fully set forth in the 1931 case, namely, that it was incorporated as a provincial railway, but in 1901 it was declared a work for the general advantage of Canada, thereby bringing it under the Board's jurisdiction under the Railway Act, with power to lease to the Canadian Pacific Railway Company, which lease was executed August 31, 1901. The Canadian Pacific Railway Company owns all the capital stock. In 1904 and 1905 the Canadian Pacific Railway Company and the Lulu Island Railway Company arranged with the British Columbia Electric Railway Company to electrify and operate the line. As operating agent for the Canadian Pacific, and the Canadian Pacific itself being the owner of the Vancouver and Lulu Island Railway, the British Columbia Electric comes within the jurisdiction of the Board in matters relating only to its operation of the Vancouver and Lulu Island line.

It may be noted that the Vancouver and Lulu Island Railway Company has, since October 18, 1956, been incorporated into the Canadian Pacific Railway Company but the branch is still operated by the British Columbia Electric Railway as agent of the Canadian Pacific.

In 1929, about two years before the applications were made for interchanges at Sussex Avenue and Tucks, a case was brought before the Board, North Fraser Harbour Commissioners et al, Vol. XIX J.O.R. & R. 145, in which the applicants requested that joint rates be ordered between the Vancouver and Lulu Island Railway and the Canadian National Railways. These rates were prescribed by the Board in Order No. 42808 to be put into effect "via direct connection" between the Vancouver and Lulu Island Railway and Canadian National Railways. This was taken to mean "via New Westminster". The Order was postponed from time to time, but was reaffirmed by the Board by Order No. 44417 on rehearing (Vol. XIX J.O.R. & R. 491, 496). This case was appealed to the Supreme Court on the ground that at New Westminster there was no direct connection, the route requiring the use of one mile of another line between the Vancouver and Lulu Island Railway and the Canadian National Railways, which mile of line was not under the Board's jurisdiction, being owned by the British Columbia Electric Railway Company. That Company was incorporated in the United Kingdom and subsequently authorized to operate in the Province of British Columbia by virtue of a provincial licence. The Court held that the Board had not jurisdiction to make the Order appealed against. (39 C.R.C. 215). That condition, however, does not now prevail, because in a recent period the Canadian Pacific and Canadian National have constructed another connection at New Westminster which directly connects the two railways (although in practice the B.C.E. connection is still used).

While the appeal to the Supreme Court was pending, the joint rates were made effective in 1930 and notwithstanding the Court's Judgment, they remained in effect until 1956.

In 1956 the Canadian Pacific directed that the joint rates between points on the Vancouver and Lulu Island branch and common points of the C.N.R. and C.P.R., for example, in connection with the C.N.R. via New Westminster (and also via Chilliwack) be cancelled. Complaints were made to the Board respecting the cancellation of the rates on lumber; the Canadian Pacific replied, but the Board did not suspend the cancellation. Shipments of lumber, etc., from Marpole, B.C. and other points on this branch, must now move direct via Canadian Pacific to a common point such as Toronto or Montreal. (Routing is, however, provided by the C.P.R. to local points on the Canadian National Railways via various junctions).

It was this cancellation of rates from points on the Vancouver and Lulu Island branch to points common between the Canadian National Railways and the Canadian Pacific that provided the opportunity for the applicants to make the present application to the Board. No reason was given, however, for waiting 2½ years to do so after the joint rates had been cancelled. Instead of asking, however, for the restoration of the routes via New Westminster, the application is that interchanges be established at Sussex Avenue and Tucks, B.C., which would automatically, (a) bring all points between New Westminster and Marpole on the Vancouver and Lulu Island branch of the C.P.R. within the 4-mile limit of interchange with the C.N.R. via either Sussex Avenue or Tucks; (b) would bring 4 miles north and 4 miles south of Tucks of the Vancouver and Lulu Island branch of the C.P.R. also within the 4-mile limit; and (c) would bring industries on the Canadian National Railway Company within the 4-mile limit of interchange with the C.P.R. via either Sussex Avenue or Tucks. (It would, however, still leave a considerable portion of these branches outside of the 4-mile limit.).

Traffic from (or to) the Canadian Pacific's Vancouver and Lulu Island branch could thus be subjected to a large loss of competitive traffic from or to the industries located on that branch to or from points common with the Canadian National Railway throughout the whole of Canada. On the other hand, the Canadian National could be subject, by interswitching, to loss of traffic between points on its Lulu Island line, via Sussex Avenue and Tucks, and points on the Canadian Pacific which are common with the Canadian National Railways throughout Canada. The balance of the traffic benefit, however, would be decidedly in favour of the Canadian National Railways, and to the detriment of the Canadian Pacific Railway.

The British Columbia Electric Railway Company, as operator of the Vancouver and Lulu Island branch of the C.P.R., submitted Exhibit No. 20 to show that in 1956 there was a total of 20,522 cars forwarded and received on this branch (exclusive of Vancouver City) of which 14,131 would have been subject to interchange at Tucks and Sussex Avenue, if interchanges were established at these two points; the total traffic handled in 1957 and 1958 is also substantial, and while there is no analysis of what would be competitive traffic for those two years, undoubtedly the same ratio would apply, namely, about 70% of the traffic to and from the V. & L.I. branch of the C.P.R. would be competitive with the Canadian National Railways if the interchanges were established.

The Canadian National did not submit any estimate of the number of cars that it might have to deliver to the Canadian Pacific on shipper's routing if interchanges were established at Tucks and Sussex Ave. There are, however, only 6 industries on the Canadian National's Lulu Island branch and all of these industries appear to be small; in fact, from personal observation of the Board, at least one of them did not appear to be shipping by rail. It may be added that there is a total of 59 industries with private sidings on the Vancouver and Lulu Island branch of the Canadian Pacific, and 6 on the Canadian National, a total of 65 in the area. Only 23 of these industries are applicants for the interchanges. While some of the applicants are large industries, it is a fact that of the 42 which are not applicants for the interchanges, a considerable number are very large industries, as well as some small ones.

Counsel for the applicants in his written argument (page 7) laid stress upon the matter of public interest as the main point at issue; he says:

"It is submitted that the evidence which has been adduced by the Applicants in this case shows that these interchanges are required in the public interest."

That, admittedly, is the only basis upon which the applicants could succeed; the public interest is paramount in a matter of this kind, as against the interest of the Canadian Pacific and the British Columbia Electric (as operating agent of the Canadian Pacific) which oppose the application because they feel that a large amount of what is now local traffic would be vulnerable to Canadian National competition if the interchanges were established. This opposition could only be overcome by a showing of a greater public interest than the anticipated detriment to the C.P.R. and the British Columbia Electric.

The question is, therefore, what is the amount and quality of this alleged public interest?

The evidence on this point which was introduced by the Applicants consisted of statements by one witness each from only 5 of the 23 Applicants, viz: the Aluminum Co. of Canada, Western Plywood Company Limited, The Acme Shingle & Lumber Company Limited, Vancouver Car Deliveries, and the B.C. Coast Vegetable Co-operative Association. In addition, the Reeve of the Corporation of the District of Burnaby and the Municipal Town Planner for

the Corporation of the Township of Richmond appeared and stated their interest in the application. No witnesses appeared for the City of Vancouver, nor for the North Fraser Harbour Commissioners.

An analysis of the evidence relating to the public interest is as follows:

*Aluminum Co. of Canada:* This Company is located on the C.N.R. and brings in aluminum ingots by water from Kitimat to Vancouver and produces from it aluminum rods, cable, extruded aluminum articles, and scrap aluminum. One of the principal movements of the rods is to Weyburn, Sask.; the cable is shipped, for transmission lines, to the railway station nearest to the site of the construction; the scrap is shipped to the United States, principally to Cleveland, Chicago and points in California. As to the rods, in cross-examination, it was shown that Weyburn is located on both the C.N.R. and C.P.R. but that the customer is nearer to the C.N.R. than the C.P.R. There appears to be no reason, therefore, why the shipper should require an interchange at Tucks to enable him to ship via C.P.R. As to the cable, the shipper has not been deprived of any rates or routes to local C.P.R. points, and he can reach common points via the C.N.R. As to the scrap, the C.N.R. can reach Cleveland and Chicago over United States lines at the same rates as can be made by the C.P.R. and its connections. The only possible disability therefore is in connection with the movement of scrap to California (consisting of 750 tons during an unspecified period) on which the shipper pays a proportional rate of 12 cents per 100 lbs. to New Westminster, plus the rates of the Great Northern Railway and connections beyond. The rate of 12 cents was reduced from 26 cents. The Canadian National witness stated that owing to lack of connections at the international boundary and routes to United States points, it was unable to make any better rates, whereas the Canadian Pacific with its more numerous connections could probably do so. It appears unusual, however, that the Canadian National would be content with only an interswitching charge of 1½ cents per 100 lbs. to Tucks, when it is now earning 12 cents per 100 lbs. to New Westminster, unless it could anticipate that loss to be overcome by the diversion of considerable other traffic from the Canadian Pacific to itself by means of an interchange at Tucks.

*Western Plywood Company Limited:* This company's plants are situated on the Vancouver and Lulu Island branch of the C.P.R. Its only product is plywood. It also has plants at Quesnel, B.C. and Edmonton, Alberta. Its sole interest in this matter is that with the cancellation of the routing to C.N.R. common points via New Westminster, it could not take advantage of stop-off arrangements on the C.N.R. to make up mixed carloads of plywood with mouldings, shingles and siding. It was admitted, however, that the C.P.R. and C.N.R. have since joined in through rates and routes to certain territory in Alberta and Ontario and the C.P.R., in addition, has published a proportional rate of 5 cents per 100 lbs. from the applicant's two plants to New Westminster to enable the applicant to make use of stop-off arrangements on the C.N.R.

*Acme Shingle & Lumber Company, Limited:* This firm is located on the Vancouver and Lulu Island branch of the C.P.R. It produces wooden shingles and sidewall shakes for wall sheathing. Its principal markets are in the eastern United States. Its only complaint is that it is put to an additional expense for trucking when it wishes to ship cars via the C.N.R. for completion of load in the Fraser valley.

*Vancouver Car Deliveries:* This firm is located on the V. and L.I. branch of the C.P.R. Its business is to unload and store box car shipments of automobiles from eastern Canada. It also ships out imported automobiles to Alberta and Saskatchewan points. The firm pays no freight charges; all such charges are paid by the automobile dealer. Its complaint is that, in the absence of

interchange, it has to unload cars received via C.N.R. or load cars to be shipped via C.N.R., at the C.N.R. downtown terminal in Vancouver, which incurs an extra trucking cost of \$3 per automobile.

*B.C. Coast Vegetable Association:* This plant is located on C.N.R., Lulu Island branch. It has recently moved to that point from a downtown location in Vancouver where it was situated on the C.P.R. within the inter-switching limits. Apart from the City of Vancouver its main markets are Calgary and Edmonton. One-third of its produce goes to Calgary, and its complaint is that when it uses the C.N.R. to that point, the cars are one day longer in transit, plus additional refrigeration. In order to avoid this extra time in transit and extra cost of refrigeration, the Association loads cars for Calgary at the foot of Fraser Avenue on the V. & L.I. branch of the B.C. Electric (i.e., what is now C.P.R. tracks). This transfer is made by truck and costs approximately \$30 per car. The witness for the Association claimed that when he decided to locate on the C.N.R. Lulu Island branch, he had been informed by that line that his rates would be the same as in his old location. He said also that if he had been informed of the correct situation, he might have considered other sites, but admitted on cross-examination that the present site has two attractions; one, it is close to where the vegetables are grown; and two, the land for the size of the Association's operations was more available than elsewhere, and it was impossible to expand at the former location in Vancouver. It is quite evident that this shipper weighed the advantages and disadvantages of this location before moving to it, and any misinformation he may have received about the rate structure is not a matter that the Board can, or should, provide a remedy for. Had he located on the C.P.R. Vancouver and Lulu Island branch, he would have had the same difficulties—if they can be termed difficulties—in reaching Edmonton via C.P.R. as he now has in reaching Calgary via the C.N.R.

*Municipality of Burnaby:* The evidence of this Municipality is confined to discrimination; it is claimed that the area in question in this case is the only one which does not have interchanges in the Municipality of Burnaby.

*Township of Richmond:* The evidence of this municipality is that it is interested in industrial development in the area, and its witness said therefore it seems proper that it should be served by both the major railroads. When it was pointed out to the witness that if the interchanges were established at Sussex Avenue and Tucks, there would still be a "blind spot" not within the four-mile limit from either point, his argument was that it lies in a fairly heavy peat bog area and that it will be some considerable number of years before it will be served with ordinary municipal services.

*Comment on the evidence:*

It will be noted that the evidence of interested parties is exceedingly meagre in relation to the issues involved in this matter, and consists merely of, (1), complaints of slightly higher rates where the shipper is located on the C.N.R.; (2), lack of some transit privileges via the C.N.R. when the shipper is located on the Vancouver and Lulu Island branch of the C.P.R.; and (3), alleged discrimination where one part of the Municipality of Burnaby has no interchange between the C.N.R. and C.P.R., and other parts have. As to (1), the shipper in locating on any railway naturally incurs the disadvantages of location as well as the advantages, and it is not the function of the Board to overcome such geographical disadvantages by any action that would enable another carrier to divert to itself traffic that the other carrier has developed at great effort, expense and good service.

As to (2), the Canadian Pacific introduced Exhibit 19 which was a compilation of all the shipments made under transit privileges by all the shippers

on the C.P.R. Vancouver and Lulu Island line who used such privileges on shipments via the C.N.R. in the year 1956. Only 5 industries used such privileges and the total of the shipments amounted to 53 carloads, of which 37 can still be handled at no extra cost; 6 that could still be handled with some small extra cost for interswitching or out-of-line charges; and only 10 that would have to be handled at the local or proportional rate to New Westminster. When these figures are contrasted with the total of 20,522 cars handled by the Vancouver and Lulu Island Railway on this branch in 1956, the insignificance of the complaints about transit shipments is evident. Furthermore the Board has said in previous cases that it will not order joint rates and routes between two railways for the mere purpose of enabling a shipper on one line to obtain stop-off privileges on the other line (*West Lorne v. C.P.R.*, 70 C.R.T.C. 23 at p. 32). The same principle is applicable to additional interchange arrangements.

With regard to (3), the suggestion is that there is discrimination if one part of a municipality has railway interchanges within its boundary, while other parts of the same municipality have no interchanges. To accept such a principle would mean that interchanges between railways would have to be established at additional points in many municipalities throughout Canada, resulting in duplication of railway facilities. Furthermore, the institution of interchanges at Tucks and Sussex Avenue would create more of such alleged discrimination on Lulu Island, because even with such interchanges the important points of Steveston on the C.P.R. and Woodwards Landing on the C.N.R. would still be beyond the 4-mile interswitching limit. There are other points also in the Vancouver area that are now beyond the interswitching limits.

Counsel for the applicants laid great stress that the C.P.R. had maintained from 1930 to 1956 open routes between the V. & L.I. and the Canadian National through New Westminster. The cancellation by the Canadian Pacific of the routes not only on lumber but on other articles was described by Counsel as an arbitrary action. The cancellation of the routes, however, was not an arbitrary or isolated action but was, in fact, what might be described as the closing chapter in a long struggle respecting changes in routing between the Canadian National and the Canadian Pacific as a result of the consolidation of the Canadian National Railways' lines, routes, and rates since the system was amalgamated with the Grand Trunk Railway in 1923.

For many years prior to that consolidation the Canadian Pacific had enjoyed joint rates and long-haul routing with component parts of the Canadian National. This was especially the case on traffic between eastern and western Canada, as follows:

- with the Intercolonial Railway via Saint John, N.B., the Ste. Rosalie Junction, P.Q.;
- with the Canadian Northern Quebec and Quebec and Lake St. John Railways via Montreal, P.Q.;
- with the Grand Trunk Railway System via North Bay, Ont.;
- with the Canadian Northern Ontario Railway and various other C.N.R. lines in Ontario via Port Arthur, Ont.

The routing of traffic via these junctions to and from western Canada resulted in the C.P.R. receiving its longhaul in both directions, i.e. the Canadian National had to give both eastbound and westbound traffic to the C.P.R. at junctions ranging from Saint John, N.B. to Port Arthur, Ont. The Canadian Pacific had the longhaul eastbound, as it was entitled to, but the Canadian National was shorthauled westbound via the same junctions instead of carrying the traffic over its long-haul via junctions situated on the Prairies or in British Columbia.

As shown by the evidence, even before 1923, the Canadian National had made strenuous efforts to lengthen over its lines the former short-haul routes of constituent portions of its system in connection with the Canadian Pacific and other railways. Some changes were made from time to time and the efforts of the Canadian National were continued down to 1943, when World War II period intervened, and it was agreed between the Canadian National and Canadian Pacific to let the matter remain in abeyance until the close of hostilities, subject to a general revision at that time. This was referred to by the Assistant General Freight Traffic Manager of the Canadian National in his Exhibit No. 12, consisting of a letter from the General Freight Traffic Manager of the Canadian National Railways to the Freight Traffic Manager of the Canadian Pacific, dated March 22, 1943, as follows:

"Referring to our recent conversation with respect to your request for publication of joint rates from points on our Lulu Island branch to points on the Canadian Pacific Railway via New Westminster, B.C.

Further consideration has been given this matter and in order to avoid controversies between our respective railways while war conditions exist, we will arrange to publish—rates from points on our Lulu Island branch to points in Canada on the Canadian Pacific Railway, both east and west, on the same classes and commodities and to the same extent as the Canadian Pacific Railway publishes rates from the line it operates, and known as the Vancouver and Lulu Island Railway, to points on the Canadian National Railways.

This arrangement is subject to your line retaining in effect the rates from points on the Vancouver and Lulu Island Railway to points on the Canadian National Railways, and should these rates be withdrawn, the Canadian National Railways will simultaneously withdraw the rates from points on its Lulu Island branch above referred to. *This entire arrangement is to be considered a temporary one during the war, and to be subject after the close of hostilities to a general revision of routing between the Canadian National Railways and Canadian Pacific Railway.* It is to be further understood that on acceptance of this communication, you will abandon the proposed complaint of the Canadian Pacific Railway to the Board of Transport Commissioners of Canada relating to this subject." (pp. 3003-4 of Transcript, Vol. 1041). (Emphasis supplied).

It was only on February 3, 1955 that on traffic between the east and the west, the Canadian National and Canadian Pacific reached an agreement on routing.

The routing was undoubtedly changed finally as a result of the Board's decision in the Class Rates case (Vol. XLIII J.O.R. & R. 3) requiring joint rates between eastern and western Canada on an equalized mileage scale via the rate-making route. As one factor in the establishment of the new class rates, a revision of routes was necessary, and it was agreed between the Canadian National and Canadian Pacific that: the joint routing between competitive points (sometimes referred to here as common points) such as Montreal and Winnipeg, was to be eliminated, and traffic originating on one line between such common points was to be retained by the originating carrier for the entire haul; traffic originating at local points of one carrier destined to a common point would also be considered traffic of the originating carrier; only traffic from a local point on one carrier to a local point on the other carrier would be served by joint routes. The general arrangement was put on the record in Exhibit No. 14, as follows:

"It is understood that to and from competitive points in both eastern and western Canada each road will handle its own traffic and we are,

therefore, dealing only with the question of routing between local points on the Canadian Pacific Railway and local points on the Canadian National Railways, in both eastern and western Canada.

After full discussion of the entire problem it was agreed that the following general understanding will apply on all traffic governed by Canadian Freight Association Routing Guide No. 46 and re-issues thereof:

*Westbound Traffic*—All westbound traffic will be interchanged at Winnipeg, except to the extent it is necessary to continue Ste. Rosalie as an interchange point in compliance with Order of the Supreme Court of Canada and except as otherwise provided herein via Port Arthur.

*Eastbound Traffic*—All eastbound traffic will be interchanged at North Bay, except as otherwise provided herein.

Sudbury will be used as the interchange point to reach territory on the Canadian Pacific Railway where the C.P.R. would operate via Sudbury in order to reach their local territory south and west and to some extent east thereof, thus avoiding a backhaul from North Bay to Sudbury, and in the case of the Canadian National Railways to reach their territory north of Washago.

*Westbound and Eastbound Traffic*—It will be necessary to continue routing on traffic to and from the Vancouver and Lulu Island Railway via Vancouver in addition to other gateways, in compliance with Order of the Board of Transport Commissioners for Canada.

Port Arthur will be used as a gateway to reach short-haul intermediate territory between Winnipeg and North Bay, the actual breaking points to be agreed upon by Messrs. McCoy and Jamieson." (pp. 3023-3025 of Transcript, Vol. 1041).

(The reference to "Vancouver" as the junction point with the Vancouver and Lulu Island Railway is apparently an error; it was evidently intended to mean New Westminster.)

This arrangement was developed after many years of dispute and disagreements between the two principal railways regarding the routing of long-haul traffic over their systems. It is also in accordance with the expressed view of the Board (as to which a number of authorities are cited in the 1931 case) to the effect that the originating carrier is entitled to its long-haul, and only in the most pressing circumstances of public convenience or necessity will that principle be set aside.

The railways, it is true, made an exception of the Lulu Island territory in this general routing arrangement presumably under the mistaken apprehension that they were complying with Board's Order No. 42808 in the 1929 case. The Board, as the Supreme Court said, had no power to make such an order. However, the cancellation of the routings on lumber and other articles from local points on the C.P.R.'s Lulu Island branch to points common with the C.N.R. is in accordance with the agreement above set forth, now that the Canadian Pacific has absorbed the Vancouver and Lulu Island Railway. The Canadian Pacific, with respect to the former Vancouver and Lulu Island Railway, is now in the same position as the Canadian National was with regard to consolidating a former separate part into its system, i.e., it has endeavoured to acquire the long-haul over its system and eliminate routes where it was formerly short-hauled.

The Board can take no exception generally to this method of treating joint rates and routes between the two main railways of Canada, and it therefore will not authorize additional interchanges which have the effect or purpose of defeating the general routing arrangement, except upon a showing of paramount public convenience and necessity for such interchanges. The analysis

herein made of the contents of the applicants' evidence shows that there is no overwhelming evidence of such necessity for the proposed interchanges. The evidence of the five parties who appeared, while stated by Counsel for the applicants to be typical of the 23 industries parties to the application, is scanty and shows only very minor inconveniences in the present situation. It could have been expected with 2½ years' experience after the cancellation of joint rates that much more detriment could have been shown. Should any serious difficulties arise in future, the Board has power to prescribe joint through rates between the Canadian Pacific and Canadian National, via various junction points where the two carriers directly connect.

The 1931 case was the vehicle for a restatement by the Board of the principles upon which interchanges would be granted. The matter was summed up by Chief Commissioner Fullerton as follows:

"Having carefully examined all the above cases, as well as others included in the Board's reports, I have been forced to the conclusion that the Board has in recent years given entirely too wide a construction to the sections of the Railway Act dealing with interchanges.

I think one can safely say that under the recent decisions of the Board, it is only necessary to show that a connection between two railways is physically possible, and that some little traffic may result to justify the granting of an interchange.

It is my view that the Board has gone entirely too far in the granting of interchanges, and that it is time it returned to the principles laid down in the earlier decisions." (39 C.R.C., 19).

The 1931 applications for interchanges at Tucks and Sussex Avenue were denied on those principles. Conditions in the interim have not changed to such an extent as to produce a dominating public interest at the present time.

Since 1931 to date, a period of 28 years, there have been only 11 additional interchanges established in Canada, of which 7 were established voluntarily by the railways, and 4 were ordered by the Board as being necessary in the public interest. Three other applications were dismissed by the Board on the ground that not sufficient public interest had been shown to justify the Board in approving them.

All of the evidence and arguments have been considered by the Board in this matter, whether or not specifically mentioned.

For the reasons given herein, the principles set forth by the Board in the 1931 case should be reaffirmed, and the preset application dismissed.

L. J. KNOWLES

*I concur:*

J. M. WOODARD

H. H. GRIFFIN

OTTAWA, Ontario, September 28, 1959.

## ORDER No. 99277

In the matter of the application of Acme Shingle & Lumber Company Limited, et al, endorsed by the Corporation of the Township of Richmond, the Corporation of the District of Burnaby, the City of Vancouver, and the North Fraser Harbour Commissioners, for an Order:

- (1) That the lines or tracks of the Canadian National Railways and of the Vancouver and Lulu Island Railway Company (Canadian Pacific Railway Company) at or near Tucks in the Municipality of Richmond and Sussex Avenue in the Municipality of Burnaby be connected so as to admit of the safe and convenient transfer or passing of engines, cars and trains from the tracks or lines of the one railway to those of the other and that such connections shall be maintained and used:
- (2) Determining by what company or companies or other corporations or persons, and in what proportions the cost of making and maintaining such connections shall be borne and upon what terms traffic shall be transferred from the lines of the one railway to those of the other.

File No. 37381.3

MONDAY, the 28th day of September, A.D. 1959

H. H. GRIFFIN, Assistant Chief Commissioner.

L. J. KNOWLES, Commissioner.

J. M. WOODARD, Commissioner.

Upon hearing the matter at a sittings of the Board held at Vancouver, B.C., on June 29 and 30, 1959, in the presence of Counsel for the Applicants, the City of Vancouver, the Canadian National Railways, the Canadian Pacific Railway Company and the British Columbia Electric Railway Company, and upon consideration of the written arguments, answers and replies thereto on file; and the Board having rendered judgment thereon of this date—

It is hereby ordered as follows:

That the application be, and it is hereby dismissed.

H. H. GRIFFIN,

Assistant Chief Commissioner:

## ORDER No. 99401

In the matter of the application of the Canadian Pacific Railway Company hereinafter called the "Applicant Company", dated December 23, 1958;

- (1) for an Order approving the construction of a terminal freight yard in the Township of Scarborough, Ontario:
- (2) for authority to relocate its Oshawa Subdivision from mileage 94.2 to mileage 96.2 and its Peterboro Subdivision from mileage 86.0 to mileage 87.9:
- (3) for an Order closing that part of Bellamy Road between the lines of the right of way limits of the railway:
- (4) for authority to construct, maintain and operate a branch line of railway forming a cross-connection between the Peterboro and Oshawa Subdivision 1.36 miles in length, and for leave to dispense with publication of this application pursuant to Section 184(b) of the Railway Act:
- (5) for authority to construct railway-highway grade separations at the following locations:
  - (a) mileage 95.6 Oshawa Subdivision, McCowan Road, subway to carry five tracks:
  - (b) mileage 87.3 Peterboro Subdivision, McCowan Road, subway to carry three tracks:
  - (c) mileage 94.5 Oshawa Subdivision, Markham Road (Highway 48), overhead highway bridge to cross eleven tracks:
- (6) for authority to construct the following crossings at grade:
  - (a) mileage 94.0 Oshawa Subdivision, Scarborough Golf Club Road (not open), one additional track at grade:
  - (b) mileage 0.6 Oshawa-Peterboro connection, Neilson's Road, one track at grade:
  - (c) mileage 1.3 Oshawa-Peterboro connection, Finch Avenue-Staine's Road, one track at grade; and
- (7) for a grant from The Railway Grade Crossing Fund towards the costs of each of the aforementioned grade separations, reserving for further consideration the apportionment of the balance of the costs of construction thereof, as well as the cost of maintenance:

File No. 48696

FRIDAY, the 9th day of October, A.D. 1959

ROD KERR, Q.C., Chief Commissioner.

A. SYLVESTRE, Q.C., Deputy Chief Commissioner.

J. M. WOODARD, Commissioner.

Whereas the above mentioned application was heard at a sittings of the Board held in Toronto, Ontario, on August 8 and 9, 1959, in the presence of Counsel for the Applicant Company, the Township of Scarborough, the Agincourt Ratepayers' Association, the Department of Highways of the Province of Ontario, The Bell Telephone Company of Canada and the Municipality of Metropolitan Toronto, and Judgment dated September 11, 1959, has been rendered thereon—

*It is hereby ordered as follows:*

1. The Board approves in principle the establishment of the yard generally as proposed by the Applicant Company, with the modification that Bellamy Road shall be diverted to join McCowan Road on the north side of the yard and thereupon the portion of Bellamy Road within the limits of the Applicant Company's yard shall be closed.

2. The Applicant Company is authorized to complete the following works:

- (1) To relocate its Oshawa Subdivision from mileage 94.2 to mileage 96.2;
- (2) To relocate its Peterboro Subdivision from mileage 86.0 to mileage 87.9, and;
- (3) To construct, within two years from the date of this Order, and to maintain a branch line of railway forming a cross-connection between the Peterboro and Oshawa Subdivisions 1.36 miles in length. Leave is granted to dispense with publication of notice of application pursuant to Section 184(b) of the Railway Act.

Both relocations and cross-connection are shown on Plan No. M-76-15A-34, on file with the Board under file No. 48696.

3. The Applicant Company shall construct a diversion of Bellamy Road on the north side of the yard to join McCowan Road, the exact location of the said relocated road to be agreed upon between the Applicant Company and the Township of Scarborough, and should the parties not agree the said location shall be determined by the Board upon application of either party.

4. Upon completion of the said road diversion, the Applicant Company shall close Bellamy Road within the limits of the said yard.

5. The Applicant Company is authorized to cross;

- (a) McCowan Road, mileage 95.6 Oshawa Subdivision, with its relocated tracks of its Oshawa Subdivision and with three additional tracks;
- (b) McCowan Road, mileage 87.3 Peterboro Subdivision, with its relocated track of its Peterboro Subdivision and with two additional tracks;
- (c) Markham Road (Highway No. 48) mileage 94.5 Oshawa Subdivision with its relocated track of its Oshawa Subdivision and ten additional tracks;

and to construct grade separations at the three above-mentioned crossings;

- (d) Scarboro Golf Club Road (not open), mileage 94.0 Oshawa Subdivision, one additional track at grade;
- (e) Mileage 0.6 Oshawa-Peterboro connection Neilsons Road, one track at grade;
- (f) Mileage 1.3 Oshawa-Peterboro connection Finch Avenue-Staines Road, one track at grade.

6. The said grade separations shall be constructed in accordance with the requirements of General Order No. 848, and detailed plans of the said grade separations shall be submitted for the approval of an Engineer of the Board.

7. The said crossings at grade shall be constructed in accordance with the Standard Regulations of the Board Affecting Highway Crossings.

8. The Bell Telephone Company of Canada shall remove, relocate or protect, as the case may be, its existing facilities to permit the construction of the works provided herein.

9. The Board reserves for future consideration and Order the apportionment of the cost of the said grade separations, and the cost of protection, if any required, at the highway crossings, and the cost of construction of the diversion

of Bellamy Road and the relocation of public utility lines, and the question of a contribution from The Railway Grade Crossing Fund towards the cost of any of the said work.

10. Authorization for construction of other work proposed, that is to say, the work not specifically authorized or ordered herein, and consistent with the project as applied for and approved in principle, will be given upon specific application therefor.

11. Should the Applicant Company and the Township of Scarborough be unable to agree upon the question of sewer and water easements across the yard, drainage, planting of buffer trees, protection at grade crossings, re-alignment of Township roads at Finch Avenue and Staines Road, and contribution by the Applicant Company towards the cost of trunk sewers, the Board will make a determination thereon at a later date and upon application therefor.

ROD KERR,  
*Chief Commissioner.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 99186 Sept. 17—Authorizing the C.P.R. to operate its trains over the subway at Mileage 60.06 Wilkie Subd., Sask.
- 99187 Sept. 17—Requiring the C.N.R. to install flashing light signals in lieu of existing wig wag signals, at crossing of Edinburgh Road, City of Guelph, Ont., Mileage 49.54 Brampton Subd.
- 99188 Sept. 17—Requiring the C.N.R. to install one flashing light signal, in lieu of existing wig wag signal, at crossing of their railway and Absalom St., Mildmay, Ont.
- 99189 Sept. 17—Rescinding Order 64333, which approved facilities of Imperial Oil Limited near the C.P.R. at Hawarden, Sask.
- 99190 Sept. 17—Requiring the C.N.R. to install one flashing light signal, in lieu of existing wig wag signal, at crossing of their railway and Avenue St., in Hespeler, Ont.
- 99191 Sept. 17—Requiring the C.N.R. to install one flashing light signal, in lieu of the existing wig wag signal, at crossing of their railway and Highway No. 6 near Mount Forest, Ont.
- 99192 Sept. 17—Requiring the C.N.R. to install flashing light signals, in lieu of existing wig wag signals, at crossing of their railway and l'Esperance Rd., Tecumseh, Ont., Mileage 99.36 Chatham Subd.
- 99193 Sept. 17—Requiring the C.N.R. to install two flashing light signals, in lieu of existing wig wag signals, at crossing of their railway and Peter St., Bothwell, Ont., Mileage 38.90 Chatham Subd.
- 99194 Sept. 17—Requiring the C.N.R. to install two flashing light signals, in lieu of existing wig wag signals, at the crossing of their railway and Highway No. 19, west of station at Tillsonburg, Ont.
- 99195 Sept. 17—Requiring the C.N.R. to install two flashing light signals, in lieu of existing wig wag signals, at crossing of their railway and Lacroix St., Chatham, Ont., Mileage 61.92 Chatham Subd.
- 99196 Sept. 17—Requiring the C.N.R. to install two flashing light signals, in lieu of existing wig wag signals, at crossing of their railway and Victoria St., Thamesville, Ont., Mileage 46.75 Chatham Subd.
- 99197 Sept. 17—Extending the time within which the C.N.R. are required to install automatic protection at crossing of their railway and Leduc Blvd., Town of Montreal North, P.Q., Mileage 33.00 l'Assomption Subd.
- 99198 Sept. 17—Dismissing application of the C.N.R. for authority to close their station at St. Andre, P.Q.
- 99199 Sept. 17—Approving changes in the track circuits at crossing of the C.N.R. and Albert St., Regina, Sask., Mileage 1.21 Regina Terminals Subd.
- 99200 Sept. 17—Amending Order No. 97469 which authorized the discontinuance of passenger trains 47 and 48 between Winnipeg and Russell, Man.
- 99201 Sept. 17—Authorizing the removal of the speed limitation at crossing of the C.P.R. and 4th Ave., Minnow Lake, Ont.
- 99202 Sept. 18—Requiring the C.N.R. to install one flashing light signal, in lieu of existing wig wag signal, at the crossing of their railway and Main St., at Delhi, Ont., Cayuga Subd.
- 99203 Sept. 18—Requiring the C.N.R. to install two flashing light signals, in lieu of the existing wig wag signals, at crossing of their railway and Haggerty St., Newbury, Ont., Chatham Subd.
- 99204 Sept. 18—Requiring the C.N.R. to install two flashing light signals, in lieu of existing wig wag signals, at each of the crossings of their railway and Edward, Waterloo, Weber and Ahrens Streets, in the City of Kitchener, Ont., Brampton Subd.
- 99205 Sept. 18—Requiring the C.N.R. to install two flashing light signals, in lieu of the existing wig wag signals, at the crossing of their railway and George Ave., in East Windsor, Ont.
- 99206 Sept. 18—Authorizing the City of Granby, P.Q., to construct Simonds St. across the C.N.R. at Mileage 44.61 Granby Subd.

- 99207 Sept. 18—Requiring the C.P.R. to install two flashing light signals and one bell, in lieu of the existing wig wag signals, at the crossing of their railway and Highway No. 3 at Harvey, N.B., Mileage 85.1 St. John Subd.
- 99208 Sept. 18—Requiring the C.N.R. to install one flashing light signal, in lieu of the existing wig wag signal, at the crossing of their railway and Concession Road, in the Village of Corinth, Ont., Cayuga Subd.
- 99209 Sept. 18—Requiring the C.N.R. to install two flashing light signals in lieu of the existing wig wag signals, at the crossing of their railway and Tecumseh Road immediately west of Puce, Ont.
- 99210 Sept. 18—Requiring the C.N.R. to install automatic protection at the crossing of their railway and the highway between Concs. 7 and 8, Twp. of Innisfil, near Bramley, Ont., Mileage 55.55 Newmarket Subd.
- 99211 Sept. 18—Requiring the C.P.R. to install automatic protection at the crossings of its railway and Mavis Road, Wolfe Line and Erindale Station Road, at Mileages 16.56, 16.82 and 17.35 respectively, Galt Subd.
- 99212 Sept. 18—Requiring the C.N.R. to install flashing light signals, in lieu of the existing wig wag signals, at the crossing of their railway and The Grand River Railway and Hespeler Road (Highway No. 24) near Galt, Ont.
- 99213 Sept. 18—Requiring the C.N.R. to install one flashing light signal, in lieu of the existing wig wag signal, at the crossing of their railway and Darling Road, at Corinth, Ont., Cayuga Subd.
- 99214 Sept. 18—Requiring the C.N.R. to install a flashing light signal in lieu of the existing wig wag signal at the crossing of their railway and Talbot St., Courtland, Ont.
- 99215 Sept. 18—Approving plan submitted by Consumers' Gas Company showing the revised location of its gas main across and under the pipe line of Trans-Northern Pipe Line Company at Dixon Road, Ont.
- 99216 Sept. 18—Authorizing the City of Grande Prairie, Alta., to construct 105th Avenue across the Northern Alberta Railways at Mileage 48.9 Grande Prairie Subd.
- 99217 Sept. 18—Authorizing the City of Calgary to lower the surface of 2nd Street East where it crosses under the subway carrying the tracks of the C.P.R. across 2nd Street, Calgary, Alta.
- 99218 Sept. 18—Authorizing the City of Grande Prairie to construct 108th Avenue across the Northern Alberta Railways, Alta., at Mileage 48.75 Grande Prairie Subd.
- 99219 Sept. 18—Authorizing Mr. David Lyne to construct an irrigation ditch across the pipe line of the Westcoast Transmission Company Limited in District Lot 1931, Group 1, Cariboo District of B.C.
- 99220 Sept. 18—Relieving the C.P.R. from erecting right of way fencing on the west side of its Tisdale Subd., Sask., between Mileages 56.0 and 62.11.
- 99221 Sept. 18—Authorizing the Village of Inglis, Man., to construct a public road across the station grounds and right of way of the C.P.R. at Mileage 23.76 Russell Subd.
- 99222 Sept. 18—Authorizing the City of St. Jerome, P.Q., to construct Nadon Ave. across the C.N.R. at Mileage 31.67 Montfort Subd.
- 99223 Sept. 18—Authorizing the Town of Victoriaville, P.Q., to construct a pedestrian crossing across the C.N.R. at Mileage 55.3 Danville Subd.
- 99224 Sept. 18—Authorizing the Quebec Central Railway Company to remove the station agent and appoint a caretaker at St. Sebastien, P.Q.
- 99225 Sept. 21—Authorizing the C.P.R. to construct a branch line of railway to serve its piggyback service at Mileage 3.07 Carberry Subd., Winnipeg, Man., and to construct and maintain the said branch line across Keewatin St.
- 99226 Sept. 21—Authorizing the Township of Colchester North to improve the approach grades of the highway across the New York Central Railroad Company between Lots 1 and 5 of Conc. 11, at Mileage 6.37 Amherstburg Subd., Ont.

- 99227 Sept. 21—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Plante Ave., in the Town of Quebec Ouest, P.Q., Mileage 2.94 Lairet Subd.
- 99228 Sept. 21—Authorizing Consumers' Gas Company to construct a gas main across and under the pipe line of Trans-Northern Pipe Line Company in Lot 17, Con. 3, Twp. of Etobicoke, Ont.
- 99229 Sept. 21—Authorizing New Superior Oils of Canada Limited to construct a plastic pipe, for the transportation of salt water, across and under the pipe line of Interprovincial Pipe Line Company in the SE $\frac{1}{4}$  of Sec. 15, Twp. 50, Rge. 22, W.4M., Alta.
- 99230 Sept. 21—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at Mistatim, Sask., Mileage 41.26 Tisdale Subd., C.N.R.
- 99231 Sept. 21—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. twenty-one poles east of Mileage 44 Langham Subd., Sask.
- 99232 Sept. 21—Authorizing the Township of Colchester North to improve the approach grades of the highway across the tracks of the N.Y.C. Railroad Company at Mileage 1.47 Amherstburg Subd., Ont.
- 99233 Sept. 21—Authorizing the Township of Colchester North to improve the approach grades of the highway across the track of the N.Y.C. Railroad Company at Mileage 4.74 Amherstburg Subd., Ont.
- 99234 Sept. 21—Authorizing the Township of Colchester North to improve the approach grades of the highway across the track of the N.Y.C. Railroad Company at Mileage 3.55 Amherstburg Subd., Ont.
- 99235 Sept. 21—Authorizing the Township of Colchester North to improve the approach grades of the highway across the track of the N.Y.C. Railroad Company at Mileage 1.07 Amherstburg Subd.
- 99236 Sept. 21—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and the highway east of St. Basile, P.Q., Mileage 130.73 Quebec Subd.
- 99237 Sept. 21—Authorizing the Quebec North Shore and Labrador Rly. Company to carry traffic over that portion of its line of railway between Mileage 3.261 Wacouna Subd., P.Q., and Mileage 356.498 Knob Lake Subd., Provinces of Quebec and Nfld.
- 99238 Sept. 21—Approving drawing submitted by United Gas Limited, showing details of gas main which it has been authorized to construct across and under the pipe line of the Trans-Northern Pipe Line Company in the vicinity of Beach and Firestone Roads, in the City of Hamilton, Ont.
- 99239 Sept. 21—Approving By-Law of the Twp. of Trafalgar, Ont., prohibiting the sounding of engine whistle at the crossings of the C.N.R. and Eighth Line, and other crossings on the Oakville Subd.
- 99240 Sept. 21—Authorizing the C.N.R. to operate over the private siding serving the Dominion Metal Company Limited in Saint John, N.B., Mileage 85.98 Sussex Subd.
- 99241 Sept. 22—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Highway No. 39 at Estevan, Sask., Mileage 139.0 Portal Subd.
- 99242 Sept. 22—Approving flammable liquid bulk storage facilities of Roxalin of Canada Limited at New Toronto, Ont., Mileage 6.77 Oakville Subd., C.N.R.
- 99243 Sept. 22—Approving flammable liquid storage facilities of British American Oil Company Limited at Elbow, Sask., C.P.R.
- 99244 Sept. 22—Approving flammable liquid storage facilities of Imperial Oil Limited at Shackleton, Sask., C.P.R.
- 99245 Sept. 22—Approving flammable liquid storage facilities of the Minnedosa Consumers' Co-operative Assoc., at Minnedosa, Man., C.P.R.
- 99246 Sept. 22—Authorizing The Consumers' Gas Company to construct a gas main across and under the C.N.R. at Mileage 35.18 Uxbridge Subd., Ont.

- 99247 Sept. 22—Authorizing the removal of the speed limitation at the crossing of the highway and the Quebec Central Rly. near Ville Lambert, P.Q., Mileage 121.65 Quebec Subd.
- 99248 Sept. 22—Requiring the C.P.R. to install protection at the crossing of its railway and Highway No. 1, Regina By-Pass, Mileage 86.17 Tyvan Subd., Sask.
- 99249 Sept. 22—Approving flammable liquid storage facilities of Treherne Consumers' Co-operative Limited at Treherne, Man., C.P.R.
- 99250 Sept. 22—Authorizing the C.N.R. to remove 902 feet of their former line of railway on Lake St. in St. Catharines, Ont.
- 99251 Sept. 22—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Main Street in Sintaluta, Sask., Mileage 39.64 Indian Head Subd.
- 99252 Sept. 22—Authorizing the Town of Lac Sergent, Co. Portneuf, P.Q., to construct the highway across the C.N.R. at Mileage 26.22 Batiscan Subd.
- 99253 Sept. 22—Amending Order No. 87299, re apportionment of cost of constructing a subway on Highway No. 2 in the Twp. of Ekfrid, Co. Middlesex, Ont., Mileage 23.1 Chatham Subd., C.N.R.
- 99254 Sept. 23—Exempting the C.N.R. from erecting right of way fencing on the west side of their right of way between Mileage 25.5 and Mileage 26.1 Middleton Subd., N.S.
- 99255 Sept. 23—Approving application of The Bell Telephone Company of Canada of certain terms and conditions in its proposed form of contract for Lease of Complete Closed Circuit Television System.
- 99256 Sept. 23—Rescinding Orders 57787 and 60710 which approved facilities of Supertest Petroleum Corp. for storage of flammable liquids near The Hull Electric Company at Hull, P.Q.
- 99257 Sept. 23—Approving plan submitted by the C.P.R. showing details of the crossing of their railway and Highway No. 57 at Mileage 74.89 Lachute Subd., P.Q.
- 99258 Sept. 24—Requiring the C.N.R. to install protection at the crossing of their railway and Highway No. 4 at Mileage 20.71 Southampton Subd., Ont.
- 99259 Sept. 24—Exempting the C.N.R. from erecting and maintaining right of way fencing on the west side of their Bedford Subd., between Mileage 41.0 and 42.30, N.S.
- 99260 Sept. 24—Authorizing The Toronto, Hamilton and Buffalo Rly. Company to remove the station agent-operator and the station building at Stoney Creek, Ont.
- 99261 Sept. 24—In the matter of apportionment of cost of alterations to the subway at crossing of First Street S.E., and the C.P.R. in Calgary, Alta., Mileage 175.7 Brooks Subd.
- 99262 Sept. 24—Requiring the New York Central Railroad Company (Michigan Central Railway) to install modern protection, in lieu of the existing wig wag signals at the crossing of their railway and Broadway Street (Highway No. 19) in Tillsonburg, Ont.
- 99263 Sept. 24—Authorizing the Twp. of Etobicoke to construct Shaughnessy Avenue across the C.P.R. Company's Industrial Spur leading off the Galt Subd., at Mileage 9.13, Twp. of Etobicoke.
- 99264 Sept. 24—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 99265 Sept. 24—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under Sections 3 and 8 of the Maritime Freight Rates Act.
- 99266 Sept. 24—Authorizing the C.N.R. to construct two additional tracks and relocate the three existing tracks across King St. in North Sydney, N.S., Mileage 98.93 Sydney Subd.
- 99267 Sept. 24—Relieving the C.P.R. from erecting cattle guards at the crossing of its railway and the highway at certain locations on its Shuswap Subd., B.C.

- 99268 Sept. 24—Relieving the C.P.R. from erecting cattle guards at the crossing of its railway and the highway at Mileage 21.4 Okanagan Subd., B.C.
- 99269 Sept. 24—Authorizing the C.N.R. to operate under the Metropolitan Winnipeg by-pass in the Rural Munic. of Fort Garry, Man., Mileage 5.44 Letellier Subd.
- 99270 Sept. 24—Authorizing the Ontario Dept. of Highways to construct Highway No. 17 across the C.P.R. by means of an overhead bridge at Mileage 78.45 Chalk River Subd.
- 99271 Sept. 25—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Co. under Section 3 of the Maritime Freight Rates Act.
- 99272 Sept. 25—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under Section 8 of the Maritime Freight Rates Act.
- 99273 Sept. 25—Approving tolls published in tariffs filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 99274 Sept. 25—Approving proposed temporary anhydrous ammonia unloading facilities of Consolidated Mining and Smelting Company at Reston, Man., C.P.R.
- 99275 Sept. 25—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Pleasant Valley Road in Brookfield, N.S., Mileage 55.91 Bedford Subd.
- 99276 Sept. 25—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Co. under Section 8 of the Maritime Freight Rates Act.
- 99277 Sept. 28—Dismissing application of the Acme Shingle and Lumber Company Limited, and others, for interchange track facilities between the C.N.R. and Vancouver and Lulu Island Rly. Co. (C.P.R.) near Tucks, B.C.
- 99278 Sept. 25—Authorizing the C.N.R. to reconstruct the overhead bridge carrying Barton St. across the Stelco Siding in Hamilton, Ont., Mileage 0.25, Ont.
- 99279 Sept. 25—Authorizing the Town of Candiac, P.Q., to construct a temporary crossing of Montcalm Blvd. across the C.N.R. at Mileage 15.23 Massena Subd.
- 99280 Sept. 25—Authorizing the C.P.R. to remove the station shelter at Oconto, Ont.
- 99281 Sept. 25—Authorizing the removal of the speed limitation at the crossing of Manseau Blvd. and the C.N.R. in Joliette, P.Q., Mileage 1.15 l'Assomption Subd.
- 99282 Sept. 25—Authorizing the removal of the speed limitation at the crossing of Delanaudiere St. and the C.N.R. at Joliette, P.Q., Mileage 1.5 l'Assomption Subd.
- 99283 Sept. 25—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Cedar Brae, Ont., Mileage 29.20 Bala Subd.
- 99284 Sept. 25—Requiring the Dominion Atlantic Rly. Co. to install automatic protection at Kennetcook Village crossing and their railway, Mileage 26.52 Truro Subd., N.S.
- 99285 Sept. 28—Approving tolls published by the C.P.R. under Section 3 of the Maritime Freight Rates Act.
- 99286 Sept. 28—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under Section 8 of the Maritime Freight Rates Act.
- 99287 Sept. 28—Authorizing the C.P.R. to make signal changes between Mileage 0.0 and Mileage 75.5 Swift Current Subd., Sask.
- 99288 Sept. 28—Approving flammable liquid storage facilities of Imperial Oil Limited at Doaktown, N.B., Mileage 46.41 Nashwaak Subd., C.N.R.
- 99289 Sept. 28—Approving proposed flammable liquid bulk storage facilities of BP Canada Limited, at Noranda, P.Q., Mileage 55.92 Kirkland Lake Subd., Ontario Northland Rly.

- 99290 Sept. 28—Approving Revised Schedule B to Agreement between The Bell Telephone Company of Canada and the Canadian Overseas Telecommunication Corp.
- 99291 Sept. 28—Requiring the C.N.R. to install improved protection at the crossing of their railway and George St., Sydney, N.S., Mileage 113.31 Sydney Subd.
- 99292 Sept. 28—Approving revised plan submitted by Consumers' Gas Company, showing details of its gas main authorized to be constructed across and under the pipe line of Trans Canada Pipe Lines Ltd. in the Twp. of Vespra, Ont.
- 99293 Sept. 28—Amending Order No. 75635 which authorized the Alta. Dept. of Public Works to construct the highway across the N.A. Railways at Mileage 52.3 Lac La Biche Subd.
- 99294 Sept. 28—Requiring the Dominion Atlantic Rly. Co. to install automatic protection at the crossing of their railway and the Truro-Windsor Road at Mileage 55.14 Truro Subd.
- 99295 Sept. 28—Requiring the C.P.R. to install automatic protection at the crossing of its railway and the C.N.R. and Woodland Ave. in Beaconsfield, P.Q.
- 99296 Sept. 28—Approving liquefied petroleum gas storage facilities of Blue Flame Gas Distributors Limited at Viking, Alta., Mileage 44.5 Viking Subd., C.N.R.
- 99297 Sept. 28—Approving proposed flammable liquid bulk storage facilities of Perry River Logging Co. Ltd., at Malawka, B.C., Mileage 29.6 Shuswap Subd., C.P.R.
- 99298 Sept. 28—Authorizing the Twp. of Scarboro, Ont., to improve the approach grade on the north side of the crossing of Brimley Rd. and the C.N.R. at Mileage 324.22 Oshawa Subd.
- 99299 Sept. 28—Relieving the C.P.R. from erecting fencing along the east side of its right of way between Mileages 0.0 and 4.1 Brocket Southerly Branch, Alta.
- 99300 Sept. 28—Approving operation of the C.P.R. over the private siding serving Western Canada Steel Limited, in Vancouver, B.C., Mileage 1.66 Westminster Branch of the Vancouver and Lulu Island Rly.
- 99301 Sept. 28—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Landis, Sask., Mileage 22.74 Unity Subd., C.N.R.
- 99302 Sept. 28—Authorizing the Munic. District of Lethbridge No. 25 to construct the highway across the C.P.R. at Mileage 91.64 Taber Subd., Alta.
- 99303 Sept. 28—Authorizing the Ontario Dept. of Highways to widen Highway No. 402 where it crosses the C.N.R. at Mileage 68.34 Forest Subd., Twp. of Sarnia, Ont.
- 99304 Sept. 28—Authorizing the Ontario Dept. of Highways to widen Highway No. 7 where it crosses the C.P.R. at Mileage 9.4 Orangeville Subd., Twp. of Chinguacousy, Ont.
- 99305 Sept. 28—Approving proposed flammable liquid storage facilities of Texaco Canada Limited at Thompson, Man., Mileage 30.59 Thompson Subd., C.N.R.
- 99306 Sept. 28—Requiring the Dominion Atlantic Rly. to install automatic protection at the crossing of their railway and the Windsor-Milford Road near Brooklyn, N.S., Mileage 6.31 Truro Subd.
- 99307 Sept. 28—Approving flammable liquid storage facilities of British American Oil Company Limited at Chatham, N.B., Mileage 7.40 Loggieville Subd., C.N.R.
- 99308 Sept. 28—Authorizing the County of Wellington, Ont., to improve the approach to County Road No. 56 where it crosses the C.N.R. at Mileage 58.05 Fergus Subd.
- 99309 Sept. 28—Approving flammable liquid storage facilities of North Star Oil Limited at Olds, Alta., Red Deer Subd., C.P.R.
- 99310 Sept. 29—Amending Order No. 95869 which authorized the construction of a public crossing at the farm crossing over the C.P.R. at Mileage 62.45 Langdon Subd.

- 99311 Sept. 29—Authorizing the C.N.R. to construct their bridge over Poisson Blanc Creek, P.Q., Mileage 110.6 St. Felicien-Chibougamau Line.
- 99312 Sept. 29—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Onesime Gagnon Blvd., in St. Felicien, P.Q., Mileage 30.77 Roberval Subd.
- 99313 Sept. 29—Requiring the Dominion Atlantic Railway to install automatic protection at the crossing of its railway and Grand Pre Road at Mileage 46.67 Halifax Subd., N.S.
- 99314 Sept. 29—Requiring the Dominion Atlantic Railway Co. to install automatic protection at the crossing of its railway and Highway No. 1, just west of Annapolis Royal, N.S., Mileage 0.23 Yarmouth Subd.
- 99315 Sept. 29—Authorizing the N.Y.C. Railroad Co. to operate over the swing bridge at Melocheville, P.Q., Adirondack Subd.
- 99316 Sept. 29—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 99317 Sept. 29—Rescinding certain Orders in the matter of the installation of automatic protection at the crossing of Archibald St. and the C.N.R. in the City of St. Boniface, Man., Mileage 151.25 Sprague Subd.
- 99318 Sept. 29—Approving tolls published in tariffs filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 99319 Sept. 30—Approving tolls published in tariffs filed by the C.N.R. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 99320 Sept. 30—Approving tolls published in tariffs filed by the Canadian Freight Association under Sections 3 and 8 of the Maritime Freight Rates Act.
- 99321 Sept. 30—Approving tolls published in tariffs filed by the C.N.R. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 99322 Sept. 30—Approving tolls published in tariffs filed by the C.N.R. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 99323 Oct. 1—Extending the time within which the C.P.R. is required to construct sidings at certain locations in the Town of Grand Falls, N.B.
- 99324 Oct. 1—Approving operation of the C.P.R. trains over the private siding serving the ballast pit near Archerville, Sask., Mileage 65.86 Tisdale Subd.
- 99325 Oct. 1—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 99326 Oct. 1—Authorizing the C.N.R. to operate under the highway bridge over the industrial spur at East Saint John, N.B.
- 99327 Oct. 1—Approving flammable liquid bulk storage facilities of Imperial Oil Limited at Yorkton, Sask., Wynyard Subd., C.P.R.
- 99328 Oct. 1—Approving proposed flammable liquid storage facilities of British American Oil Company Limited at Ashcroft, B.C., Mileage 47.74 Thompson Subd., C.P.R.
- 99329 Oct. 1—Authorizing the B.C. Dept. of Highways to construct Lougheed Highway across and over the pipe line of the Trans Mountain Oil Pipe Line Company in the Munic. of Coquitlam, B.C.
- 99330 Oct. 1—Authorizing the C.N.R. to operate their trains, etc. over the bridge at Mileage 50.8 Skeena Subd., B.C.
- 99331 Oct. 1—Authorizing the Munic. District of Stony Plain No. 84 to construct the highway across the C.N.R. at Mileage 48.0 Wabamun Subd., Alta.
- 99332 Oct. 1—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. near Caradoc, Ont., Mileage 14.0 Windsor Subd.
- 99333 Oct. 1—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 81.47 Thompson Subd., B.C.
- 99334 Oct. 1—Authorizing the C.P.R. to operate over the subway at Mileage 84.71 Thompson Subd., B.C.
- 99335 Oct. 2—Extending the time within which the C.N.R. are required to install protection at crossing of their railway and Letourneaux Ave., Montreal, P.Q., Mileage 9.28 Longue Pointe Subd.

- 99336 Oct. 2—Authorizing the C.P.R. to remove the station shelter at Ayles, Ont., Mileage 45.8 North Bay Subd.
- 99337 Oct. 2—Authorizing the C.P.R. to remove the station shelter at Bissett, Ont., Mileage 37.5 North Bay Subd.
- 99338 Oct. 2—Authorizing the C.P.R. to remove the station shelter at Mackey, Ont., Mileage 20.0 North Bay Subd.
- 99339 Oct. 2—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 60, near Killaloe, Ont., Mileage 93.84 Renfrew Subd.
- 99340 Oct. 2—Authorizing the C.N.R. to operate over the private siding serving The Hydro Electric Power Commission of Ontario in the Twp. of Toronto, Mileage 10.6 Oakville Subd.
- 99341 Oct. 2—Rescinding Order No. 65310 which approved the location of facilities of Hi-Way Refineries Limited for the storage of flammable liquids near the C.N.R. at Prince Albert, Sask.
- 99342 Oct. 2—Rescinding Order No. 73281 which approved the location of facilities of North Star Lumber Co. Ltd. for the storage of flammable liquids near the C.N.R. at Prince Albert, Sask.
- 99343 Oct. 2—Authorizing the Enterprise Printing and Publishing Co. to construct a sanitary sewer across and under the pipe line of Trans-Northern Pipe Line Company in Lot 21, Con. 1, West of Yonge St., Twp. of North York, Ont.
- 99344 Oct. 2—Rescinding Orders 62089, 67922, 71693 and 74713, which approved facilities of Imperial Oil Limited near the C.N.R. at Prince Albert, Sask.
- 99345 Oct. 2—Requiring the C.N.R. to install automatic protection, in lieu of the existing protection at crossing of the C.N.R. and Highway No. 10 at Inglewood, Ont., Mileage 37.4 Milton Subd.
- 99346 Oct. 2—Requiring the C.N.R. to install automatic protection in lieu of the existing wig wag signals at crossing of the C.N.R. and Highway No. 94 near Durland, Ont.
- 99347 Oct. 2—Requiring the C.N.R. to install flashing light signals and bell, in lieu of the existing wig wag signals at crossing of their railway and Highway No. 2A at St. Pacome, P.Q., Mileage 36.85 Montmagny Subd.
- 99348 Oct. 2—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 47 one mile north of Stouffville, Ont., Mileage 38.94 Uxbridge Subd.
- 99349 Oct. 2—Authorizing the Munic. District of Kneehill No. 48 to construct the highway across the C.P.R. at Mileage 14.68 Acme Subd., Alta.
- 99350 Oct. 2—Authorizing the removal of the speed limitation at the crossing of 2nd St. and the C.P.R. at London, Ont., Mileage 111.39 Galt Subd.
- 99351 Oct. 2—Authorizing Canadian Chemical Company Limited to construct one sewer line, one fresh water line and one salt water line across and under the pipe line of the Interprovincial Pipe Line Company in SE $\frac{1}{4}$  Sec. 17-53-23-W.4M., Alta.
- 99352 Oct. 5—Approving agreement between The Bell Telephone Company of Canada and the Minister of National Defence.
- 99353 Oct. 5—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 9.7 Shuswap Subd., B.C.
- 99354 Oct. 5—Authorizing the C.N.R. to reconstruct their bridge over the Bulkley River at Mileage 62.2 Telkwa Subd., B.C.
- 99355 Oct. 5—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 10.14 Ste. Agathe Subd., P.Q.
- 99356 Oct. 6—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. west of the Village of Cranford, Alta.
- 99357 Oct. 6—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 99358 Oct. 6—Authorizing the Great Northern Rly. Co. to operate over the industrial branch line at certain locations in the New Westminster District of B.C.
- 99359 Oct. 6—Approving flammable liquid storage facilities of the British American Oil Company Limited, at Lynn Lake, Man., Mileage 185.0 Sherridon Subd.

- 99360 Oct. 6—Authorizing the C.N.R. to make changes in the control circuits of the protection at the crossing of their railway and the highway in the Village of Villeneuve, P.Q., Mileage 4.64 Montmorency Subd.
- 99361 Oct. 6—Approving location of the C.N.R. freight and passenger shelter at Lejac, B.C.
- 99362 Oct. 6—Requiring the C.P.R. to install automatic protection at crossing of its railway and County Road No. 1, Village of Streetsville, Ont., Mileage 0.20 Orangeville Subd.
- 99363 Oct. 6—Amending Order No. 99054 which authorized the C.N.R. to construct the highway across their right of way by means of an overhead bridge at Mileage 77.19 Milton Subd., Ont.
- 99364 Oct. 7—Approving tolls published in tariffs filed by the Canadian Freight Association under sections 3 and 8 of the Maritime Freight Rates Act.
- 99365 Oct. 7—Approving overhead and side clearances at Mileage 4.48 of the spur track serving Hilton Mines Limited, commencing at Mileage 33.32 Waltham Subd., Twp. of Bristol, P.Q.
- 99366 Oct. 7—Approving proposed flammable liquid storage facilities of Grenfell Co-Operative Assoc. Ltd., at Grenfell, Sask., Mileage 15.6 Indian Head Subd.
- 99367 Oct. 7—Extending the time within which the Midland Rly. Co. of Manitoba is required to install automatic protection at the crossing of its railway and McPhillips St., Winnipeg, Man.
- 99368 Oct. 7—Authorizing the C.N.R. to make changes in the protection at the crossing of their railway and Boulevard des Chutes, Town of Beauport, P.Q.
- 99369 Oct. 7—Authorizing the C.N.R. to make changes in the protection at the crossing of their railway and Station St., in the City of Giffard, P.Q., Mileage 2.77 Montmorency Subd.
- 99370 Oct. 7—Authorizing the Township of Crowland to relocate the protection at the crossing of the C.N.R. and Lincoln St., Welland, Ont., Mileage 14.25 Welland Subd.
- 99371 Oct. 7—Authorizing the Ontario Dept. of Highways to construct Highway No. 532 across the C.N.R. at Mileage 15.24 Huntsville Subd.
- 99372 Oct. 7—Approving location and lay-out of the station proposed to be erected by the C.N.R. at Oromocto, N.B.
- 99373 Oct. 7—Extending the time within which the Sydney and Louisburg Rly. Co. is required to install flashing light signals and bell at crossing of its railway and Maddens Crossing, west of the station at New Waterford, N.S.
- 99374 Oct. 7—Authorizing the removal of the speed limitation at the crossing of Pere Marquette St. and the C.P.R. at Trois Rivieres, P.Q., Mileage 1.53 St. Maurice Valley Subd.
- 99375 Oct. 7—Authorizing the Twp. of Scarborough to construct a footbridge across the C.N.R. at Mileage 58.79 Uxbridge Subd., Ont.
- 99376 Oct. 7—Authorizing the removal of the speed limitation at the crossing of Lacadie Station Road and the C.N.R. at Lacadie, P.Q., Mileage 18.67 Rouses Point Subd.
- 99377 Oct. 7—Approving flammable liquid storage facilities of Canadian Oil Companies, Limited, at Britt, Ont., Mileage 65.0 Parry Sound Subd.
- 99378 Oct. 7—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at St. Gregoire, P.Q., Mileage 16.32 Adirondack Subd.
- 99379 Oct. 7—Authorizing the removal of the speed limitation at the crossing of 11th Ave. East and the C.P.R. at Swift Current, Sask., Mileage 109.82 Swift Current Subd.
- 99380 Oct. 7—Dismissing application of the C.N.R. for authority to close as an agency their station at Vanscoy, Sask.



The Board of  
**Transport Commissioners for Canada**

**Judgments, Orders, Regulations and Rulings**

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OTTAWA, NOVEMBER 16, 1959

No. 16

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ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
 BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
 AUGUST, 1959.

Railway Accidents .....	261		Killed 20		Injured 350
Level Crossing Accidents ....	29		Killed 10		Injured 43
Total .....	290		30		393

	<i>Killed</i>	<i>Injured</i>
Passengers .....	..	127
Employees .....	7	211
Others .....	23	55
Total .....	30	393

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

NOVA SCOTIA

- 1 Auto truck struck by train. Licence: N.S. C-608-35.

QUEBEC

- 1 Automobile struck by train. Licence: Que. X-2908.
- 2 Automobile struck by train. Licence: Que. 300-788.
- 1 — Pedestrian struck by train.
- 1 2 Automobile struck by train. Licence: Que. 429-596.

## Killed Injured

## ONTARIO

- 1 — Pedestrian struck by train.
- 1 2 Automobile ran into side of train. Licence: Ont. 869-215.
- 1 3 Tractor trailer truck struck by train. Licence: Ont. 74-261.
- 6 Automobile struck by train. Licence: Ont. 634-747.
- 1 Automobile struck by train. Licence: Ont. 170-323.
- 1 1 Motorcycle struck by train. Licence: Ont. B-93.
- 1 Tractor trailer struck by train. Licence: Ont. 30733-C.
- 1 — Automobile struck by train. Licence: Ont. 19793.
- 4 Automobile ran into side of train. Licence: Ont. 726-975.

## MANITOBA

- 2 Auto truck struck by train. Licence: Man. T-30133.
- 1 1 Auto truck struck by train. Not licensed.
- 3 Automobile struck by train. Licence: Man. 5-J-743.
- 3 Automobile ran into side of train. Licence: Man. 4-N-217.
- 1 Child struck by train.

## SASKATCHEWAN

- 1 Automobile struck by train. Licence: Sask. 52-482.
- 1 Farm tractor struck by train.
- 1 Auto truck struck by train. Licence: Sask. F-1-370.
- 1 Auto truck struck by train. Licence: Sask. F-60994.

## ALBERTA

- 1 1 Auto truck struck by R.D.C. Licence: Alta. X-252-850.
- 1 Automobile struck by train. Licence: Alta. AT-744.
- 1 Auto truck struck by train. Licence: Alta. E-51367.
- 1 Automobile struck by train. Licence: Alta. XF-013.
- 1 — Auto truck struck by R.D.C. Licence: Alta. E-53405.

## BRITISH COLUMBIA

- 1 Auto truck struck by train. Licence: B.C. C-30-230.

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Of the 29 accidents at highway crossings, 25 occurred at unprotected crossings, 4 at protected crossings, 25 occurred after sunrise and 4 after sunset.

OTTAWA, Ontario, October 26, 1959.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 99381 Oct. 8—Approving tolls published in tariffs filed by the Canadian Freight Association under Sections 3 and 8 of the Maritime Freight Rates Act.
- 99382 Oct. 8—Approving tolls published in tariffs filed by the Canadian Freight Association under Sections 3 and 8 of the Maritime Freight Rates Act.
- 99383 Oct. 8—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Wallace crossing on the Wentworth-Wallace Road, Cumberland Co., N.S., Mileage 23.16 Oxford Subd.
- 99384 Oct. 8—Requiring the C.P.R. to install automatic protection at the crossing of their railway and Smyth Road, Ottawa, Ont., Mileage 2.39 Sussex Subd.
- 99385 Oct. 8—Rescinding Orders 61412, 66140 and 67530 which approved the location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids near the C.P.R. at Hayter, Alta.
- 99386 Oct. 8—Rescinding Order 63162 which approved the location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids near the C.P.R. at Totnes, Sask.
- 99387 Oct. 8—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 19.175 Shuswap Subd., B.C.
- 99388 Oct. 8—Authorizing the Quebec Dept. of Roads to construct Laurentian Boulevard across the C.N.R. by means of a subway in the Town of Charlesbourg, Co. of Quebec, Mileage 4.33 Batiscan Subd.
- 99389 Oct. 8—Authorizing the Quebec Dept. of Roads to construct Laurentian Boulevard across the C.N.R. by means of a subway in the City of Quebec, Mileage 2.54 Lairer Subd.
- 99390 Oct. 8—Authorizing Mobil Oil of Canada Limited to construct a transite asbestos cement salt water pipe line across and under the pipe line of Westspur Pipe Line Company in the NW $\frac{1}{4}$  Sec. 27-5-33-W.1M.
- 99391 Oct. 8—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 99392 Oct. 8—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Middle Road (Queen Elizabeth Highway) in Burlington, Ont., Mileage 0.30 Milton Subd.
- 99393 Oct. 8—Authorizing the C.P.R. to operate through the interlocker at crossing of its railway and the C.N.R. at Cobourg, Ont., Mileage 32.7 Oshawa Subd.
- 99349 Oct. 9—Approving tolls published in tariffs filed by the Canadian Freight Association under sections 3 and 8 of the Maritime Freight Rates Act.
- 99395 Oct. 9—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 12.84 Oak Point Subd., Portage-Brandon Division, Man.
- 99396 Oct. 9—Approving proposed flammable liquid bulk storage facilities of North Star Oil Company Limited at Langruth, Man., Mileage 38.6 Oakland Subd.
- 99397 Oct. 9—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 99398 Oct. 9—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 99399 Oct. 9—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 99400 Oct. 9—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 99401 Oct. 9—In the matter of the application of the C.P.R. for authority to construct a terminal freight yard in the Twp. of Scarborough, Ont., and to construct a number of grade separations in the vicinity of same.
- 99402 Oct. 9—Authorizing the Alberta Dept. of Highways to construct retaining walls to support fill in front of the abutments of the overhead bridge on Hwy. No. 12, Mileage 81.8 Lacombe Subd. of the C.P.R.

- 99403 Oct. 9—Authorizing Calgary Power Limited to construct an aerial pipe line of the Trans Mountain Oil Pipe Line Company in the SE $\frac{1}{4}$  and SW $\frac{1}{4}$  Sec. 4-53-20-W.5M.
- 99404 Oct. 9—Approving Supplement No. 1 to Service Station Contract between The Bell Telephone Company of Canada and the Worthington Municipal Telephone System.
- 99405 Oct. 9—Approving Supplement No. 3 to Service Station Agreement between The Bell Telephone Company of Canada and the Hoath Head and Grey Telephone Company Limited.
- 99406 Oct. 9—Approving Service Station Contract between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Municipality of the Township of Wilmot.
- 99407 Oct. 9—Authorizing Calgary Power Ltd. to construct an aerial transmission line across and over the pipe line of Trans Mountain Oil Pipe Line Company in the SW $\frac{1}{4}$  Sec. 19-53-7-W.5M., Alta.
- 99408 Oct. 9—Authorizing the Saskatchewan Power Corporation to construct a natural gas pipe line across and under the pipe line of Westspur Pipe Line Company in the NE $\frac{1}{4}$  Sec. 5-5-1-W.2M., Sask.
- 99409 Oct. 9—Authorizing Calgary Power Limited to construct an aerial transmission line across and over the pipe line of the Trans Mountain Oil Pipe Line Company in the NW $\frac{1}{4}$  Sec. 34-52-20-W.5M., Alta.
- 99410 Oct. 9—Authorizing Calgary Power Ltd. to construct an aerial transmission line across the pipe line of the Trans Mountain Oil Pipe Line Company in the SW $\frac{1}{4}$  Sec. 6-53-19-W.5M., Alta.
- 99411 Oct. 9—Authorizing the Saskatchewan Power Corporation to construct a natural gas pipe line across and under the pipe line of the Westspur Pipe Line Company in the SW $\frac{1}{4}$  Sec. 26-4-5-W.2M., Sask.
- 99412 Oct. 9—Authorizing Calgary Power Ltd. to construct an aerial transmission line across the pipe line of the Trans Mountain Oil Pipe Line Company in the SW $\frac{1}{4}$  Sec. 5-53-22-W.5M.
- 99413 Oct. 9—Authorizing the Municipality of Metropolitan Toronto to construct a sewer main across and under the pipe line of the Trans Northern Pipe Line Company in the northerly half of Lot 21, Conc. 2, West of Yonge St., Twp. of North York, Ont.
- 99414 Oct. 9—Authorizing Calgary Power Ltd. to construct an aerial transmission line across and over the pipe line of Trans Mountain Oil Pipe Line Co. in the SW $\frac{1}{4}$  of Sec. 3-53-21-W.5M.
- 99415 Oct. 13—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 99416 Oct. 13—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 99417 Oct. 13—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under section 8 of the Maritime Freight Rates Act.
- 99418 Oct. 13—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 99419 Oct. 13—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Glenside, Sask.
- 99420 Oct. 13—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 592 at Mileage 85.13 Fort Frances Subd., Ont.
- 99421 Oct. 13—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Highway No. 42, at Mileage 8.5 Kerrobert Subd., Sask.
- 99422 Oct. 13—Authorizing the Village of Vauxhall, Alta., to relocate the crossing of the highway and the C.P.R. at Mileage 49.76 Suffield Subd.
- 99423 Oct. 13—Authorizing the Saskatchewan Dept. of Highways and Transportation to construct Highway No. 14 across the C.P.R. at Mileage 10.48 Wilkie Subd.
- 99424 Oct. 13—Authorizing the removal of the speed limitation at crossing of the highway and the C.P.R. at Beachville, Ont., Mileage 5.49 St. Thomas Subd.

- 99425 Oct. 13—Authorizing the County of Warner No. 5 to construct the highway across the C.P.R. in Coutts, Alta., Mileage 46.96 Coutts Subd.
- 99426 Oct. 13—Authorizing the Quebec Dept. of Roads to extend Donegami Road on the north side of the tracks of the C.N.R. and C.P.R. between Pine Beach Ave. crossing and Cote de Liesse Road in the Town of Dorval, Co. of Jacques Cartier, P.Q.
- 99427 Oct. 14—Authorizing the Twp. of North York, Ont., to construct a cast iron water main across and under the pipe line of Trans-Northern Pipe Line Company at Harkness St., in Lot 21, Conc. 1, west of Yonge St.
- 99428 Oct. 13—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Dawson Road (Highway No. 17A) at Mileage 33.67 Kashabowie Subd., Ont.
- 99429 Oct. 14—Authorizing the C.N.R. to reconstruct the trestle which carries the interchange track between their railway and the Esquimalt & Nanaimo Rly. over Harbour Road, in Victoria, B.C.
- 99430 Oct. 14—Rescinding Order No. 98599, which authorized the C.P.R. to provide the necessary circuits for the synchronization of flashing light signals at the crossing of its railway and the C.N.R. at Hurdman Road and Riverside Drive, in Ottawa, Ont.
- 99431 Oct. 14—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 99432 Oct. 14—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under sections 3 and 8 of the Maritime Freight Rates Act.
- 99433 Oct. 14—Rescinding Orders 94942 and 95922, which authorized the Ontario Dept. of Highways to construct Highway No. 20 across the C.N.R. by means of an overhead bridge at Mileage 2.46 Thorold Subd.
- 99434 Oct. 14—Relieving the C.N.R. from erecting fencing along the east side of their right of way between Mileage 31.9 and Mileage 33.05 Victoria Beach Subd., Man.
- 99435 Oct. 14—Authorizing the C.N.R. to open for traffic its line of railway from St. Felicien to Cache Lake (Faribault) Mileage 0.00 to Mileage 133.36, in the Districts of Roberval and Abitibi, P.Q.
- 99436 Oct. 14—Approving tolls published in tariffs filed by the C.P.R. under section 8 of the Maritime Freight Rates Act.
- 99437 Oct. 15—Requiring the C.N.R. to install improved protection at crossing of their railway and Highway No. 518 at Emsdale, Ont., Mileage 50.8 Huntsville Subd.
- 99438 Oct. 15—Authorizing the C.N.R. to remove the caretaker at Stony Beach, Sask.
- 99439 Oct. 15—Authorizing the Quebec Dept. of Roads to widen St. Pacome Road across the C.N.R., in the Parish of St. Pacome, Co. Kamouraska, P.Q.
- 99440 Oct. 15—Authorizing the C.N.R. to remove the gauntlet track and protecting signals over the Red Deer River Bridge, near Munson, Alta.
- 99441 Oct. 15—Authorizing the N.Y.C. Railroad Company to make signal changes between Welland and Fort Erie, Ont.
- 99442 Oct. 15—Approving flammable liquid storage facilities of North Star Oil Limited at Beechy, Sask., Mileage 34.9 Beechy Subd.
- 99443 Oct. 15—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Sault Ste. Marie, Ont., Mileage 129.03 Thessalon Subd.
- 99444 Oct. 15—Authorizing the Northern Alberta Railways Company to operate over the bridge crossing the Christina River, Alta., Mileage 199.0 Waterways Subd.
- 99445 Oct. 15—Approving the proposed temporary Anhydrous Ammonia unloading facilities of The Consolidated Mining and Smelting Company of Canada Limited, at Broxburn, Sask., C.P.R.
- 99446 Oct. 15—Approving proposed flammable liquid storage facilities of the C.N.R. at Senneterre, P.Q.
- 99447 Oct. 15—Approving flammable liquid storage facilities of Shell Oil Company of Canada, Limited, at Toronto, Ont., The Toronto Harbour Commissioners.

- 99448 Oct. 15—Rescinding Order No. 56336, which approved the location of facilities of North Star Oil Limited for the handling and storage of flammable liquids near the C.P.R. at Raymond, Alta.
- 99449 Oct. 15—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at Byng Place, Fort Garry, Man., Mileage 0.38 Letellier Subd.
- 99450 Oct. 15—Authorizing the C.P.R. to make signal changes on its Belleville and Oshawa Subds., Ont.
- 99451 Oct. 15—Authorizing the C.P.R. to remove the station shelter at Tiffin, Ont.
- 99452 Oct. 15—Authorizing the British Columbia Power Commission to construct a transmission line and a distribution line across and over the pipe line of Trans Mountain Oil Pipe Line Company in District Lot 1689 of the Kamloops District of B.C.
- 99453 Oct. 15—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Main St. in Moosomin, Sask., Mileage 86.3 Broadview Subd.
- 99454 Oct. 15—Authorizing the C.N.R. to operate over the siding serving the Department of National Defence at Linkletter, P.E.I., Mileage 2.31 Tignish Subd.
- 99455 Oct. 15—Relieving the C.P.R. from erecting fencing along the south side of its right of way between Mileage 75.1 and Mileage 75.6 Glenboro Subd., Man.
- 99456 Oct. 15—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 67.73 Chalk River Subd., Ont.
- 99457 Oct. 15—Authorizing the removal of the speed limitation at the crossing of the highway and the Grand Falls Central Railway at Bishop's Falls, Nfld., Mileage 9.1 Grand Falls Subd.
- 99458 Oct. 15—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at the 2nd crossing north of Holland Landing, Ont., Mileage 38.43 Newmarket Subd.
- 99459 Oct. 15—Authorizing the British Columbia Power Commission to construct a transmission line and a distribution line across and over the pipe line of Trans Mountain Oil Pipe Line Company in District Lot 1657, in the Kamloops District of B.C.
- 99460 Oct. 15—Authorizing the Manitoba Department of Public Works to widen Highway No. 13 where it crosses the C.N.R. at Mileage 42.09 Gladstone Subd.
- 99461 Oct. 16—Authorizing the British Columbia Telephone Company to construct an underground conduit across and over the pipe line of Trans Mountain Oil Pipe Line Company in the vicinity of Foster Road and Gatsensbury Road, Munic. of Coquitlam, B.C.
- 99462 Oct. 16—Authorizing the Manitoba Hydro Electric Board to construct an aerial transmission line across and over the pipe lines of the Inter-provincial Pipe Line Company in the SE $\frac{1}{4}$  Sec. 23-8-22-W.P.M.
- 99463 Oct. 16—Authorizing the Saskatchewan Power Corporation to construct a natural gas pipe line across and under the pipe lines of the Inter-provincial Pipe Line Company in the NW $\frac{1}{4}$  Sec. 1-18-20-W.2M.
- 99464 Oct. 16—Amending Order 99018, which authorized the C.N.R. to reconstruct the overhead bridge carrying Birchmount Ave. across their right of way between Lots 30 and 31, Con. B., Twp. of Scarborough, Ont., Mileage 326.6 Oshawa Subd.
- 99465 Oct. 16—Rescinding Order No. 69819, which approved the location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids near the C.P.R. at Moor Lake, Ont.
- 99466 Oct. 16—Authorizing the C.P.R. to remove the station shelter at Kendry, Ont.
- 99467 Oct. 16—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 99468 Oct. 16—Authorizing the C.P.R. to remove the station shelter at Atha Road, Ontario.

- 99469 Oct. 16—Authorizing Associated Engineering Services Limited to construct three public lanes across and over the pipe line of Trans Mountain Oil Pipe Line Company at certain points south of Thomas Ave., Munic. of Coquitlam, B.C.
- 99470 Oct. 16—Authorizing the C.N.R. to construct their branch line to the South Saskatchewan River Dam at certain mileages on their Conquest Subd., Sask.
- 99471 Oct. 16—Authorizing the C.P.R. to remove the station shelter at Brown's Corner, Ont.
- 99472 Oct. 16—Authorizing the C.P.R. to remove the station shelter at Glen Major, Ont.
- 99473 Oct. 16—Authorizing the County of Hastings, Ont., to construct County Road No. 4 across and under the C.N.R. by means of a subway at Mileage 231.57 Oshawa Subd.
- 99474 Oct. 15—Authorizing the Munic. of the County of Temiskaming, P.Q., to construct the highway across the C.P.R. in Lot 31, Rge. 8, Twp. of Mazonod, P.Q.
- 99475 Oct. 16—Authorizing the British Columbia Power Commission to construct an aerial transmission line across and over the pipe line of the Trans Mountain Oil Pipe Line Company in District Lot 3425 of the Kamloops Div. of the Yale District of B.C.
- 99476 Oct. 16—Approving drawing showing details of the municipal drain authorized to be constructed by the Twp. of West Nissouri, Ont., across and over the pipe line of the Interprovincial Pipe Line Company in Lot 25, Conc. 1, Twp. of West Nissouri.
- 99477 Oct. 16—Authorizing the British Columbia Power Commission to construct an aerial transmission line across and over the pipe line of Trans Mountain Oil Pipe Line Company in the vicinity of Lemieux Lake, Kamloops Division of Yale District of B.C.
- 99478 Oct. 16—Authorizing Ajax Alberta Pipeline Limited to construct a natural gas pipe line across and under the pipe line of the Interprovincial Pipe Line Company in the SE $\frac{1}{4}$  Sec. 20-53-23-W.4M.
- 99479 Oct. 16—Authorizing the British Columbia Power Commission to construct an aerial transmission line across and over the pipe line of Trans Mountain Oil Pipe Line Company in Dist. Lot 1824 of Kamloops Division of Yale Dist. of B.C.
- 99480 Oct. 16—Authorizing the British Columbia Power Commission to construct an aerial transmission line across and over the pipe line of Trans Mountain Oil Pipe Line Company in District Lot 1818 of Kamloops Division of Yale District of B.C.
- 99481 Oct. 16—Authorizing the British Columbia Power Commission to construct an aerial transmission line across and over the pipe line of Trans Mountain Oil Pipe Line Company in District Lot 2031 of the Kamloops Division of the Yale District of B.C.
- 99482 Oct. 16—Authorizing the British Columbia Power Commission to construct an aerial transmsision line across and over the pipe line of Trans Mountain Oil Pipe Line Company in District Lot 3408 of the Kamloops Division of the Yale District of B.C.
- 99483 Oct. 16—Authorizing the British Columbia Power Commission to construct an aerial transmission line across and over the pipe line of Trans Mountain Oil Pipe Line Company in District Lot 5437 of the Kamloops Division of the Yale District of B.C.
- 99484 Oct. 19—Requiring the C.P.R. to install automatic protection at the crossing of its railway and County Road No. 16, County of Middlesex, Ont., Mileage 10.52 Windsor Subd.
- 99485 Oct. 19—Authorizing the Ontario Dept. of Highways to widen Highway No. 402 across the C.N.R. at Mileage 2.5 Point Edward Subd., and the private siding serving Homes Foundry.
- 99486 Oct. 19—Authorizing the removal of the speed limitation at the crossing of Crosby Avenue and the C.N.R. in Richmond Hill, Ont., Mileage 21.5 Bala Subd.

- 99487 Oct. 19—Authorizing the removal of the speed limitation at the crossing of Broadway St. and the C.N.R. in Chilliwack, B.C., Mileage 71.13 Yale Subd.
- 99488 Oct. 19—Approving flammable liquid bulk storage facilities of the C.P.R. at Penticton, B.C., Mileage 0.0 Princeton Subd.
- 99489 Oct. 19—Authorizing the removal of the speed limitation at the crossing of Highway No. 24 and the C.P.R. at Mileage 30.08 Orangeville Subd., Ont.
- 99490 Oct. 19—Amending Order No. 81166, in the matter of protection at the crossing of the highway and the C.P.R. west of the station at Gatineau, P.Q., Mileage 111.91 Lachute Subd.
- 99491 Oct. 19—Authorizing the Alberta Department of Highways to widen Highway No. 43.80 where it crosses the Northern Alberta Railways Co. at Mileage 66.15 Edmonton Subd.
- 99492 Oct. 19—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 99493 Oct. 19—Authorizing the Quebec Dept. of Roads to relocate 5th Ave. (Highway No. 4) where it crosses the C.N.R. in Ville St. Pierre, P.Q., Mileage 4.26 North Bank Branch of the Cornwall Subd.
- 99494 Oct. 20—Authorizing the removal of the speed limitation at the crossing of West Street and the C.P.R. at Trenton, Ont., Mileage 0.19 Oshawa Subd.
- 99495 Oct. 20—Authorizing the C.N.R. to reconstruct the bridge at Mileage 78.8 Wabamun Subd., Alta.
- 99496 Oct. 20—Rescinding Orders Nos. 58338, 65545 and 67566, which approved the location of facilities of Imperial Oil Limited near the C.N.R. at Cadomin, Alta.
- 99497 Oct. 20—Rescinding Orders 71309 and 71960, which approved the location of facilities of British American Oil Company, Limited, near the C.N.R. at Luscar, Alta.
- 99498 Oct. 20—Approving tolls published in tariffs filed by the C.N.R. under section 8 of the Maritime Freight Rates Act.
- 99499 Oct. 20—Authorizing the C.P.R. to construct a siding to serve V.L.M. Enterprises Incorporated, across the public road allowance in the City of New Westminster, B.C., Mileage 6.0 Westminster Subd.
- 99500 Oct. 20—Extending the time within which the C.P.R. is required to install two flashing light signals and one bell, in lieu of the existing protection, at the crossing of its railway and Toronto and York Roads Commission Road No. 7, Ont., Mileage 9.95 MacTier Subd.
- 99501 Oct. 20—Authorizing Sun Oil Company to construct an access road across and over the pipe line of Westcoast Transmission Company Limited, in the vicinity of Mileage 111.8 Alaska Highway, Peace River District of B.C.
- 99502 Oct. 21—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Bayview Ave. in Thornlea, Ont., Mileage 16.9 Bala Subd.
- 99503 Oct. 21—Rescinding Order 68365, which approved the location of facilities of Canadian Petrofina Limited, for the handling and storage of inflammable liquids near the C.N.R. at Loggieville, N.B.
- 99504 Oct. 21—Requiring the C.N.R. and C.P.R. to install protection at the crossings of their railways and Ontario St. and Prince Edward Street in Brighton, Ont.
- 99505 Oct. 21—Authorizing the C.N.R. to construct an industrial track across 58th Ave., 56th Ave. and the lane, in the City of Edmonton, Alta.
- 99506 Oct. 21—Approving By-law No. 2904, of the Corp. of the Township of Toronto, which prohibits the sounding of whistles in respect of any highway crossing within the said Township.
- 99507 Oct. 21—Authorizing the Township of Etobicoke to construct a sewer main across and under the pipe line of Trans-Northern Pipe Line Company at Martin Grove Road, in Lot 22, between Concs. 1 and 2, Ont.

- 99508 Oct. 21—Authorizing the B.C. Dept. of Highways to construct Jamieson Road across the Esquimalt and Nanaimo Rly. in B.C., Mileage 115.6 Victoria Subd.
- 99509 Oct. 21—Authorizing the C.N.R. to reconstruct their bridge at Mileage 84.4 Albreda Subd., B.C.
- 99510 Oct. 21—Authorizing the Federal Department of Transport to construct two cast iron pipes across and over the pipe line of Westcoast Transmission Company Limited, in the SE $\frac{1}{4}$  Sec. 7-17-18-W.6M., B.C.
- 99511 Oct. 22—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 99512 Oct. 22—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 99513 Oct. 22—Authorizing the C.N.R. to operate over the subway at Mileage 37.0 Kensington Subd., P.E.I.
- 99514 Oct. 22—Rescinding Order No. 71775 which approved the location of facilities of G. M. Smith Company for the handling and storage of flammable liquids near the C.N.R. at Saskatoon, Sask.
- 99515 Oct. 22—Requiring the C.N.R. to install improved protection at the crossing of the C.N.R. and Highway No. 7 near Peterborough, Ont., Mileage 61.5 Campbellford Subd.
- 99516 Oct. 22—Approving flammable liquid storage facilities of British American Oil Company, Limited, at Illecillewaet, B.C., Mountain Subd., C.P.R.
- 99517 Oct. 22—Amending Order No. 86740, re apportionment of cost of constructing Highway No. 69 (Trans Canada Highway) across the C.P.R. at Mileage 125.60 MacTier Subd.
- 99518 Oct. 22—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 115.8 Viking Subd., Alta.
- 99519 Oct. 22—In the matter of protection at the crossing of the C.P.R. and Lee St. in Portage la Prairie, Man.
- 99520 Oct. 22—Authorizing the Township of North York, Ont., to construct a sanitary sewer across and under the pipe line of Trans-Northern Pipe Line Company east of Leslie St. and south of St. Lawrence Ave., in Lot 2, Conc. 3, east of Yonge St.
- 99521 Oct. 22—Authorizing the Alberta Dept. of Highways to reconstruct the existing subway at crossing of Highway No. 2 and the C.N.R., Mileage 36.9 Brazeau Subd.
- 99522 Oct. 22—Approving flammable liquid storage facilities of the British American Oil Company, Limited, at Rosetown, Sask., Rosetown Subd., C.P.R.
- 99523 Oct. 22—Approving flammable liquid storage facilities of Imperial Oil Limited at Britt, Ont., Mileage 65.0 Parry Sound Subd., C.P.R.
- 99524 Oct. 22—Amending Order No. 93959 and Order No. 96511, which authorized the B.C. Dept. of Highways to construct the highway over the C.P.R. by means of an overhead bridge at Mileage 24.7 Shuswap Subd., B.C.
- 99525 Oct. 22—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 23.7 Shuswap Subd., B.C.
- 99526 Oct. 22—Authorizing the Rural Munic. of Eye Hill No. 382 to construct its public road across and over the pipe line of Interprovincial Pipe Line Company between Secs. 15 and 16, Twp. 37, Rge. 28, W.3M., Sask.
- 99527 Oct. 22—Approving revised drawing submitted by Canadian Chemical Company Limited showing the location of its pipe lines under the pipe line of Interprovincial Pipe Line Company in the Prov. of Alta.
- 99528 Oct. 23—Authorizing Medallion Petroleums Limited to construct a natural gas pipe line across and over the pipe line of Trans Mountain Oil Pipe Line Company, Prov. of Alta.
- 99529 Oct. 23—Approving flammable liquid storage facilities of North Star Oil Limited at Kenora, Ont., Ignace Subd., C.P.R.

- 99530 Oct. 23—Approving proposed flammable liquid storage facilities of the British American Oil Company Limited, at Goudreau, Ont., Mileage 177.84 Northern Subd., Algoma Central & Hudson Bay Rly. Co.
- 99531 Oct. 23—Authorizing the City of Kitchener, Ont., to construct Belmont Blvd. over the C.N.R. by means of a subway at Mileage 63.85 Brampton Subd.
- 99532 Oct. 23—Authorizing the Manitoba Dept. of Public Works to widen Highway No. 23 across the C.N.R. in the Town of Morris, Man., Mileage 37.47 Letellier Subd.

The Board of  
**Transport Commissioners for Canada**

**Judgments, Orders, Regulations and Rulings**

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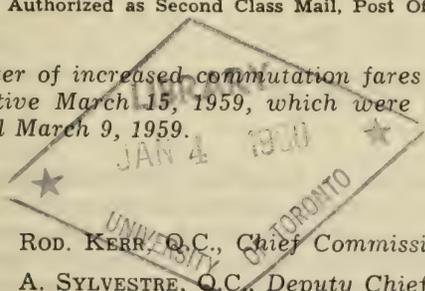
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*In the matter of increased commutation fares filed with the Board to become effective March 15, 1959, which were suspended by Order No. 97316, dated March 9, 1959.*

File No. 29984.18

Before:

  
ROD. KERR, Q.C., Chief Commissioner,  
A. SYLVESTRE, Q.C., Deputy Chief Commissioner.  
L. J. KNOWLES, Commissioner.

Appearances:

K. D. M. SPENCE, Q.C., and A. J. ALLISTON,	}	for Canadian Pacific Railway Company.
J. W. G. MACDOUGALL, Q.C., and H. J. G. PYE,		
ARMAND POUPART, Q.C., and JACQUES VIAU, Q.C.,	}	for the City of Pointe Claire.
J. O. LATOUR, M.P.,		
EDWARD VAN KOUGHNET, THOMAS CALDER,		representing Argenteuil-Deux- Montagnes. Beaurepaire. representing Hudson, Hudson Heights and Como.
L. J. POMERLEAU,		Loretteville.
J. L. SYRKOS,		representing Owners' League of Fabreville.

RALPH GOODMURPHY, and C. RENEMA,	} representing Roxboro Junior Chamber of Commerce.
J. M. BOURBONNAIS, M.P.,	
R. BLEAU,	Vaudreuil-Soulanges. representing Chamber of Commerce, Isle Perrot.
HENRY de L. HARWOOD,	representing the Parish of Vaudreuil.
PHILIPPE CASTONGUAY,	Mayor, Vaudreuil Village.
JACQUES DESMARAIS,	representing Dorion.
R. M. GIBB,	representing Beaconsfield.
DONALD B. GARFAT,	representing Oakville Commuters' Association.

Hearings at Montreal on May 19, 20, 21 and 22, 1959, and at Toronto June 8, 1959.

#### J U D G M E N T

KERR, C.C., and KNOWLES, C.:

Acting under their statutory powers Canadian Pacific Railway Company, Canadian National Railways and Northern Alberta Railways filed tariffs with the Board in February, 1959, to be effective March 15, 1959, increasing and otherwise modifying their commutation fares. The tariffs were designed principally to cancel the present 50-trip general public commutation tickets; cancel 20-trip commutation tickets; increase the 3 cents per mile rate of the 10-trip ticket to 3.5¢ per mile, with minimum fare of 25 cents per trip; increase the rate of the 40-trip general public tickets from 2.3 cents to 3.15 cents per mile; increase the rate of the 40-trip scholars' tickets from 0.77 cent to 1.02 cents per mile; increase the minimum fare for scholars from 13.5 cents per trip to 18 cents and increase the commutation minimum fares from 20.25 cents to 25 cents per trip; and discontinue round trip coach tickets in commutation territory.

The Board received protests against the increases and acted to suspend them. It issued Order No. 97316 on March 9 and gave notice that hearings would be held after April 27 to receive evidence in justification of the increased fares and in opposition thereto and directed the railways to file with the Board, not later than April 7, 1959, copies of precis of evidence to be offered by them and to concurrently deliver copies to each of the interested cities, towns and municipalities that were represented at the hearings in Toronto, Montreal and Ottawa in 1954 in the commutation case of that year, and to give copies upon request to counsel representing persons affected and to any association of such persons. The Order also required filing of objections to the increased fares, with copies to railway counsel by parties intending to oppose the increases.

Hearings were subsequently held at Montreal and Toronto after due notice to interested parties and considerable publicity in newspapers. Additional information requested by the Board was furnished by the railways in July.

Both prior to and after the hearings the Board conducted investigations on its own behalf through its Operating, Traffic, Economic and Financial staff, respecting various features of commutation operations, expenses and revenues, mainly respecting Canadian Pacific's Montreal-Rigaud suburban service. We regard this service as a typical commutation service for fixing of reasonable commutation fares generally.

## THE COMMUTATION PROBLEM

In the Board's commutation Judgment of March 29, 1956, 73 C.R.T.C., 193, authorizing certain increases in commutation fares, there was a suggestion that it should remove commutation rates from the field of controversy for the foreseeable future as between commuters and the railways. That hope has not been realized, the fare increases allowed at that time have not solved the problem. It exists not only in the Montreal and Toronto areas but in large cities in the United States, and there are similarities in nearly all areas, such as concentration of commutation traffic in about two morning hours and two evening hours, five days a week; idle equipment during off-peak hours and on Saturdays and Sundays; and increases in operating expenses.

The commutation problem in the United States was recently investigated by the United States Senate Committee on Interstate and Foreign Commerce. That Committee, powerful and resourceful as it undoubtedly is, reported that the solution is not readily apparent and that because the solutions which may be found are essentially local it deemed it desirable to leave to the local government agencies involved the job of seeking specifically tailored solutions to their particular problem.

Commutation problems have also been investigated by commissions and other bodies in the United States. Mr. Thomas Calder, who appeared at the Montreal hearing in the present case representing Hudson, Hudson Heights and Como, put information on the record in that respect and referred to articles published in the New York Times, the Wall Street Journal and Business Week. In replying to a question as to what were the principal remedies suggested in those articles, he replied: "that some type of subsidy be provided to induce them to go ahead and maintain their commutation services". The Board was aware of those articles and of measures being taken in the United States in respect of commutation services. In some areas there public authorities have given financial aid to the railways to assist them in meeting their expenses of providing the services.

In May of this year, the Interstate Commerce Commission made a report on "Railroad Passenger Train Deficit", following an extensive investigation instituted in March 1956. The report contains a chapter on the commutation problem, and the Commission's Recommendation No. 4, respecting commutation services, was as follows:

"4. That where the railroads are unable to operate a particular local or commuting service at a profit, and where such service is essential to the community or communities served, that steps be taken by state and local authorities, or both, to provide the service paying the carrier the cost plus a reasonable profit."

Commissioner Arpaia, concurring, made additional observations on the commutation problems in the United States, from which the following paragraphs are quoted:

"Everyone having an interest in transportation has long been concerned with the necessity of preserving commuter service. This investigation underscores the difficulties which surround it. To date, local governments, chambers of commerce representing community economic welfare, and individuals depending upon commuter service have generally taken a negative and passive attitude. Their interest is to insure a high speed, efficient and comfortable commuter service at low fares. But their interest stops there, on the assumption that it is solely the railroads' responsibility to sustain it and that, if any financial assistance is needed, it should come from the federal government. There has been

no affirmative plan of action advanced by these groups, who are most directly affected. The recent legislation by the State of New York is a step in the right direction.

Each community that wants to retain an unprofitable service ought to render some aid either in the form of tax relief or a guaranteed annual minimum revenue, or both. Every community located along the line, and the metropolitan center at its terminus, should participate in such measures, since the service is of value to all of them. Some such arrangement can be worked out in this respect if real effort is made.

There is no reason why the people of this country, through subsidies or taxes, or why shippers of freight, should help pay for a *local* passenger service. Vigorous cooperative action by communities who claim the service is vital to their welfare is indispensable to any satisfactory solution."

Several years prior to those pronouncements this Board, in its Judgment of February 18, 1955, 72 C.R.T.C., 72, had referred to the direct interest that local communities have in the commutation problem, as follows:

"Thus, the commuters, the railways and the Board realize that due to the march of time and events the increasing congestion in metropolitan areas and their approaches can no longer be the concern only of the commuters, the railways and the Board and any solution, even if it is to be but partially successful, bespeaks the consideration and assistance of the governmental authorities and other public bodies most immediately concerned."

The Board now as then is prepared to assist in efforts to find a solution.

Various affected suburban municipalities made submissions to the Board in the present case and were represented at the public hearings, but the cities of Montreal and Toronto did not make submissions or appear at the hearings.

#### COMMUTATION FARE INCREASES SINCE THE END OF WORLD WAR II

Commutation fares were dealt with in 1920, 25 C.R.C., 409, and the first increase thereafter was not made until 1950 when an increase of up to 20 per cent was authorized by the Board in its Judgment of September 21, 1950, 66 C.R.T.C., p. 98.

In May, 1954, the railways sought leave of the Board to make further increases, ranging up to 100 per cent, in two stages of 50 per cent at once and 50 per cent six months later. Hearings were held by the Board at Toronto and Montreal. The major complaint at Toronto was respecting the service, and lack of service, rather than against the proposed rate increases. In the Montreal area the suburban municipalities joined to retain counsel and a chartered accountant and vigorously opposed the proposed increases. After numerous conferences, investigation by the Board's staff, and hearings, the Board authorized increases substantially as applied for, but it spread out the coming into effect of the increases over a longer period than was originally proposed by the railways. The result was that 50 per cent of the permitted increases was made in the Toronto area in September, 1954, and in the Montreal area in March, 1955, followed by an additional 25 per cent in May, 1956, and 25 per cent in May, 1957. The Board's Judgments authorizing the increases are dated August 4, 1954, 71 C.R.T.C., 138; February 18, 1955, 72 C.R.T.C., 72; and March 29, 1956, 73 C.R.T.C., 193.

## OBJECTIONS AGAINST PROPOSED INCREASES

In the present instance the Board received numerous protests against the increases. Some of the protests were repeated at the hearing at Montreal and Toronto by persons appearing there, but others were not supported by witnesses or appearances at the hearings. All have been considered by the Board. The principal objections and those most frequently made were the following:

1. Since 1950 there have been successive increases in commutation fares of 20 per cent and 100 per cent.
2. Many commuters cannot afford to pay the increased fares and will suffer hardship if they become effective.
3. The increases will force residents of the suburban communities to move to, or closer to, Montreal and Toronto, and will depreciate property values in the suburban communities and be detrimental to their growth.
4. The increases will drive passengers from the railways and be self-defeating.
5. Many persons established their homes in the suburban communities expecting continuation of favourable commutation rates.
6. Passenger services as a whole and certain passenger services in particular are being provided by the railways at considerable loss, and commutation services should therefore not be expected to pay their way.
7. The increases will bring commutation fares close to standard first class and coach fares and will place on commuters an undue share of the cost of passenger services.
8. Revenues from commutation services should be credited with moneys that railway employees using the services would pay if they were paying the same fares as are paid by other commuters.
9. There should be a "taper" in fares for the longer distances.
10. The expense figures of the railways for commutation services are excessive and do not show true out-of-pocket costs.
11. The commutation services are poor; the railways are inefficient; demands by railway labour are immoderate.
12. The railways have an obligation to provide commutation services, even if the revenues therefrom do not meet out-of-pocket costs.
13. Round trip coach class tickets should not be discontinued.

## ANALYSIS OF PROPOSED INCREASES

As stated elsewhere herein, we are using generally the Montreal-Rigaud service of the Canadian Pacific as the yardstick for fares for commutation services of the railways.

The proposed fares do not include any increases on 10-trip tickets between Montreal, Westmount and Montreal West, because the present fares are now on the basis of the maximum standard or full coach fare for the distances involved, with a minimum of 25 cents per trip. The proposed fares for 40-trip tickets however include an increase up to the maximum of 25 cents per trip between Montreal, Westmount and Montreal West.

The railways, in view of the maximum fares to Westmount and Montreal West, and the large cash gate collections at these two points at single full fares, have separated these two points in their exhibits from the remainder of the territory, because very little increase could be made in the Montreal-Westmount-Montreal West area.

The area beyond Montreal West to Rigaud is therefore considered as the principal commutation fare area for the purposes of this case.

The present maximum standard mileage rate is 4.4 cents per mile (with a minimum of 25 cents per trip) and the present one-way coach rate is 3.675 cents per mile (also with a minimum of 25 cents per trip). Return fares are two first-class one-way fares less 10 per cent and two coach class one-way fares, less 5 per cent, with a minimum of 50 cents.

In brief, the railways' proposal is to increase the 10-trip tickets by 17 per cent up to approximately the full round trip coach fare, and increase the 40-trip tickets by 37 per cent. Following is a comparison of the present coach fares, and the present and proposed commutation fares, with examples of the cumulative increases since the year 1950:

COMPARISON OF PRESENT COACH CLASS FARES AND PRESENT COMMUTATION FARES, SHOWING THE REVENUE  
YIELD OF SUCH FARES PER MILE.

Between Montreal (Windsor Stn.) and	Miles	One Way Coach Class		Round trip Coach Class		10-trip Commutation		40-trip Commutation General Public		40-trip Commutation Scholars	
		Fare	Yield per mile in cents	Fare	Yield per mile in cents	Fare	Yield per mile in cents	Fare	Yield per mile in cents	Fare	Yield per mile in cents
Westmount.....	2.0	\$ .25	12.500	\$ .50	12.500	—	—	\$8.20	10.250	\$5.40	6.750
Montreal West.....	4.7	.25	5.319	.50	5.319	—	—	8.45	4.495	5.40	2.872
Sortin.....	6.1	.30	4.918	.60	4.878	—	—	9.00	3.689	5.40	2.213
Grovehill.....	7.6	.30	3.947	.60	3.947	—	—	9.00	2.961	5.40	1.776
Summerlea.....	8.2	.35	4.268	.70	4.268	—	—	9.00	2.744	5.40	1.646
Dorval.....	9.6	.40	4.167	.80	4.167	3.00	3.125	9.20	2.396	5.40	1.406
Pine Beach.....	10.7	.45	4.206	.90	4.206	3.30	3.084	10.10	2.440	5.40	1.304
Strathmore.....	11.5	.45	3.913	.90	3.913	3.50	3.043	11.00	2.391	5.40	1.174
Valois.....	12.0	.45	3.750	.90	3.750	3.50	2.917	11.00	2.292	5.40	1.125
Lakeside.....	12.6	.50	3.968	.95	3.770	3.90	3.095	11.90	2.361	5.40	1.071
Cedar Park.....	13.6	.55	4.044	1.05	3.860	4.20	3.088	12.85	2.362	5.40	.963
Pointe Claire.....	14.0	.55	3.929	1.05	3.750	4.20	3.000	12.85	2.295	5.40	.964
Beaconsfield.....	15.0	.60	4.000	1.15	3.833	4.50	3.000	13.70	2.283	5.40	.900
Beaurepaire.....	16.9	.65	3.846	1.25	3.698	5.10	3.018	15.55	2.300	5.40	.799
Baie d'Urfe.....	18.6	.70	3.763	1.35	3.629	5.70	3.065	17.35	2.332	5.55	.786
Ste. Annes.....	20.4	.80	3.922	1.55	3.800	6.30	3.088	19.25	2.359	6.35	.778
Brucy.....	21.3	.85	3.991	1.65	3.873	6.60	3.099	20.15	2.365	6.75	.763
Isle Perrot (Terrace).....	22.9	.85	3.712	1.65	3.603	6.90	3.013	21.05	2.298	7.05	.770
Vaudreuil.....	23.7	.90	3.797	1.75	3.692	7.20	3.038	22.05	2.326	7.35	.775
Isle Cadieux.....	26.9	1.00	3.717	1.90	3.532	8.10	3.011	24.75	2.300	8.25	.767
Como.....	30.0	1.15	3.833	2.20	3.667	9.00	3.000	30.00	2.917	9.15	.763
Hudson.....	32.1	1.25	3.894	2.40	3.738	9.90	3.084	27.50	2.352	10.05	.783
Hudson Heights.....	32.7	1.25	3.823	2.40	3.670	9.90	3.028	30.20	2.309	10.05	.768
Alstonvale.....	34.3	1.30	3.790	2.50	3.644	10.50	3.051	32.00	2.332	10.70	.780
Choisy.....	36.1	1.40	3.878	2.70	3.740	11.10	3.075	33.90	2.348	11.30	.783
Dragon.....	37.9	1.40	3.694	2.70	3.562	11.40	3.008	34.90	2.302	11.60	.765
Rigaud.....	40.2	1.55	3.856	2.95	3.669	12.30	3.060	37.60	2.338	12.50	.777

COMPARISON OF PRESENT COACH FARES AND PROPOSED COMMUTATION FARES, SHOWING THE REVENUE  
YIELD OF SUCH FARES PER MILE.

Between Montreal (Windsor Stn.) and	Miles	One Way Coach Class		Round trip Coach Class		10-trip Commutation		40-trip Commutation General Public		40-trip Commutation Scholars	
		Fare	Yield per mile in cents	Fare	Yield per mile in cents	Fare	Yield per mile in cents	Fare	Yield per mile in cents	Fare	Yield per mile in cents
Westmount.....	2.0	\$ .25	12.500	\$ .50	12.500	\$2.50	12.500	\$10.00	12.500	\$7.20	9.000
Montreal West.....	4.7	.25	5.319	.50	5.319	2.50	5.319	10.00	5.319	7.20	3.830
Sortin.....	6.1	.30	4.918	.60	4.878	2.80	4.400	10.00	4.098	7.20	2.951
Grovehill.....	7.6	.30	3.947	.60	3.947	2.80	3.684	10.10	3.322	7.20	2.368
Summerlea.....	8.2	.35	4.268	.70	4.268	3.15	3.841	11.35	3.460	7.20	2.195
Dorval.....	9.6	.40	4.167	.80	4.167	3.50	3.646	12.60	3.281	7.20	1.875
Pine Beach.....	10.7	.45	4.206	.90	4.206	3.85	3.598	13.90	3.248	7.20	1.682
Strathmore.....	11.5	.45	3.913	.90	3.913	4.20	3.652	15.15	3.293	7.20	1.565
Valois.....	12.0	.45	3.750	.90	3.750	4.20	3.500	15.15	3.156	7.20	1.500
Lakeside.....	12.6	.50	3.968	.95	3.770	4.55	3.611	16.40	3.254	7.20	1.429
Cedar Park.....	13.6	.55	4.044	1.05	3.860	4.90	3.603	17.65	3.244	7.20	1.324
Pointe Claire.....	14.0	.55	3.929	1.05	3.750	4.90	3.500	17.65	3.152	7.20	1.286
Beaconsfield.....	15.0	.60	4.000	1.15	3.833	5.25	3.500	18.90	3.150	7.20	1.200
Beaugaire.....	16.9	.65	3.846	1.25	3.698	5.95	3.521	21.45	3.173	7.20	1.065
Bate d'Urfe.....	18.6	.70	3.763	1.35	3.629	6.65	3.575	23.95	3.219	7.80	1.048
Ste Annes.....	20.4	.80	3.922	1.55	3.800	7.35	3.603	26.50	3.248	8.60	1.054
Brucy.....	21.3	.85	3.991	1.65	3.873	7.70	3.615	27.75	3.257	9.00	1.056
Isle Perrot (Terrace).....	22.9	.85	3.712	1.65	3.603	8.05	3.615	29.00	3.166	9.40	1.026
Vaudreuil.....	23.7	.90	3.797	1.75	3.692	8.40	3.554	30.25	3.191	9.80	1.034
Isle Cadieux.....	26.9	1.00	3.717	1.90	3.532	9.45	3.513	34.05	3.164	11.05	1.027
Como.....	30.0	1.15	3.833	2.20	3.667	10.50	3.500	37.80	3.150	12.25	1.021
Hudson.....	32.1	1.25	3.894	2.40	3.738	11.55	3.598	41.60	3.240	13.50	1.051
Hudson Heights.....	32.7	1.25	3.823	2.40	3.670	11.55	3.592	41.60	3.180	13.50	1.032
Alstonvale.....	34.3	1.30	3.790	2.50	3.644	12.25	3.571	44.10	3.214	14.30	1.042
Choisy.....	36.1	1.40	3.878	2.70	3.740	12.95	3.587	46.65	3.231	15.10	1.046
Dragon.....	37.9	1.40	3.694	2.70	3.562	13.30	3.509	47.90	3.160	15.55	1.026
Rigaud.....	40.2	1.55	3.856	2.95	3.669	14.35	3.570	51.70	3.215	16.75	1.042

COMPARISON OF FARES IN EFFECT IN 1950, THE PRESENT FARES AND THE RAILWAYS PROPOSED FARES, SHOWING THE INCREASES IN SUCH FARES

Between Montreal (Windsor Stn) and	In effect October 6, 1950	Present	Cumulative Increase	Proposed	Increase	Cumulative Increase
ONE-WAY COACH CLASS						
Dorval.....	.30	.40	.10-33%			
Pointe Claire.....	.40	.55	.15-37%			
Vaudreuil.....	.70	.90	.20-29%			
Hudson.....	1.00	1.25	.25-25%			
Rigaud.....	1.25	1.55	.30-24%			

ROUND TRIP COACH CLASS						
Dorval.....	.55	.80	.25-45%			
Pointe Claire.....	.70	1.05	.35-50%			
Vaudreuil.....	1.25	1.75	.50-40%			
Hudson.....	1.80	2.40	.60-33%			
Rigaud.....	2.25	2.95	.70-31%			

10-TRIP COMMUTATION						
Dorval.....	\$2.50	\$3.00	\$.50-20%	\$3.50	\$.50-17%	\$1.00-40%
Pointe Claire.....	3.50	4.20	.70-20%	4.90	.70-17%	1.40-40%
Vaudreuil.....	6.00	7.20	1.20-20%	8.40	1.20-17%	2.40-40%
Hudson.....	8.25	9.90	1.65-20%	11.55	1.65-17%	3.30-40%
Rigaud.....	10.25	12.30	2.05-20%	14.35	2.05-17%	4.10-40%

40-TRIP COMMUTATION—GENERAL PUBLIC

Note A

Dorval.....	4.25	9.20	4.95-116%	12.60	3.40-37%	8.35-196%
Pointe Claire.....	5.95	12.85	6.90-116%	17.65	4.80-37%	11.70-197%
Vaudreuil.....	10.20	22.05	11.85-116%	30.25	8.20-37%	20.05-197%
Hudson.....	14.00	30.20	16.20-116%	41.60	11.40-37%	27.60-197%
Rigaud.....	17.40	37.60	20.20-116%	51.70	14.10-37%	34.30-197%

40-TRIP COMMUTATION—SCHOLARS

Dorval.....	\$3.00	\$5.40	2.40-80%	\$7.20	1.80-33%	\$4.20-140%
Pointe Claire.....	3.00	5.40	2.40-80%	7.20	1.80-33%	4.20-140%
Vaudreuil.....	4.10	7.35	3.25-79%	9.80	2.45-33%	5.70-139%
Hudson.....	5.60	10.05	4.45-79%	13.50	3.45-34%	7.90-141%
Rigaud.....	6.95	12.50	5.55-80%	16.75	4.25-34%	9.80-141%

Note A—50-trip ticket.

The cumulative increase on the commutation fares for 40-trip tickets since 1949, including the proposed increases, would be approximately 197 per cent. This compares with 10 per cent on the standard one-way mileage fare and 24 per cent to 37 per cent on the one-way coach fare. It may also be pointed out that the general percentage increase in normal freight rates since April 6, 1948, when such increases commenced to accumulate, was 157 per cent (now reduced to 142 per cent by subsidy paid by the Government of Canada).

Some other comparisons may also be made. In Exhibit No. 3 a comparison was made of the revenues and yield per mile of the various kinds of

tickets sold in the Montreal-Rigaud commutation area, showing the estimated revenues in 1954, the anticipated revenues based on an 100 per cent increase for 1954, and the actual 1958 revenues after the increase of 100 per cent became effective, as follows:

STATEMENT SHOWING WHAT HAS HAPPENED TO COMMUTATION REVENUES SINCE FARES WERE PROGRESSIVELY INCREASED TO 100% OF WHAT THEY WERE IN 1954

50% increase effective Mar. 25, 1955  
to 75% increase effective May 1, 1956  
to 100% increase effective May 1, 1957

	1954 Estimated Revenues as per statement filed with the Board—November 15, 1954	Yield per Mile	Estimate of Revenues submitted to the Board in 1954—based on Sched. B. or 100% Inc.	Yield per Mile May 1, 1957	Actual 1958 Revenues
<i>Commutation Tickets</i>					
10-Trip.....	\$ 25,797	3.00¢	\$ 25,797	3.00¢	\$ 114,531
20-Trip.....	26,892	2.07¢	38,289	2.90¢	18,398
40-Trip Scholars <sup>1</sup> .....	10,740	0.51¢	20,140	.77¢	23,092
40-Trip General Public.....	351,930	1.15¢	683,690	2.30¢	551,305
50-Trip General Public.....	12,486	1.02¢	24,643	2.04¢	4,352
	427,845		792,559		711,678
<i>Gate Collections</i>					
Westmount.....	3,393		3,393		5,499
Montreal West <sup>2</sup> .....	14,259		14,259 <sup>3</sup>		55,224
Conductors' Collections.....	49,704		49,704 <sup>3</sup>		127,455
	67,356		67,356		188,178
Sub-Total.....	495,201		859,915		899,856
<i>Other Fares</i>					
One-Way Coach.....	74,160	3.5 ¢	74,160	3.675	68,577
Return.....	68,124	3.15 ¢	68,124	3.3075	58,626
Week-end.....	48,873	2.625¢	48,873	2.757	30,204
Miscellaneous.....	13,872		13,872		15,981
	205,029		205,029		173,388
Total.....	\$ 700,230		\$1,064,944		\$1,073,244

NOTES:—

<sup>1</sup> See line 3 above—40-Trip Scholars—The 100% proposed increase was not applied beyond 50% so as to lighten the total cost of travel for families.

<sup>2</sup> Minimum cash fare at Westmount and Montreal West was 10¢ per trip prior to Apr. 1, 1954 and 15¢ after that date.

<sup>3</sup> Minimum cash fare at Westmount and Montreal West was increased from 15¢ to 25¢ effective September 1, 1956.

Comparisons from Exhibit 6 may also be made of the average revenue per passenger mile:

Year	System Revenue per passenger mile	Montreal-Rigaud Service per passenger mile (*)
	(cents)	(cents)
1949	2.72	.92
1954	2.82	1.25
1958	3.08	2.36
1959	—	Proposed 3.38

\* Exclusive of gate collections at Westmount and Montreal West.

The above figures show that while in past years the commutation receipts have invariably been lower per passenger mile than the all-system average the railways now propose to make them approximately 10 per cent higher.

Other pertinent considerations appear from Exhibit No. 3; such as the fact that the sale of 10-trip tickets from 1954 to 1958 has increased from an estimated \$25,797 to an actual of \$114,531, whereas estimated sale of 40-trip tickets for adults has been reduced from \$683,690 to actual \$551,305. There was also a decrease of about \$20,000 in the purchase of 20-trip tickets, and about another \$20,000 decrease in 50-trip tickets. This indicates that the commuting public have switched from purchasing 20-trip, 40-trip and 50-trip tickets to a considerable extent to 10-trip tickets. The switch from 40-trip to 10-trip tickets was explained by a witness for the Canadian Pacific as due, in his opinion, principally to the consideration that the commuters felt it more convenient to pay their fares weekly rather than monthly, even though it cost more per trip for the 10-trip than for the 40-trip ticket. This is, in reality, tantamount to saying that with the 116 per cent increase in commuter fares, many passengers will not lay out the considerable sum needed to buy a 40-trip ticket. There are also great increases in the gate collections at Montreal West, from an estimated \$14,259 in 1954 to an actual \$55,224 in 1958; and in conductors' cash collections from an estimated \$49,704 in 1954 to actual \$127,455 in 1958. (The conductors' cash collections are presumably mostly beyond Montreal West). These increases would appear also to indicate that some passengers are not laying out money to buy 10-trip tickets but are buying single tickets in the commutation area, despite the lower cost per trip of commutation tickets.

As the relative number of passengers could not be ascertained from Exhibits 3 and 6, the Board called for information to show the number of passengers at the two relative periods, with the result that the Canadian Pacific filed Exhibit No. 8 (which is partly an estimate, as shown) as follows:

REVENUE-PASSENGERS CARRIED  
MONTREAL-VAUDREUIL-RIGAUD SUBURBAN SERVICE

	Year 1954	Year 1958	Increase or (Decrease) Number
<b>Westmount and Montreal West—</b>			
Gate collections.....	128,990	240,365	120,375
Commutation tickets.....	672,330	298,610	(373,720)
	801,320	547,975	(253,345)
<b>Beyond Montreal West—</b>			
Commutation tickets.....	1,877,790	1,848,830	( 28,960)
Regular and other tickets*	410,058	315,251	( 94,807)
Conductors' cash collections*	99,408	231,736	132,328
	2,387,256	2,395,817	8,561

\* Calculated on basis of revenues and fare for average distance (14 miles) travelled by commuters.

The above statistics show that there has been a large decrease in the number of commuters using the Montreal-Westmount-Montreal West trains, due no doubt largely to the increase in the minimum fare to 25 cents, compared with the bus fare of 15 cents. It is also shown that in 4 years there has been an increase of only four-tenths of one per cent in the total number of passengers carried in the commutation area beyond Montreal West to and including Rigaud. This is surprising in view of the known increase in population in the commutation area and the discontinuance of the Canadian National commutation service in the Montreal-Vaudreuil area in 1955, which was expected to add a considerable number of commuters to the C.P.R. service. Exhibit 8 therefore indicates that a considerable number of potential train commuters are travelling by bus or private auto, rather than pay the increased fares.

One further comment should be made with regard to the proposed increases: the railways propose to make a 17 per cent increase in the cost of 10-trip tickets, whereas they propose to make an increase of 37 per cent in the cost of 40-trip tickets; this disparity would tend to further discourage the use of 40-trip tickets.

### EXPENSES OF CANADIAN PACIFIC'S MONTREAL-RIGAUD SUBURBAN SERVICES

Early in April of this year, pursuant to direction in our Order No. 97316, Canadian Pacific filed Statement No. 1 and Statement No. 2 showing expenses of their Montreal-Rigaud suburban service as \$1,360,879 for the year 1958, and \$1,313,150 for the "constructive year 1959", respectively. The expenses shown for the constructive year 1959 are based on the 1958 operations and reflect for a full year the level of wage rates known or expected to be in effect at the end of 1959, revision of depreciation rates for road diesel locomotives and passenger cars, the estimated reduction in expenses due to proposed changes in suburban train service and the discontinuance of the use of Glen Extension for servicing suburban coaches, and an adjustment of the cost of carrying Canadian Pacific officers and employees.

The expenses in those statements were calculated by the railway on what was described by railway witnesses as the avoidable expenses basis, i.e., the calculation of only those expenses that would be avoided if the services were not provided.

Subsequently, Statement No. 1 (Revised) and Statement No. 2 (Revised) were filed by Canadian Pacific and received in evidence at the hearing at Montreal. They show little change from the previous statements in total expenses but considerable changes in individual items.

The expenses shown in Statement No. 1 and Statement No. 1 (Revised) for 1958 are as follows:

EXPENSES	Statement No. 1	Statement No. 1 (Revised)
Wages of train and engine crews.....	\$ 272,976	\$ 272,976
Fuel and water.....	187,146	187,146
Enginehouse expenses, lubricants and other supplies.....	29,381	29,381
Train supplies and expenses.....	125,673	196,288
Terminal switching expenses.....	104,381	39,140
Train despatching, station employees and station expenses.....	38,503	38,503
Cost of printing tickets.....	1,176	1,176
Repairs and maintenance—Locomotives.....	62,971	62,994
—Passenger cars.....	160,620	160,620
—Track.....	22,740	22,740
—Stations.....	2,363	2,363
Depreciation—Locomotives.....	39,348	36,461
—Passenger cars.....	114,300	114,300
—Track.....	11,976	11,976
—Structures.....	9,960	9,960
Other transportation and maintenance expenses.....	25,059	25,139
	<u>\$ 1,208,573</u>	<u>\$ 1,211,163</u>
Cost of money (exclusive of income tax).....	201,600	199,180
	<u>\$ 1,410,173</u>	<u>\$ 1,410,343</u>
<i>Deduct:</i> Cost of carrying pass-holders.....	49,294	49,494
<b>TOTAL EXPENSES.....</b>	<u><u>\$ 1,360,879</u></u>	<u><u>\$ 1,360,849</u></u>

A similar comparison of expenses shown in Canadian Pacific's Statement No. 2 and Statement No. 2 (Revised) for the constructive year 1959 is shown below:

EXPENSES	Statement No. 2		Statement No. 2 (Revised)	
Estimated expenses—1958.....		\$1,410,173		\$1,410,343
Add: Estimated increase in expenses due to Wage rates.	\$39,522		\$39,155	
Depreciation rates.....	11,963	51,485	11,963	51,118
		<u>1,461,658</u>		<u>1,461,461</u>
Less: Estimated reduction in expenses due to proposed changes in train service.....	93,032		93,032	
Discontinuing the use of Glen Extension for servicing suburban coaches.....	31,909		31,909	
One-half the cost of carrying C.P. officers and employees.....	23,567	148,508	23,555	148,496
TOTAL EXPENSES.....		<u>\$1,313,150</u>		<u>\$1,312,965</u>

Considerable evidence was given at the Montreal hearing respecting the above expenses, including the increases in wages and labour expenses since the last increase in commutation fares in May, 1957. Canadian Pacific witnesses gave details of the expenses and the manner in which they were calculated and the reasons for the differences between the figures in Statements Nos. 1 and 2 and Nos. 1 and 2 (Revised).

An item that shows a considerable decrease is Terminal Switching Expenses, reduced by about \$65,000 from \$104,381 in Statement No. 1 to \$39,140 in Statement No. 1 (Revised). The explanation given was that the former figure is an estimate and the revised figure is based on a time study of switching movements, during which a transportation clerk rode trains, and of the actual movement time.

One item that shows a large increase is Train Supplies and Expenses, increased by about \$71,000 from \$125,673 in Statement No. 1 to \$196,288 in Statement No. 1 (Revised). The explanation given was that the figure for cleaning cars, part of that item, in Statement No. 1 was an estimate, whereas the figure in Statement No. 1 (Revised) is based on an actual time study made in the latter part of April and in May, 1959, of cleaning work that was performed during the period of the study under the direct supervision of the Chief Car Foreman at Glen Yard and the Divisional Master Mechanic. Ordinarily such work is not done under direct supervision of officers so senior.

We have considered the expenses shown by Canadian Pacific and the evidence given respecting them, have compared them with Canadian National's figures for its suburban services, and have had the benefit of consultation with our own officers who have a substantial background of experience in those services and personally enquired into the expenses and services, and we have thought it proper for rate-making purposes on this occasion to make certain adjustments in Canadian Pacific's expense and revenue figures in the revised statements, as indicated hereinafter.

In doing this we are acting in accordance with what the Board stated in its commutation Judgment dated February 18, 1955, namely, that in the discharge of its administrative functions pertaining to just and reasonable allowances covering out-of-pocket costs it should be at liberty to give due consideration not only to the principle of making deductions from the out-of-pocket costs actually claimed by the railways but also to the principle of making additions thereto where in the judgment of the Board the individual circumstances so warrant.

Out-of-pocket cost is a question of fact, and in respect of questions of fact the Supreme Court of Canada stated in *C.N.R. v. Bell Telephone Company*, 50 C.R.T.C., 10, that in deciding upon questions of fact the Board must inevitably draw upon its experience in respect of the matters in the vast number of cases that come before it as well as upon the experience of its technical advisers.

Although we have made adjustments in some items there are others that in our judgment do not need adjustment.

*Use of four 31-day months:*

Estimates for the year 1958 were in many instances based on four 31-day months, namely, March, May, July and October, and the total for these months was multiplied by three to reflect a full year. For the items of expense (and revenues) which vary with the number of days in a month this would reflect a year of 372 days. While this overstatement of seven days could have been offset by other features such as the seasonal characteristics of the four selected months, we do not consider that to have been the case. We feel that in certain instances the 1958 estimates reflected 53 weeks instead of 52 weeks and that the expenses (and likewise the revenues) were overstated. We are, therefore, making a reduction of 2 per cent, which approximates an adjustment from 53 weeks to 52 weeks, where the expense (and revenue) items tend to vary with the number of days in the month.

The expense items to which the 2 per cent reduction has been applied are wages of train and engine crews, fuel and water expense, enginehouse expenses (material), train supplies and expense (material), locomotive repairs (material), maintenance of track and depreciation of track; the reduction in respect of these items is offset in part by a reduction in respect of "other fares" to similarly adjust the revenues.

*Fuel and water expense—\$187,146*

The cost of coal was calculated by Canadian Pacific by multiplying the monthly tons consumed, as reported by enginemen on their trip tickets, by the average price per ton on the Quebec District for the month concerned. Similar calculations were made to determine the expenses of diesel fuel. The totals for the four selected months were multiplied by three to give a total annual fuel expense of \$180,036.

The cost of water was calculated at \$7,110 by using the 1956 ratio of water expense to steam locomotive fuel expense on the Quebec District.

We feel that the coal consumption estimates based on trip tickets overstate actual consumption. The water estimate is directly related to the coal estimate. We consider that the total cost of coal and water should be reduced by 10 per cent.

*Enginehouse expenses, lubricants and other supplies—\$29,381*

In our examination of the operations for Vaudreuil and Rigaud we found that the labour expense was reduced during the summer in respect of two charge men and one engine watchman-car cleaner. This reduction was not wholly associated with enginehouse expenses but we consider that the reduced labour expense approximates the salaries of two charge men for six months or one charge man for a year and we have reduced the item accordingly.

*Train supplies and expense—\$196,288*

Mention has already been made of the considerable increase in the amount of this item in Statement No. 1 (Revised) over the amount in Statement No. 1.

This category of expense includes (a) cleaning cars, \$170,355; (b) heating cars, \$9,992; (c) lighting cars, \$11,759; (d) icing and watering cars, \$549; and (e) lubricating cars and other expenses, \$3,633.

We have compared the Canadian Pacific estimate of cleaning cost per car per annum in suburban service in 1958 (\$3,276) with its 1954 estimate (\$1,120), with the Canadian National 1954 estimate (\$1,419), with the Canadian Pacific's 1958 system average for passenger cars (\$1,051) including head-end cars, and with the Canadian National estimate for 1958 in suburban service (\$1,822) based on a time study.

It is our view that Canadian Pacific's estimate of \$170,355 for cleaning cars is too high. That estimate would be more accurate if the day in and day out cleaning was always done as it was done during the time study and under similar supervision, but the condition of suburban equipment at Vaudreuil and Rigaud, as observed by our investigating officers, and our enquiries regarding car cleaning, and the above comparisons, lead us to believe that this expense item is overestimated and we consider that \$2,000 per car per annum is fair allowance for the expense of car cleaning in the Montreal-Vaudreuil-Rigaud suburban service. The annual total for 52 cars on that basis is \$104,000.

*Train despatching, station employees and station expenses—\$38,503*

The estimate for train despatching was \$6,899, representing the wages of one despatcher at Smith's Falls.

In the reorganization that took place earlier this year a position of train despatcher involved in handling the suburban territory Rigaud and Vaudreuil was abolished and the work re-organized without any increase in personnel. We have therefore reduced the Company's estimate by the amount of the wages of one despatcher at Smith's Falls.

*Locomotive repairs—\$62,994*

Diesel switcher repairs material in the amount of \$5,766 was based on yard switching hours converted to miles. We are making a reduction of 60 per cent in line with the reduction in terminal switching expenses in Statement No. 1 (Revised).

*Cost of carrying pass-holders—\$49,494*

The contentious issue of the cost of carrying pass-holders and railway employees was the subject of lengthy argument during the 1954 hearing. At that time Counsel for the municipalities submitted that the railways should credit their revenues with assumed revenue from pass-holder traffic as if pass-holders paid full commutation fares. The railways, on the other hand, submitted that in calculating out-of-pocket costs and revenues they should deduct from expenses the cost of operating extra cars for carriage of pass-holders, including expenses for repairs, depreciation, maintenance of track, other transportation and maintenance expenses and the cost of money for the extra cars, but should not credit assumed revenue from pass-holders. The Board commented on those submissions in its commutation Judgment dated March 29, 1956, but found it unnecessary to determine the merits of using one or other of those methods because after calculating the effect of applying each method and giving consideration to all other items of revenues and expenses it was the Board's opinion that under the proposed rates the railways could not be expected to earn revenues in excess of the out-of-pocket cost properly chargeable to commutation service.

Under the provisions of section 350 of the Railway Act railway companies may carry their own employees free or at reduced rates, but the carriage of traffic under that section may be extended, restricted, limited or qualified by the Board.

In the commutation services concerned the railways departed earlier this year from their custom of giving free transportation to railway employees, for each of them now charges its own employees 50 per cent of full commutation fares and charges employees of other railways full commutation fares. In its revenue and expense statements in this case Canadian Pacific charged one-half of the cost of carrying its own employees as expenses of the suburban services and credited the services with the actual revenues received from the employees.

We assume that down the years the railways have considered that voluntarily carrying railway employees free or at reduced rates was of benefit to the railways in their employer-employee relations. Whatever that benefit may be, nothing in respect of it has been credited by the railways in their revenue figures in the present case.

If out-of-pocket expenses were to be reduced by an amount equal to half the cost of carrying Canadian Pacific's officers and employees on the Montreal-Rigaud suburban service, with revenues reflecting the half fares actually received, we consider that we should calculate on the basis that 6.5 cars are required for those persons, instead of the 5 cars estimated by Canadian Pacific, because about 12 per cent of inbound carryings to Montreal and 13 per cent of outbound carryings from Montreal were pass-holders i.e., Canadian Pacific's officers and employees. However, in this instance we are following the same procedure as in the Judgment of August 4, 1954, making no adjustment to the out-of-pocket expenses but calculating revenues as though the officers and employees had paid the full commutation fares.

*Cost of money—\$199,180*

An amount for cost of money was included by the railways as an expense in their 1954 application and was discussed during the hearings of that application. In this case Canadian Pacific included as an out-of-pocket or avoidable expense of the year 1958 an item of \$199,180 for cost of money. It was explained that this resulted from applying a rate of 6.5 per cent which Canadian Pacific alleged is the long term cost of money to the Canadian Pacific railway enterprise, to half the book value of locomotives and passenger cars used in suburban service and to half the cost of the proportion of Glen Yard Extension used in that service. This latter item was eliminated in the statement for the constructive year 1959 which, together with other adjustments, reduced the amount to \$172,457. The book values of the locomotives and cars used in the 1958 estimate were as follows:

5 steam locomotives in road service.....	\$ 734,486
1 diesel locomotive in road service.....	216,660
1 steam locomotive in yard service.....	19,481
40 suburban coaches, less 5 per cent of book value for week-end service.....	3,431,843
7 standard steel coaches.....	268,121
4 rail diesel cars.....	762,630
	\$5,453,221

In the Board's view some allowance for the cost of money expended in the purchase of equipment used in the commuter service can properly be included as an out-of-pocket or avoidable expense of operating that service. We do not accept 6.5 per cent as a reasonable rate to use in this connection but, having regard to the cost of the equipment actually used in this service and the extent to which it has been depreciated in the company's records, we do not believe that the amount charged in the present case is excessive.

*Total expenses allowed*

The reductions and adjustments that we have made of out-of-pocket costs, together with our disposition of the matter of carrying Canadian Pacific's officers and employees and allowing for Canadian Pacific's estimated reduction in expenses for the constructive year 1959, reduce the expenses for our present rate-making purposes to approximately \$1,242,000. The assumed additional revenues from Canadian Pacific's officers and employees on a full commutation fare basis is dealt with elsewhere herein.

## REVENUE, REVENUE DEFICIENCY AND RATE INCREASES

Canadian Pacific's Statement No. 1 (Revised) shows actual revenues of its Montreal-Rigaud suburban service for 1958 in the amount of \$1,073,244, as follows:

REVENUES	
<i>Commutation Fares:</i> 10-trip.....	\$114,531
20-trip.....	18,398
40-trip (public).....	551,305
40-trip (scholars).....	23,092
50-trip.....	4,352
	\$ 711,678
<i>Other Fares:</i> One-way.....	68,577
Return.....	58,626
Week-end.....	30,204
Miscellaneous.....	15,981
Conductors' cash collections.....	127,455
Gate collections—	
Westmount.....	5,499
Montreal West.....	55,224
	361,566
	\$1,073,244

Changes made in May 1959 in week-end fares will produce about \$2,000 additional revenue per year, and if those changes had been in effect in 1958 the revenue for that year would have shown a corresponding increase.

Canadian Pacific considered that some attrition in the number of passengers carried might take place if its proposed new fares became effective, but anticipated a higher revenue from the total traffic.

As already stated we have estimated that out-of-pocket expenses of the Montreal-Rigaud suburban service for the constructive year at \$1,242,000. Revenues of that service for 1958 were \$1,073,244. For rate-making purposes we have made a downward adjustment in this revenue estimate due to the use of four 31-day months, and we have made an upward adjustment to reflect changes in week-end fares and full commutation fares for railway employees, making total revenues of \$1,182,000 at present fares for the constructive year 1959, on 1958 level of carryings. On the basis of those expenses and revenues there would be a deficiency of approximately \$60,000 in the revenues needed to break even with out-of-pocket expenses. We are permitting rate increases related to that deficiency. If in calculating the deficiency we had adopted the railways' proposal and charged as expenses one-half of the cost of carrying Canadian Pacific's officers and employees and credited to revenues the fares actually paid by them, the deficiency would be considerably higher on the basis of using either 5 cars or 6.5 cars for such persons.

The calculations of total revenues, expenses and deficiency that we have made are reasonably approximate but not intended to be precise, for precision in such calculations is impracticable in the circumstances.

We consider that over a reasonable period the increased fares being permitted will afford Canadian Pacific an opportunity to recoup its out-of-pocket costs of its suburban services. As already indicated, Canadian Pacific's Montreal-Rigaud suburban service is regarded as a typical service for fixing of commutation rates generally, and the rates we are allowing for that service will also be allowed for commutation services elsewhere.

We have mentioned objections made to us against the increases. The extent to which we have given effect to some of those objections is apparent from what we have already stated, for we made reductions where we thought it proper to do so in the amounts claimed by Canadian Pacific as out-of-pocket expenses, we credited revenues with the amount that railway employees would pay on a full commuter fare basis; and as appears from the fares we are allowing, the charge for 40-trip commutation tickets per mile will be well below coach and first-class rates.

We will not allow the railways to discontinue return coach class fares on the suburban services while continuing them on other trains throughout Canada, for we consider that a passenger should not be charged more for a coach class return trip on the suburban services than for a similar trip on other passenger trains.

As to the objection that fares for longer distances do not have a taper, we repeat what the Board said in that respect in its commutation Judgment dated August 4, 1954, that the benefit of a taper would be felt by those who travel the longer distances and the burden by those who travel the shorter distances.

The suggestion for a taper is based, no doubt, upon the fact that in freight rates a tapering effect is produced by adding terminal costs to a line-haul rate, which may either be constant per mile or itself decline at various mileages. A similar taper is produced in freight rates by deliberately reducing rates to or from distant points so that a wider market is obtained. The same principle could presumably be adopted in passenger fares—in fact it exists to some extent when the average rate per mile of one-way coach travel between Montreal and Ottawa of 3.7 cents is compared with the average rate of 3.3 cents per mile between Montreal and Vancouver, but that taper is largely caused by competitive conditions in the Vancouver fare.

In the case of commuter fares, however, where the fares are related to out-of-pocket costs, any reduction in the rate of taper for longer distances would inevitably mean a relative increase in the fares for shorter distances, otherwise the necessary overall revenue would not be secured.

As to the objection that demands of railway labour are immoderate, it is not this Board's function to fix or determine wage rates of railway employees. We believe that the Board has a duty to disallow, for rate-making purposes, expenses that in the Board's opinion, are unreasonable, unnecessary or extravagant, but we do not find that situation here where the labour expenses flow from wage agreements negotiated by normal processes of collective bargaining.

As to the alleged inefficiency of the railways, we feel that we can properly make the same observations respecting Canadian railways as were recently made by the Interstate Commerce Commission respecting United States railways in its report previously referred to, as follows:

"The evidence supports the general conclusion that many railroads by upgrading and replacing equipment, by experimenting with new types of equipment, and by other means have conscientiously endeavored to improve their standards of service. It is also fair to conclude that railroads generally have not discontinued trains without serious efforts—sometimes prolonged—to make them pay and only after sympathetic consideration of public convenience. The officials and employees of the

railroads have a traditional pride in their long record as passenger carriers, and there is little reason to believe that profitable passenger operations have been discontinued. None the less, the record and our correspondence clearly disclose that many avenues toward improving the attractiveness of railroad passenger service remain unexplored. The aggressive service policies of competitors for the travel market in a day of rapid technological and marketing innovations must, at least, be counterbalanced with equally progressive railroad policies."

As to the objection that fare increases will be unduly detrimental to the suburban communities, we do not think that the increases we are allowing will have that effect. The very existence of the train services is an advantage to those communities and it is in their interest to have the services continue even with moderately increased fares. It is also in the interest of urban centres, Montreal and Toronto particularly, and of highway authorities, to have them continue. Without these services there would be great demands on all the localities concerned, not the least of which would be a need for highways and parking facilities to take care of the increase in motor vehicle traffic that would result from discontinuance of the train services.

It is not disputed that railway passenger services as a whole and certain passenger services in particular are being operated at a loss. That loss is a burden on freight payers. We do not think that the fact that such loss occurs is a valid reason for compelling the railways to provide fares for commutation services, which are principally in the Toronto and Montreal areas, at less than out-of-pocket cost. The movement in those areas is a mass transportation service and differs from general passenger services in other respects also; and the fare per mile that we are allowing the railways to charge for commutation services is appreciably less than the fare per mile for coach and first-class fares in general passenger service.

#### CANADIAN NATIONAL RAILWAYS' COMMUTATION SERVICES

The Canadian National now operates several commuter services in the Montreal area. The principal one is known as the "Tunnel service". Another is the Montreal-Lachine-Dorval service, a small temporary operation for the purpose of providing some service to the public pending relocation of the Canadian National's main line by removal from that area to a northerly location near the Canadian Pacific's line between Dorval and Montreal West. Counsel for Canadian National asked that the Board authorize discontinuance of this service on August 1, 1959, in view of serious losses incurred in providing the service. That application will be determined in a separate judgment. Other minor commuter services are rendered in the area east and south of Montreal.

There is another commuter service in the Quebec area.

One other important service is in the Toronto-Oakville area, with services of lesser importance in the Hamilton, Ottawa and Windsor areas.

It is proposed to apply the same basis of increased fares within all areas.

As to the basis for the requested increase, Mr. Macdougall, for Canadian National, submitted that:

"I suggest that my company's position is that in respect of our commutation service the Board should look at our tunnel operation as the most representative of those services. It is the largest commuter operation in Canada and I think it is a fairly representative basis upon which the Board can approve rates for general use upon our system for commutation purposes." (Transcript, p. 2175, vol. 1039).

The basis of increased fares proposed by the Canadian National is, however, the same as that proposed by the Canadian Pacific on the Montreal-Rigaud line, despite what differences there may be in the respective costs of operation of these two lines on an out-of-pocket basis.

Exhibit No. 23 filed by Canadian National shows the estimated yearly revenue on the "tunnel" line as \$1,294,225, with operating expenses of \$1,497,548. Additional charges for fixed charges on equipment, interest and depreciation, and fixed charges on facilities required exclusively for suburban operations, bring the total expenses, as submitted, to \$1,778,944, or a deficiency of \$484,719. The proposed increases are estimated to yield \$458,500, with total revenues of \$1,743,621 (Exhibit No. 22).

Some items of expense, however, require comment: for example, passenger car repairs are stated at \$401,985 compared with Canadian Pacific's amount of \$160,620 for the Montreal-Rigaud service. The large amount for Canadian National costs is due to more cars and also presumably to the fact that part of the equipment is old and needs constant repairs; apparently provision of new equipment would cut down this amount materially. Similarly, Canadian National maintenance of way and structures is shown as \$124,825, versus Canadian Pacific's amount of \$25,103 for greater mileage. The explanation for this difference is that a large portion of the Canadian National expense is due to the fact that practically the whole cost of maintaining the tunnel line is chargeable to the suburban service because it represents the bulk of the service that exists on this line.

This tunnel operation also differs from the Canadian Pacific's operation in the respect that its patronage is constantly growing. While there was some drop in traffic after the 1954 increase in fares, the carryings are now approximately 8,000 passengers per day compared to 6,500 per day some four years ago, and the traffic will undoubtedly increase with the erection of several large office buildings now being constructed in the tunnel area in Montreal. In that connection Counsel and witnesses for Canadian National stated that the company has made, and is now making, extensive studies of the possibilities of bringing the out-of-pocket costs and revenues together. For example, economies have been made in the train service by reducing the number of trains where some of them were carrying light loads. A ticket-collecting system was also installed in Montreal Central Station and at Mount Royal, thus eliminating some assistant conductors who were collecting tickets on trains. Cleaning costs of equipment have also been reduced. Diesel power has been substituted for electric power north of the tunnel, resulting in further savings. Changes have also been made in the interior seating arrangement of the coaches, resulting in better use. On the other hand, the Canadian National has this year increased the number of trains between Montreal and St. Eustache in the former off-peak periods, in the expectation that more travel could be induced in such periods, due to an increase in the business population that is being brought into the centre of the city. This new service was created at an additional wage cost of \$30,000 per annum. The results however are not yet determined.

A further long range arrangement under study is to institute a new zoning scheme for fares and thus reduce the labour of ticket collection to a minimum.

The hearing at Toronto was in respect mainly of Canadian National's Toronto-Oakville service. Witnesses for Canadian National gave evidence. Mr. Donald B. Garfat appeared for the Oakville Commuters' Association and supported, with some reservation, the brief filed by the Association. Counsel for

Canadian National referred to studies made to determine whether additional commutation services can be provided in the Toronto area. He stated that a solution has not been found but that the matter is again under active study by the Metropolitan Planning Board and Canadian National.

It is not considered practicable to have several different bases of fares for commutation service in the Toronto and Montreal areas. The railways propose the same basis of fares throughout Canada, despite differences in cost estimates of providing the services in the various areas. We are following the Board's practice in that respect, for on the whole we consider that adopting as heretofore the Canadian Pacific's Montreal-Rigaud service as the yardstick for commuter fares is reasonable, and that the Canadian National fares should conform to that basis.

#### THE INCREASES PERMITTED

We consider that the rule set forth in the Board's commutation Judgment dated August 4, 1954, that

. . . . "a railway is entitled to charge commutation rates at a level that will return at least the railway's reasonable and actual out-of-pocket cost of furnishing the commutation service concerned and that the railway should not be required by this Board to provide or continue to provide commutation services which will not meet that cost"

is a proper rule to apply in the present instance and circumstances. We also consider that the increases we are allowing will not result in rates unjust or unreasonable for the persons who need or use the services. Accordingly we disallow the tariffs suspended by Order No. 97316 and in lieu thereof hereby authorize the following adjustment in existing commutation fares:

Increase by 10 per cent the existing fares for 40-trip tickets, both for the general public and for scholars; fractional fares resulting from such increases to be disposed of in accordance with Section 330 (3) of the Railway Act;

Fares for 20-trip and 50-trip tickets may be cancelled;

No increase to be made in fares for 10-trip tickets;

No change to be made in the time limits of commutation tickets.

The foregoing increases are calculated upon the following revenues shown in Exhibit No. 3:

40-trip general public .....	\$551,305
50-trip general public transferred to 40-trip .....	4,352
40-trip scholars .....	23,092
Revenue from pass-holders added, due to cancellation of pass privileges in March, 1959 and assumed to be 40-trip tickets .....	62,000
	\$640,749

With a revenue deficiency of \$60,000, the theoretical increase required would be about 9.4 per cent, but considering the attrition which will undoubtedly occur initially due to these increased fares, we consider that a 10 per cent increase is necessary to meet the net deficiency.

It will be noted that no increase is permitted on 10-trip tickets, which is for several reasons, viz: the 10-trip fares between Montreal-Westmount and Montreal West have in previous cases been increased more than the usual percentage to the full maximum fare of 25 cents per trip; the present rate base outside the Montreal-Montreal West area is 3 cents per mile for a 10-trip ticket, which is within one-half cent per mile of the round-trip coach fare for a single ticket; and the basis of 3 cents per mile is approximately the same as the Canadian Pacific system average of 3.08 cents per mile. With these considerations and comparisons, we consider that it would be unreasonable at the present time to increase the 10-trip fares.

While any increase in commutation fares will bring with it some burden to those paying the fares, we consider that the increases we are permitting are reasonable in the circumstances on the bare out-of-pocket cost basis. We do not now say that this Judgment will remove commutation fares from the field of controversy, for railway expenses and carryings are not constant, and the degree to which the services will be put on a more nearly compensatory basis can only be determined by experience; but we believe that the increases, coupled with the co-operation of commuters and intensified efforts by the railways and their employees to operate the services with efficiency and without unnecessary expense, will give the railways an opportunity to break even in revenues and expenses in the services concerned.

The increased fares should be given a fair trial for a reasonable period and during that period the parties directly affected should in their own best interest co-operate to ensure operation of such suburban train services as are needed by the communities, urban and suburban, with revenues to the railways sufficient to meet at least bare out-of-pocket costs of the services and at fares that are reasonable and within the ability to pay of those who need the services.

New tariffs to bring into effect the permitted adjustments in fares may be filed to be effective not earlier than January 1, 1960.

An Order will be issued accordingly.

ROD. KERR  
L. J. KNOWLES.

DATED NOVEMBER 6, 1959.

*In the matter of increased commutation fares filed with the Board to become effective March 15, 1959, which were suspended by Order No. 97316, dated March 9, 1959.*

SYLVESTRE, D.C.C. (dissenting)

My colleagues, in this case, have decided to approve an increase in fares; I cannot subscribe to it.

I think it is recognized that in principle a public utility should not be required to operate at a loss. This principle, however, does not necessarily apply in all cases of public utilities. A public utility is defined in the Canadian Encyclopedic Digest, volume 9, as "anything supplied for public consumption or service rendered for the public maintenance for the best standard of living under modern conditions of civilized society. This would include . . . . (f) transportation and all incidents thereof". Webster defines public utility as "a business organization performing some public service and hence subject to special governmental regulation such as fixing of rates required of incidental facilities etc."

In my view, the commuter service is a public utility and as such is for the benefit and convenience of the public and I consider it necessary for the maintenance of the standard of living under modern conditions of the present users of this service.

By statute, the railway companies are required to furnish adequate and suitable accommodation for the carrying of traffic which includes passengers. The accommodation provision does not make the obligation of the railway conditional upon a rate which would compensate for the expense incurred in giving such a service. I think that the function of this Board with respect to rates is to prescribe or approve just and reasonable rates.

I am of the opinion that any increase in commuters fares would cause a serious financial embarrassment to the regular patrons. The trend is now to establish residence outside the limits of large centres for reasons readily understood. People wish to avoid heavily populated sections and live where they may enjoy fresh air; where living conditions are less crowded and on the whole, more comfortable. They generally prepare a budget comprising the cost of a residence bought on monthly payments; the cost of transport for all members of the family, and things run pretty smoothly providing costs remain stable. In 1955, an increase of 100 per cent was granted and another increase of 37 per cent is now requested though not fully granted but it can be stated without hesitation that his budget will be considerably affected and the prime reason why he established himself in a suburb would disappear if the service is offered at a rate he cannot afford to pay.

It has been established that railway companies do not meet their out-of-pocket expenses on regular passenger trains and the deficit runs into millions of dollars and yet no increase has been mentioned. Why then a different treatment between two classes of travelers, both services being essential? Would there be an element of discrimination? I put the question.

Applications reach this Board for discontinuance of passenger train services on certain lines. In every such application the issue resolves itself into a question of whether the loss and inconvenience to the public consequent upon the abandonment of the service outweighs the burden that continued operation of the service involved would impose upon the railway company. In such cases, notwithstanding the loss to the railway company, if the Board finds that the inconvenience to the public outweighs the burden of continued operation of the passenger service involved would impose upon the railway company, the application is denied.

For regular commuters, this service is of prime importance and of general public interest for it must be considered that every morning approximately 15,000 commuters enter the city of Montreal and return in the evening.

Mr. G. C. Campbell, an economist in the employ of the Canadian National Railways, has published a very interesting article on this subject, which appeared at pages 32 and 33 of the July 1959 edition of a pamphlet entitled "Canadian Transportation". His conclusions are worthy of note and I quote textually: "I predict that if a way could be found for the railways and metropolitan authorities to work together co-operatively in the planning, operation and financial support of comprehensive commuter service the benefit to the entire area would be so great that were I to estimate an equivalent in dollars I would be accused of gross exaggeration. Not only that, but the cultural and social benefits of living in a large city would for the first time become a practical reality for all within walking or driving distance of a railroad station".

To be sure, this suggestion has great merit, but it is not within the scope of the Board's function, though, as mentioned in the Chief Commissioner's judgment, the Board is prepared to offer its good services in assisting in finding a solution to this complex problem.

In my view, any increase in the commuters' present rates would create an inconvenience to the users which would outweigh the alleged burden that the continued operation of the commuter service at the present rates would impose upon the railway companies for the revenues derived from the present increase are infinitesimal in proportion with the railways deficits.

In the judgment given by Justice Kearney in 1956 and reported in C.R. & T.C., vol. 73, page 193, at the bottom of page 205, last paragraph, it reads as follows and I quote:

"It has been mentioned that the present judgment should remove commutation rates from the field of controversy for the foreseeable future as between commuters and the Railways. Such a result should also create a desirable atmosphere for Railways, commuters, civic and provincial authorities to look anew at the overall problem of traffic congestion." And this was the main reason why I subscribed to that decision but less than three years after comes a new application for another increase of 37 per cent. I think that the stand I am taking now is perfectly justified.

If railway companies wish to reduce their deficits, their goal could be attained through other means without further burden to the regular commuters to bear.

I would dismiss the present application.

A. SYLVESTRE.

OTTAWA, NOVEMBER 6, 1959.

## ORDER No. 99642

*In the matter of increased commutation fares filed with the Board to become effective March 15, 1959, which were suspended by Order No. 97316, dated March 9, 1959.*

File No. 29984.18

FRIDAY, the 6th day of November, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*L. J. KNOWLES, *Commissioner.*

*Upon hearing the matter at sittings of the Board at Montreal on May 19, 20, 21 and 22, 1959, and at Toronto on June 8, 1959, and enquiry thereinto by the Board, and upon consideration of the submissions filed and pursuant to the Judgment herein dated November 6, 1959, of the Chief Commissioner and Commissioner Knowles—*

*It is hereby ordered as follows:*

1. The tariffs that were suspended by Board's Order No. 97316 are disallowed.

2. Tariffs to bring into effect the adjustments authorized by the said Judgment in existing commutation fares may be filed by the applicant railways to be effective not earlier than January 1, 1960.

ROD KERR,  
*Chief Commissioner.*

*In the matter of the application of Canadian Car Demurrage Bureau dated July 13, 1959, for approval of a revised code of car demurrage rates, Tariff C.T.C. No. 6 and Supplement No. 1 thereto:*

File No. 1700

### RULING

#### BY THE BOARD:

In the latter part of the year 1952 several organizations and individuals made application to the Board for a revision of the Canadian Car Demurrage Rules which were prescribed by the Board in General Order No. 201 dated August 1, 1917, based on a Judgment of the Board dated July 28, 1917 (7 JOR & R 214) with modifications required by General Orders Nos. 220, 349, 422 and 752.

The applications in 1952 requested generally:

- (a) that all rules, regulations and tolls respecting demurrage be consolidated under one tariff;
- (b) that the Board provide for the creation of a national demurrage committee to deal with the matter;
- (c) that the rules and the rates therein be revised with respect to various matters.

The Board gave consideration to these matters and found that there appeared to be no power given to the Board under the Railway Act to order the consolidation of individual tariffs into one agency tariff, nor does the Board have power to appoint or institute committees for the purpose of discussing and reaching conclusions and recommendations with respect to traffic matters; nor does it have power to approve demurrage rules and regulations prior to their filing with the Board, except on complaint where the Board itself may adjudicate between opposing contentions and prescribe rules and tolls for future application. The latter was the situation with regard to General Order No. 201.

The Board, however, expressed the view to the Canadian Industrial Traffic League and others that if the shippers' organizations and the railways would cooperate to discuss proposed changes in the rules and tolls a great deal of controversy might be avoided on the subject. This suggestion was acted upon by shippers and the railways and during the past several years numerous meetings, conferences, revisions and various methods of dealing with car demurrage have taken place.

The application now before the Board is the result of the work that has been done in the interim since the first application was filed in 1952.

The application sets out that the revised code has been formulated in cooperation with representatives of certain shippers' organizations and it names thirteen of them as having concurred in the revised tariff. It specifically names the Canadian Fruit Wholesalers' Association as not agreeing with the new tariff.

Nothing has been submitted to the Board by the last mentioned Association, but on July 15, 1959 the United Grain Growers Limited asked that the new tariff be not approved "until such time as all interested parties can have time to analyze and study it over and submit their objections, if necessary". It also asks what action the Board will take once the new tariff is received.

On July 27th the Winnipeg Chamber of Commerce telegraphed that it opposed certain clauses of the proposed tariff, and on August 31st filed a submission suggesting changes in five items, i.e., (1) Consolidation of demurrage tariffs, (2) Rule 2, Section A, re notification and delivery, (3) Computing time and bunching, (4) minor changes in the demurrage rates, (5) the Bureau

should not issue "interpretation" bulletins, as the tariff should clearly state the rules. We have already dealt with the matter of consolidation of tariffs, and the Canadian Car Demurrage Bureau has filed answers on the other four items. We consider the answers reasonable as to items (2) (3) and (4), but as to (5) we agree with the Winnipeg Chamber of Commerce that the Canadian Car Demurrage Bureau should not issue unofficial "bulletins" as to the application of the tariff, but should issue any clarification necessary as a supplement amending the tariff.

Amongst those named as concurring in the revised code by the Demurrage Bureau only one body has specifically advised the Board thereof, namely, the Canadian Industrial Traffic League.

Although the Applicant states that copies of the application and proposed tariff were forwarded to certain parties, it appears that the distribution has been limited to those named in the Applicant's letter. It is, therefore, doubtful if complete coverage of the country has been fully achieved by these means.

Demurrage rules and charges are as apt to affect small as well as large shippers and thus many persons who may not have membership in the concurring organizations could have objections to voice of which the Board is not aware.

Demurrage of the kind contemplated by the present application comes within the scope of the Railway Act, and thus the Board's jurisdiction, by being defined as a "toll" or "rate" by subsection 32 of Section 2. The type of tariff containing the code is "special arrangements" as provided by section 331 (1) (d). There is no duty imposed by the Act upon the Board to give its approval as a prerequisite to bringing the revised tariff into force. All that is required is that the tariff be filed and upon complaint or the Board's own motion it could be dealt with. Amongst the changes in the tariff which are now proposed there are:

- (1) changes of wording to clarify interpretation.
- (2) changes of wording based on interpretations made by the Demurrage Bureau.
- (3) change in the method of computing free and demurrage time.
- (4) change in demurrage charges.
- (5) additional clauses added which are not now included in the present tariff.

As to items 1, 2 and 5 above, there is no detailed information as to what motivated the changes of wording and it would be quite difficult to anticipate what might flow therefrom when such provisions became applicable to the traffic.

The change in demurrage charges simplifies the application thereof and provides an increase of \$1 per day after the fourth demurrage day. For any car held for four days the aggregate of both the proposed and present tariff provisions effects the same total dollar charge, but creates an increase of \$1 per day for the first and second demurrage days and a reduction of \$1 per day for the third and fourth day.

Under the present tariff free time is computed (loading and unloading as an example) at 48 hours excluding Sundays and legal holidays. The new tariff proposes also to exclude Saturdays.

Under the present tariff where cars incur demurrage penalties, Sundays and legal holidays are excluded and not charged demurrage. The new tariff proposes to apply demurrage charges without the exclusion of Saturdays, Sundays or legal holidays, except that where a Saturday and Sunday or legal holiday consecutively follow the termination of free time, the said free time is to be extended to include the same.

While the proposed tariff apparently settles many of the controversies which have arisen with regard to the car demurrage rules, it is apparent that the approval of these rules may not be entirely unanimous and for that reason the Board will not approve these rules in advance. The proposed tariff, however, may be filed to become effective on January 1, 1960, which will give ample time for any interested party to object, if necessary, and if any substantial objections are received the Board will set them down for hearing as soon as may be reasonably possible. The General Orders above referred to will, in due season, be rescinded.

The new tariff when printed and filed with the Board should be amended in accordance with Section 331, subsection (1) (d) of the Railway Act to read as follows:

Special Arrangements Tariff  
of  
Canadian Car Demurrage Rules

No reference should be made to any authorization of the Board or compliance with any Order number.

ROD KERR,  
*Chief Commissioner.*

H. H. GRIFFIN,  
*Asst. Chief Commissioner.*

A. SYLVESTRE,  
*Deputy Chief Commissioner.*

L. J. KNOWLES,  
*Commissioner.*

JOHN M. WOODARD,  
*Commissioner.*

W. R. IRWIN,  
*Commissioner.*

OTTAWA, NOVEMBER 4, 1959

## GENERAL ORDER No. 850

*In the matter of rules covering the preparation of accounts to apply to joint projects undertaken under Order of the Board:*

*And in the matter of General Order No. 794, dated May 6, 1954, as amended by General Order No. 819, dated February 16, 1956:*

File No. 11026.74

TUESDAY, the 13th day of October, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*

W. R. IRWIN, *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

General Order No. 794, dated May 6, 1954, as amended by General Order No. 819, dated February 16, 1956, is further amended by striking out subparagraph (a) of the paragraph headed "Labour" in the operative part of the said Order and substituting therefor the following:

(a) *Labour Cost*

Labour cost shall include a proportion of wages allowed on statutory holidays and a proportion of wages allowed for vacation pay, and shall be calculated as follows:

- I. To wages of all employees paid on an hourly or daily basis add seven per cent.
- II. To wages of all employees paid on a monthly basis add five per cent.

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 99533 Oct. 23—Authorizing the City of Quebec, P.Q., to construct a subway at the crossing of Colisee Ave. and the C.N.R., Mileage 1.94 Lairet Subd.
- 99534 Oct. 23—Authorizing the C.N.R. to abandon 2,300 feet of track between Queen St. West and St. Andrews St. in the City of Galt, Ont., Mileage 13.1 to Mileage 13.52 Waterloo Subd.
- 99535 Oct. 23—Authorizing the C.P.R. to construct a public road across their track at Mileage 27.48 Coutts Subd., Alta.
- 99536 Oct. 23—Approving proposed flammable liquid bulk storage facilities of Imperial Oil Limited at Blind River, Ont., Mileage 54.56 Thessalon Subd.
- 99537 Oct. 23—Authorizing the C.N.R. to make changes in the protection at crossing of their railway and Highway No. 9, Alta., Mileage 40.37 Drumheller Subd.
- 99538 Oct. 23—Authorizing the removal of the speed limitation at the crossing of Park St. and the C.N.R. at Chatham, Ont., Mileage 60.89 Chatham Subd.
- 99539 Oct. 23—Authorizing the removal of the speed limitation at the crossing of Lesperance Road and the C.N.R. in Tecumseh, Ont., Mileage 99.31 Chatham Subd.
- 99540 Oct. 23—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 34, south of Hawkesbury, Ont., Mileage 19.87 Vankleek Subd.
- 99541 Oct. 23—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway, being the ninth public road crossing east of Stratford, Mileage 3.27 Newton Subd., Ont.
- 99542 Oct. 23—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R., being first public crossing south of Fergus Station, Ont., Mileage 46.19 Fergus Subd.
- 99543 Oct. 23—Authorizing the C.N.R. and the British Columbia Electric Rly. Co. Ltd., to operate through the interlocker at the crossing of their railways at Mileage 72.14 Yale Subd., B.C.
- 99544 Oct. 23—Authorizing the C.N.R. and C.P.R. to operate their trains through the interlocker at the crossing of their railways at Mileage 39.9 Yale Subd. (C.N.R.) and Mileage 53.6 Coquihalla subd. (C.P.R.) in the Village of Hope, B.C.
- 99545 Oct. 26—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Thompson Road, at Thompson Station, N.S., Mileage 42.53 Springhill Subd.
- 99546 Oct. 26—Authorizing the Quebec Dept. of Roads to widen the highway where it crosses the Quebec Central Rly. Co. Ltd. in the Village of Vallee Junction, P.Q., Mileage 100.34 Quebec Subd.
- 99547 Oct. 26—Authorizing the C.N.R. to operate over the timber bridge across the creek at Mileage 87.7 Skeena Subd., B.C.
- 99548 Oct. 26—Approving tariffs filed by The Bell Telephone Company of Canada.
- 99549 Oct. 26—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 34, south of Hawkesbury, Ont., Mileage 15.94 Vankleek Subd.
- 99550 Oct. 26—Authorizing the Township of London to relocate the crossing of Hale and Trafalgar Streets and the C.N.R. at Mileage 75.35 Dundas Subd., Ont.
- 99551 Oct. 26—Authorizing the Rural Munic. of Coulee, Sask., to construct its east-west road across the C.P.R. between Sections 19 and 30, Twp. 13, Rge. 10, W3M., Mileage 84.59 Shamrock Subd.
- 99552 Oct. 26—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Creosote, Ont., Mileage 1.65 Webbwood Subd.

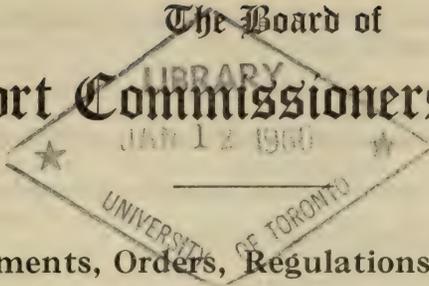
- 99553 Oct. 26—Rescinding Order No. 70144 which approved the location of facilities of Cities Service Oil Company Limited, for the handling and storage of flammable liquids near the C.N.R. at Walkerton, Ont.
- 99554 Oct. 26—Authorizing the removal of the speed limitation at the crossing of the highway and the Northern Alberta Rly. Co. at Mileage 130.37 Grande Prairie Subd., B.C.
- 99555 Oct. 27—In the matter of protection at the crossing of the highway and the C.N.R. at first public crossing east of station at Lac aux Sables, P.Q., Mileage 16.65 Grand'Mere Subd.
- 99556 Oct. 27—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 99557 Oct. 27—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 62 at Eldorado, Ont., Mileage 40.81 Maynooth Subd.
- 99558 Oct. 27—Authorizing the Saskatchewan Power Corporation to construct a natural gas pipe line across and under the pipe line of the Westspur Pipe Line Company in the SW $\frac{1}{4}$  Sec. 17, Twp. 5, Rge. 32, W2M., Sask.
- 99559 Oct. 27—Authorizing the Munic. of Metropolitan Toronto to construct a sanitary sewer across and under the pipe line of the Trans Mountain Pipe Line Company in Lot 17, Conc. 2, East of Yonge St., Twp. of North York, Ont.
- 99560 Oct. 27—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 19 at Mileage 18.24 Newton Subd., Ont.
- 99561 Oct. 27—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Haines Ave. in the Town of Blind River, Ont., Mileage 54.72 Thessalon Subd.
- 99562 Oct. 27—Requiring the C.N.R. to install automatic protection at the crossing of their railway and the road east of the station at St. Eloi, P.Q., Mileage 62.68 Rimouski Subd.
- 99563 Oct. 27—Requiring the C.P.R. to install automatic protection at the crossing of its railway and West St. in Blind River, Ont., Mileage 54.72 Thessalon Subd.
- 99564 Oct. 27—Approving the location of the station proposed to be erected at Doaktown, N.B.
- 99565 Oct. 27—Authorizing the C.N.R. to remove the Caretaker at Decker, Man.
- 99566 Oct. 28—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and St. Andre Road in Chambord, P.Q., Mileage 64.12 Jonquiere Subd.
- 99567 Oct. 28—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their Newmarket Subd. and Front St., and at the crossing of their Midland Subd. or wye track and Front St., in the Town of Orillia, Ont.
- 99568 Oct. 28—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 114.3 Laggan Subd., Alta.
- 99569 Oct. 28—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 119.0 Laggan Subd., Alta.
- 99570 Oct. 28—Authorizing the Chesapeake and Ohio Rly. Co. to leave the swing bridge over the Sydenham River at Wallaceburg, Ont., in an open position and unattended between the hours of 8.00 a.m. Sunday and 8.00 a.m. Monday during the navigation period.
- 99571 Oct. 28—Authorizing the Westcoast Transmission Company Limited to open for the transportation of natural gas, that portion of its pipe line from a point in Twp. 111, Peace River District, B.C., to a point on its West Buick Creek Lateral, being Station 88-64 on Drawing RW-5200.

- 99572 Oct. 28—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 99573 Oct. 28—Authorizing the Twp. of Etobicoke, Ont., to construct a sewer main across and under the pipe line of the Trans-Northern Pipe Line Company at Belfield Road, in Lot 24, Conc. 1.
- 99574 Oct. 28—Authorizing the Corp. of the District of Burnaby to construct a water main across and over the pipe line of Trans Mountain Oil Pipe Line Company on Duthie Ave., north of the intersection with Frances St., District of Burnaby, B.C.
- 99575 Oct. 28—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 121.8 Laggan Subd., Alta.
- 99576 Oct. 28—Approving proposed temporary crude oil loading facilities of Froman Oils Limited at Marsden, Sask., Mileage 65.1 Lloydminster Subd., C.P.R.
- 99577 Oct. 28—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Highway No. 45 east of the station at Dupuy, P.Q., Mileage 33.14 Macamic Subd.
- 99578 Oct. 28—Authorizing the C.P.R. to operate over the subway at Mileage 6.04 Laggan Subd., Alta.
- 99579 Oct. 28—Authorizing the C.P.R. to remove the caretaker at Jack Fish, Ont.
- 99580 Oct. 28—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 86, Ont., Mileage 27.69 Kincardine Subd.
- 99581 Oct. 29—Authorizing the City of Medicine Hat, Alta., to construct Allowance Ave. across the C.P.R. by means of an overhead bridge, to eliminate the existing level crossing.
- 99582 Oct. 29—Authorizing the Twp. of Anderdon, Ont., to improve the vision in the four angles of the crossing of Township Road and the New York Central Railroad Co., Mileage 11.61 Amherstburg Subd.
- 99583 Oct. 29—Authorizing the Quebec Dept. of Roads to construct an extension of Charest Blvd. across the C.N.R. in the City of Ste. Foy, Mileage 10.12 Bridge Subd.
- 99584 Oct. 29—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Minet's Point Road south of Allandale, Ont., Mileage 62.03 Newmarket Subd.
- 99585 Oct. 29—Authorizing the C.P.R. to remove the station agent at Wardner, B.C.
- 99586 Oct. 29—Authorizing the Quebec Dept. of Roads to reopen the level crossing of Highway No. 19 and the C.N.R. at Mileage 42.30 Grand'Mere Subd.
- 99587 Oct. 29—Requiring the C.N.R. to install automatic protection at the crossing of their railway and the highway south of Stroud Station, Ont., Mileage 57.49 Newmarket Subd.
- 99588 Oct. 29—Authorizing the C.P.R. to reconstruct its overhead farm crossing at Mileage 59.1 Galt Subd., Ont.
- 99589 Oct. 29—Authorizing the C.P.R. to remove the caretaker at Ebor, Man.
- 99590 Oct. 29—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Thornton Road, in Oshawa, Ont., Mileage 73.12 Oshawa Subd.
- 99591 Oct. 30—Authorizing the removal of the speed limitation at the crossing of Third St. and the C.N.R. at Mileage 28.96 Thorndale Subd., Ont.
- 99592 Oct. 30—Authorizing the Twp. of London, Ont., to construct its Needham municipal drain across and over the pipe line of the Interprovincial Pipe Line Company in Lots 9 and 10, Conc. 12, Twp. of London.
- 99593 Oct. 30—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 9.61 Preeceville Subd., Man.
- 99594 Oct. 30—Extending the time within which the C.N.R. are required to install automatic protection at crossing of their railway and Highway No. 45, Mileage 1.74 Nakamic Subd., Twp. of Taschereau, P.Q.

- 99595 Oct. 30—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 72.35 Cowan Subd., Man.
- 99596 Oct. 30—Rescinding Order No. 98658 which approved tolls published in Tariff C.T.C. No. E. 1543 and in Supplements thereto filed by the C.N.R.
- 99597 Oct. 30—Authorizing the C.N.R. to remove the caretaker at South Brookfield, N.S., Mileage 18.62 Caledonia Subd.
- 99598 Oct. 30—Authorizing the C.N.R. to remove the caretaker at Brookfield Mines, N.S., Mileage 14.94 Caledonia Subd.
- 99599 Oct. 30—Authorizing the C.N.R. to remove the station agent at Brunkild, Man., provided a caretaker is appointed.
- 99600 Oct. 30—Approving Drawing filed by the C.N.R. showing details of the design of the bridge over the Sumas River, in B.C., at Mileage 78.8 Yale Subd.
- 99601 Oct. 30—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Third St., Twp. of London, Ont., Mileage 28.96 Thorndale Subd.
- 99602 Oct. 30—Authorizing the Twp. of Anderdon to improve the approach grades at the crossing of the highway and the N.Y. Central Railroad Co., between Concs. 7 and 8 in Lot 6, Mileage 8.89 Amherstburg Subd., Ont.
- 99603 Oct. 30—Authorizing the Twp. of Anderdon, Ont., to improve the approach grades where the highway between Concs. 2 and 3 in Lot 3 crosses the N.Y. Central Railroad Co. at Mileage 13.37 Amherstburg Subd.
- 99604 Oct. 30—Amending Order No. 41202 in the matter of protection at the crossing of the C.N.R. and Government Wharf Road east of station at Baie St. Paul, P.Q., Mileage 59.62 Murray Bay Subd.
- 99605 Oct. 30—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Amherst, N.S., Mileage 75.91 Springhill Subd.
- 99606 Oct. 30—Approving proposed flammable liquid storage facilities of Wolverine Products and Sales Limited at Hochelaga Yard, Montreal, P.Q., Mileage 2.0 Park Avenue Subd.
- 99607 Oct. 30—Rescinding Order 99212 which authorized the installation of flashing light signals in lieu of the existing wig wag signals at the crossing of the C.N.R. and Grand River Railway and Hespeler Road (Highway No. 24) near Galt, Ont.
- 99608 Oct. 30—Approving Plan submitted by Great Northern Railway Company showing details of design of grade separation authorized to be constructed in the New Westminster District of B.C.
- 99609 Oct. 30—Approving Service Station Contract between The Bell Telephone Company of Canada and the Consolidated Paper Corporation Limited.
- 99610 Nov. 2—Authorizing the Saskatchewan Dept. of Highways and Transportation to realign and widen the highway where it crosses the C.N.R. at Mileage 4.4 Rosetown Subd.
- 99611 Nov. 2—Authorizing the N.Y. Central Railroad Company to change the controls of its highway crossing protection at Howard Avenue, in Windsor, Ont.
- 99612 Nov. 2—Authorizing the C.N.R. to operate over the bridge over the private highway at Mileage 4.6 Caland Ore Spur, near Atikokan, Ont.



The Board of  
**Transport Commissioners for Canada**



**Judgments, Orders, Regulations and Rulings**

Vol. XLIX

OTTAWA, DECEMBER 15, 1959

No. 18

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GENERAL ORDER No. 851

*In the matter of Regulations for inspection and maintenance of Motive Power Units other than Steam, used on railways subject to the jurisdiction of the Board of Transport Commissioners for Canada:*

File No. 16513.41

WEDNESDAY, the 21st day of October, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

A SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

*It is hereby ordered as follows:*

1. The attached Regulations, entitled "Rules and Instructions for Inspection and Maintenance of Motive Power Units other than Steam", on file with the Board under file No. 16513.41, apply to all railway companies subject to the jurisdiction of the Board.

2. The said Regulations shall come into force on April 1, 1960.

ROD KERR,

*Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

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B.T.C. Form 21		Alteration Report for Motive Power Units Other Than Steam.
B.T.C. Form 22		Motive Power Inspection and Repair Certificate.

## MOTIVE POWER UNITS OTHER THAN STEAM

Rules and Instructions for Inspection and Maintenance of Motive Power Units Other Than Steam, used on Railways subject to the jurisdiction of the Board of Transport Commissioners for Canada.

1. (a) Railway Companies are responsible for the safe design, construction, maintenance, inspection and repair of all motive power units other than steam. All parts, appurtenances, control equipment, etc., of all units must be maintained in accordance with the Board's Orders, Rules and Instructions and in keeping with good practice. All inspections, tests and repairs must be made and reports filed as prescribed in these regulations.

Responsibility for safe design, construction, inspection and repair.

(b) The Chief Mechanical Officer of the railway is responsible for the preparation and distribution of suitable motive power maintenance regulations for the guidance of staffs and others. Revised regulations should have regard to current Board Orders, Rules and Instructions for motive power units.

Maintenance regulations.

2. (a) Each Railway Company, through its Chief Mechanical Officer, must file with the Board a completed Specification Report B.T.C. Form 20 for each motive power unit used on its lines in Canada. When filed, B.T.C. Form 20 shall be accompanied by a diagram showing the general outline of the unit giving its principal dimensions and the location of major components.

Filing specification reports and diagrams.

(b) Changes or repairs which affect data recorded on B.T.C. Form 20 shall be reported to the Board within 30 days of their completion and a corrected B.T.C. Form 20 or an Alteration Report B.T.C. Form 21 submitted.

Alteration reports.

3. B.T.C. Form 22—Motive Power Quarterly Inspection and Repair Certificate must be properly completed, displayed and filed in respect of each unit. For units in service B.T.C. Form 22 must be handled and distributed as follows not less frequently than once each three (3) month period.

Inspection and repair certificate (cab card).

A copy to The Director of Operation of the Board at Ottawa, Ontario.

A copy to be displayed under transparent cover at a prominent location in each unit.

A copy to be retained by the Railway Company.

NOTE: B.T.C. Form 22 must be made of good grade yellow paper 6 inches x 9 inches in size.

4. The following paragraph outlines the circumstances in which the intervals between tests and/or inspections set forth in these rules may be extended.

Extension of test or inspection intervals (out-of-service).

When a unit is withheld from service for periods of thirty (30) or more consecutive days such out-of-service must be totaled and recorded. The test or inspection interval prescribed for any particular item may then be extended by the number of out-of-service days recorded since the date of its last previous test or inspection.

5. Out-of-service periods of thirty (30) or more consecutive days must be recorded on the back of B.T.C. Form 22.

Recording out-of-service.

6. Railway Companies are responsible for the selection, installation, maintenance, periodic test and inspection of all electric, pneumatic, hydraulic, mechanical or other control equipment used on motive power units.

Control equipment.

Safety  
appliances.

7. Each motive power unit must be provided with a sufficient number of suitable handholds, steps, ladders, and other safety appliances properly located for the safety of employees and others. Safety appliances must be designed and applied having regard to the requirements of the Board's Safety Appliance Order.

Accident  
and fire  
prevention.

8. Railway companies shall take the following reasonable precautions to protect employees while they work on motive power units.

(a) Exposed moving parts of machinery shall be provided with suitable guards.

(b) Cab passageways and compartments shall have adequate illumination. When employees are required to pass from one cab to another, the platform or passageway between them shall be illuminated. Floors shall be constructed to provide safe footing and kept free from obstruction.

(c) Jumpers, cables and hose connections between and at the ends of units shall be so located and guarded to prevent unnecessary peril, and shall not be allowed to hang with one end free.

(d) Steam pipes must be insulated and/or located to guard against accidental contact.

(e) Motive Power units shall be equipped with suitable fire extinguishers of adequate capacity.

(f) Torpedoes, fusees, when carried on units, must be stored in suitable containers.

(g) Fuel tanks, brake rigging, truck frames, etc., of motive power units shall be kept free from accumulations of oil, grease and other combustible materials.

(h) Electric conductors and current carrying parts must be insulated, located or suitably guarded to prevent accidental contact by persons.

(i) Doors and cover plates guarding high-voltage equipment must be securely fastened in place and marked with words "Danger — Volts".

(j) Circuit breakers, switches, contactors and fuses must be located or guarded so that persons will not be injured by their operation.

(k) Internal combustion engines of motive power units disabled in service shall be tagged to protect against accidental restart.

Accident  
reports.

9. Accidents or fires caused by failure of any parts or equipment of motive power units which result in serious injury or death to persons, must be reported to the Board in accordance with current regulations.

Air  
compressors.

10. (a) Motive power units shall be equipped with one or more air compressors having sufficient capacity to provide an adequate supply of air for train operation. Compressors, associated equipment and piping must be tested frequently and maintained in good condition for service.

(b) The capacity of each compressor must be ascertained by the orifice test method not less frequently than once each six (6) month period.

11. (a) Each motive power unit shall be provided with sufficient air reservoir capacity to insure an ample supply of compressed air for the operation of the air brake system, the air signal system and for air operated auxiliary equipment. Air reservoirs.
- (b) The main reservoir system of each unit shall be protected by one or more safety valves. Safety valves must be designed and constructed to prevent an accumulation of pressure of more than ten (10) psi above the working pressure. Safety valves shall be tested and reset not less frequently than once each six (6) month period. Safety valves.
- (c) Each main reservoir and other reservoirs in excess of five (5) cubic feet capacity, before being put into service and at least once after every twenty-four (24) months' service, provided such service is performed within three (3) consecutive years, shall be subjected to hydrostatic pressure not less than twenty-five (25) per cent above the normal working pressure of the main reservoir. The entire surface of the reservoir shall be hammer tested at the time of the hydrostatic test, the reservoir to be empty when hammer tested. Hydrostatic and hammer tests.
- (d) Compressed air should be cooled before it enters main reservoirs. Cooling compressed air.
- (e) Valves to drain the entire air system effectively must be installed at suitable locations. Drainage of air system.
12. All parts of the air brake system must be maintained in good condition. The entire system must be given frequent functional tests to insure efficient and effective brakes in service. Air brake system equipment.
13. All air gauges must be maintained in good condition and tested not less frequently than once each three (3) month period. Air gauges must be tested by comparing with an accurate test gauge or dead weight tester. Air gauges.
14. Train communicating signal system of motive power units used in passenger service must be maintained in good condition. Train communicating signal system.
15. The rods, levers, brake beams, hangers, adjusters, shoes, heads, cylinders, pins, fastenings and other foundation gear components must be inspected frequently and maintained in good condition for service. Foundation brake gear.
16. Hand brakes shall be maintained to insure their effectiveness in service. Hand brakes.
17. Trucks and their components, such as bolsters, pedestals, frames, center plates, centering devices, equalizers, springs and spring rigging, side bearings, traction motor attachments, etc., shall be inspected frequently and maintained in a safe and suitable condition for service. Trucks.
18. Railway Companies are held responsible for the safe design, construction, mounting, installation and maintenance of wheels and axles, their bearings, boxes and other associated parts and for the lubrication of journal bearings. Limits of wear shall be as set down in the current Board Order covering wheels. Wheels and axles.

Draft gears and draw gears. 19. (a) Draft gears and/or draw gears, their couplers, pins and other associated parts must be of ample strength to withstand severe conditions of service and must be maintained in good condition. Before being installed, all parts must be examined thoroughly, preferably with the use of flaw detecting equipment.

Inspection. (b) Couplers and draft gears must be properly secured and maintained in good condition for service. Units must not be continued in service until defects disclosed by inspection have been corrected.

Lost motion limit. The lost motion in draft gears not absorbed by compression or friction devices must not exceed one-half ( $\frac{1}{2}$ ) inch. When lost motion exceeds one-half ( $\frac{1}{2}$ ) inch, gears shall be repaired or removed from the unit.

Height above rails. (c) Couplers must be maintained at the prescribed standard height (max. 35", min. 31 $\frac{1}{2}$ " ) above the rails.

Windows. 20. (a) Each cab or operating station shall be provided with an adequate number of windows suitably located to afford a good view of signals and track ahead. Window and cab door glass must be shatterproof.

Maintenance, clear view. (b) Windows must be kept clean, free from obstruction and maintained in good operating condition. Front windows must be equipped with efficient wipers, sun visors and defrosting devices where necessary.

Fuel tanks, piping, etc. 21. (a) Fuel tanks, pumps, piping, valves and connections shall be maintained free from leaks and in good condition for service.

Fill and vent lines. (b) Fuel tanks shall be installed so that they can be filled from outside the unit. They must be provided with a vent which leads to the outside, but does not discharge on roof.

Gauges. (c) Fuel tanks shall be provided with suitable liquid level gauges so located that the fuel level in the tanks can be determined when filling. Gauges must be protected against accidental breakage where loss of fuel would be incurred.

### ELECTRICAL EQUIPMENT

Current collectors. 22. Where used, all types of current collectors shall be effectively insulated from the unit structure having regard to the maximum voltage carried by the conductor. Provision must be made whereby pantographs, trolleys and shoes can be raised, lowered or held in place without risk to persons working on or about units. Current collectors, their components and associated parts shall be inspected frequently and maintained in good condition for service.

Motors and generators. 23. (a) Generators and motors shall be securely fastened in place, all parts including shafts, bearings, collars, caps, rotors, armatures, brushes, brush holders, commutators, coils, windings, leads and connections, shall be inspected frequently and maintained in good condition for service.

Overload Protection. Generators shall be protected against overloading and overspeeding by means of suitable warning, indicating or governing devices, and precautions taken to guard against flashovers.

Fire hazards. Generator housings and surrounding area shall be kept clean, to minimize fire hazards.

Mechanical and electrical connections to engines and/or other electrical machinery shall be inspected frequently and maintained in good order. Connections.

(b) Traction motors, their associated electrical and mechanical equipment including suspensions, bearings, gears, pinions, cables, etc., must be maintained in good condition for service. Traction motors.

24. Electric circuits shall be subjected to insulation tests not less frequently than once each three (3) month period. Test voltage must exceed normal maximum operating voltage of the circuit. Circuit resistance to ground must be recorded on B.T.C. Form 22. Insulation tests.

25. All electrical meters shall be maintained in serviceable condition and tested not less frequently than once every twelve (12) months. Electrical meters.

26. Internal combustion engines, their components and auxiliaries must be maintained in a safe and suitable condition for service. Engines shall be protected from overspeeding and overheating by use of suitable warning, indicating or governing devices. Internal combustion engines.  
Protective devices.

27. Exhaust gases shall be released entirely outside of unit cabs or compartments. Exhaust stacks shall be constructed and installed to effectively restrict the entry of exhaust gases into occupied operating compartments under usual conditions of operation. Pipes or ducts carrying exhaust gases must be maintained in good condition and should be isolated or insulated where practicable. Exhaust Gases.

28. Units normally used in road service shall be equipped with speed indicators suitably located and illuminated. These instruments must be maintained in good condition. Speed indicators.





BOARD OF TRANSPORT COMMISSIONERS FOR CANADA  
MOTIVE POWER QUARTERLY INSPECTION AND REPAIR CERTIFICATE

Unit Number \_\_\_\_\_  
" Initial \_\_\_\_\_  
" Type \_\_\_\_\_  
" Propulsion \_\_\_\_\_

(name of railway)

The inspections, tests and maintenance of motive power unit \_\_\_\_\_ its appurtenances, parts and controls are in accord with the Orders and Regulations of The Board of Transport Commissioners for Canada. All defects have been repaired and to the best of my knowledge, the unit is in good condition for service and safe to operate.

1. Main reservoirs hammer tested and hydrostatic test of \_\_\_\_\_ psi applied \_\_\_\_\_ 19 \_\_\_\_\_
2. Main reservoir safety valves tested and set at \_\_\_\_\_ psi, \_\_\_\_\_ psi. \_\_\_\_\_ 19 \_\_\_\_\_
3. Air compressors orifice tested \_\_\_\_\_ 19 \_\_\_\_\_
4. Is (a) brake system (b) safety control system (c) communication signal system in good condition for service?  
(a) \_\_\_\_\_ (b) \_\_\_\_\_ (c) \_\_\_\_\_
5. Air gauges tested \_\_\_\_\_ 19 \_\_\_\_\_
6. Is control system in good condition for service? \_\_\_\_\_
7. Condition of protective alarm system \_\_\_\_\_
8. Are fuel tanks, piping, pumps and related parts free from leaks and in good condition? \_\_\_\_\_
9. Condition of draft and/or drawgear \_\_\_\_\_
10. Are wheels, trucks and associated parts in good condition for service? \_\_\_\_\_
11. (a) Was handbrake tested? (b) Was foundation brake gear inspected and left in good condition? (a) \_\_\_\_\_ (b) \_\_\_\_\_
12. Insulation tests applied to all circuits. \_\_\_\_\_ 19 \_\_\_\_\_  
Resistance to ground \_\_\_\_\_ ohms  
Control circuit \_\_\_\_\_ ohms  
Power circuit \_\_\_\_\_ ohms
13. Condition of current collectors. \_\_\_\_\_
14. Condition of electrical meters \_\_\_\_\_  
Tested \_\_\_\_\_ 19 \_\_\_\_\_
15. Was fire fighting equipment examined and left in good condition? \_\_\_\_\_
16. Is unit in clean condition to protect against fire and accident hazards? \_\_\_\_\_

Certified \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_ 19 \_\_\_\_\_  
Place \_\_\_\_\_



## GENERAL ORDER No. 852

*In the matter of Regulations for the Transportation of Dangerous Commodities  
by Rail:*

File No. 1717-B

WEDNESDAY, the 21st day of October, A.D. 1959

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

J. M. WOODARD, *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

1. Supplement No. 1 to the Board's Regulations for the Transportation of Dangerous Commodities by Rail, on file with the Board under file No. 1717-B, marked "E", is prescribed and applies to all railway and express companies subject to the jurisdiction of the Board which accept explosives and other dangerous articles for carriage.

2. The said Supplement No. 1 shall come into force on January 1, 1960.

3. Upon the coming into force of the said Supplement No. 1, Orders No. 97200, dated February 23, 1959, No. 97613, dated April 13, 1959, and No. 98038, dated May 28, 1959, are rescinded.

A. SYLVESTRE,  
*Deputy Chief Commissioner.*

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
SEPTEMBER, 1959

Railway Accidents .....	185	Killed	17	Injured	219
Level Crossing Accidents .....	26	Killed	6	Injured	39
Total .....	211		23		258

		Killed	Injured
Passengers .....		4	49
Employees .....		3	160
Others .....		16	49
Total .....		23	258

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

NEWFOUNDLAND

- 3 Automobile struck by train. Licence: Nfld. 12918.

QUEBEC

- 1 Auto truck struck by train. Licence: Que. T-1782.  
 — 2 Auto ran into side of train. Licence: PA. BO-4-942.  
 1 2 Automobile struck by train. Licence: Que. 460-676.  
 1 — Automobile struck by train. Licence: Que. 398-389.  
 — 1 Police auto struck by R.D.C. Licence: Que. 117-397.  
 1 1 Automobile ran into side of train. Licence: Que. 511-833.  
 — 1 Automobile ran into side of R.D.C. Licence: Que. 383-004.  
 1 — Auto truck struck by train. Licence: Que. F-49029.

ONTARIO

- 1 Automobile struck by train. Licence: Ont. 958-480.  
 — 1 Automobile struck by train. Licence: Ont. H-10529.  
 — 1 Auto truck struck by train. Licence: Ont. 4109-M.  
 — 1 Automobile ran into side of train. Licence: Ont. 91322.  
 — 1 Automobile ran into side of train. Licence: Ont. 98289.  
 — 1 Automobile ran into side of train. Licence: Ont. 520-368.  
 — 4 Automobile struck by train. Licence: Ont. 44618.  
 — 1 Automobile ran into side of train. Licence: Ont. 38150-X.  
 — 1 Farm tractor ran into side of train.  
 — 4 Automobile ran into side of train. Licence: Ont. 804-732.  
 2 — Automobile ran into side of train. Licence: Ont. 29-633-X.  
 — 1 Track motor car struck auto truck. Licence not given.

MANITOBA

- 5 Automobile ran into side of train. Licence: Ont. 804-854.  
 — 2 Automobile ran into side of train. Licence: Man. 16-G-20.

*Killed Injured*

## SASKATCHEWAN

- 2 Automobile struck by train. Licence: Alta. 131-183.
  - 1 Road Grader struck by train.
  - 1 Automobile ran into side of train. Licence: Sask. 58149.
- 

Of the 26 accidents at Highway crossings, 24 occurred at unprotected crossings, 2 at protected crossings, 17 occurred after sunrise and 9 after sunset.

OTTAWA, Ontario, November 25, 1959.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 99613 Nov. 2—Authorizing the removal of the speed limitation at the crossing of Robastaliere Road and the C.N.R. at St. Bruno, P.Q., Mileage 62.33 St. Hyacinthe Subd.
- 99614 Nov. 2—Amending Order No. 92144 re apportionment of cost of constructing a pedestrian overpass across the C.N.R. and C.P.R. at Riverdale Park, Toronto, Ont., Mileage 2.60 Bala Subd. (C.N.R.) and Mileage 106.40 Oshawa Subd. (C.P.R.).
- 99615 Nov. 2—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Brosseau, Parish of Laprairie de la Madeleine, P.Q., Mileage 11.15 Rouses Point Subd.
- 99616 Nov. 2—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 590, near Kakabeka Falls, Ont., Mileage 21.95 Kashabowie Subd.
- 99617 Nov. 2—Authorizing the C.N.R. to operate under the overhead bridge at Mileage 9.41 Oakville Subd., Twp. of Etobicoke, Ont.
- 99618 Nov. 2—Authorizing the Town of Mount Royal, P.Q., to widen Rockland Road where it crosses the C.P.R. in the City of Outremont, at Mileage 49.36 Adirondack Subd.
- 99619 Nov. 2—Authorizing the C.N.R. to close their station at Pacific, B.C.
- 99620 Nov. 2—Authorizing the C.N.R. to remove the caretaker at Springfield, N.S.
- 99621 Nov. 2—Authorizing the C.P.R. to operate over the crossing of its railway and Highway No. 4 at Mileage 9.14 Walkerton Subd., Ont.
- 99622 Nov. 3—Approving tolls published in tariffs filed by the C.N.R. under sections 3 and 8 of the Maritime Freight Rates Act.
- 99623 Nov. 3—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 99624 Nov. 3—Approving tolls published in tariffs filed by the C.N.R. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 99625 Nov. 3—Extending the time within which the Sydney and Louisburg Rly. Company is required to install automatic protection at the crossing of its railway and the highway (Mackie's Crossing) in Gardiner Mines, N.S.
- 99626 Nov. 3—Authorizing the N.Y. Central Railroad Co. to make signal changes between Welland and Montrose, Ont., as shown on plan.
- 99627 Nov. 3—Authorizing the N.Y. Central Railroad Co. to make signal and track changes at Tower No. 4 near Howard Ave. in Windsor, Ont.
- 99628 Nov. 3—Authorizing the removal of the speed limitation at the crossing of Symington Ave. and the C.P.R. in Toronto, Ont., Mileage 5, North Toronto Subd.
- 99629 Nov. 3—Rescinding Order 85205 which approved the location of facilities of Sturdie Propane Limited for the handling and storage of flammable liquids near the Northern Alta. Railways Co. at Mileage 64.5 Peace River Subd., near Grimshaw, Alta.
- 99630 Nov. 3—Approving flammable liquid storage facilities of Imperial Oil Limited at Whitecourt, Alta., Mileage 102.88 Sangudo Subd.
- 99631 Nov. 3—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 545 near Hanmer, Ont., Mileage 124.4 Sudbury Subd.
- 99632 Nov. 3—Authorizing the removal of the speed limitation at the crossing of Calgary St. and the C.P.R. in Golden, B.C., Mileage 166.3 Lake Windermere Subd.
- 99633 Nov. 4—Authorizing the Manitoba Dept. of Public Works to widen provincial trunk Highway No. 75 where it crosses the C.N.R. at Mileage 53.14 Letellier Subd.

- 99634 Nov. 4—Amending Order 99046 which authorized the City of Winnipeg, Man., to construct the highway across the C.P.R. by means of an overpass at Mileage 125.42 Keewatin Subd., and directed the C.N.R. to relocate the spur track serving J. I. Case Co. across Higgins St., in Winnipeg, Man.
- 99635 Nov. 4—Approving flammable liquid storage facilities of North of 53 Consumers' Co-Operative Limited, at Flin Flon, Man., Mileage 87.0 Flin Flon Subd.
- 99636 Nov. 4—Authorizing La Societe Gazifere de Hull, P.Q., to construct a low pressure gas main across and under the subway and track of the C.P.R. at Champlain St., Mileage 88.70 Montreal and Ottawa Subd.
- 99637 Nov. 4—Authorizing La Societe Gazifere de Hull, P.Q., to construct a gas main and a gas service line across and under the C.P.R. at Notre Dame St., Mileage 88.68 Montreal and Ottawa Subd.
- 99638 Nov. 4—Approving flammable liquid storage facilities of La Co-Operative de Lourdes, Limited, at Notre Dame de Lourdes, Man., Mileage 2.5 Notre Dame Subd.
- 99639 Nov. 4—Approving proposed flammable liquid storage facilities of British American Oil Company Limited at Acme, Alta., Langdon Subd.
- 99640 Nov. 4—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Foxtrap, Nfld., Mileage 17.44 St. John's Subd.
- 99641 Nov. 4—Rescinding Order No. 87619 which approved the location of facilities of Mannix Limited near the tracks of Northern Alberta Railways Company at Anzac, Alta.
- 99642 Nov. 6—In the matter of increased commutation fares filed with the Board to become effective March 15, 1959, which were suspended by Order No. 97316, dated March 9, 1959.
- 99643 Nov. 4—Approving proposed flammable liquid storage facilities of North Star Oil Limited at MacNutt, Sask., Mileage 32.77 Tonkin Subd.
- 99644 Nov. 4—Rescinding Orders Nos. 98658 and 99596, in the matter of tariffs filed by the C.N.R. under provisions of the Maritime Freight Rates Act.
- 99645 Nov. 4—Authorizing The British American Oil Co. Ltd. to construct an access road across the C.P.R. by means of an overhead bridge near Port Moody, B.C., Mileage 118.125 Cascade Subd.
- 99646 Nov. 4—Authorizing the Ontario Dept. of Highways to construct Scott St. across the C.N.R. in the Twp. of Grantham, County of Lincoln, Ont., Mileage 1.64 Grantham Subd.
- 99647 Nov. 4—Approving tariffs filed by The Bell Telephone Company of Canada.
- 99648 Nov. 4—Amending Order No. 69638 which authorized the C.N.R. to install automatic protection at the crossing of their railway and the highway just west of the Village of Hudson Heights, P.Q.
- 99649 Nov. 5—Authorizing the C.P.R. to construct a run-around track on the Airport Spur on its Winnipeg Terminals Division, across Wellington Ave., in the City of Saint James, Man.
- 99650 Nov. 5—Rescinding Order No. 96525 which authorized the C.N.R. to remove the caretaker at Greencourt, Alta.
- 99651 Nov. 5—Authorizing the Twp. of Harwich, Ont., to improve the approach grades at the crossing of Fargo Road and the Main Line of the N.Y.C. Rly. Co. in the Twp. of Harwich, Mileage 169.63.
- 99652 Nov. 5—Rescinding Order No. 90819 which approved the location of facilities of R. G. Corbett for the handling and storage of flammable liquids at Headingly, Man.
- 99653 Nov. 5—Authorizing the removal of the speed limitation at the crossing of Cumberland Road and the Esquimalt and Nanaimo Rly. Co. in Courtney, B.C., Mileage 139.5 Victoria Subd.
- 99654 Nov. 5—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Highway No. 18, west of Oxbow, Sask., Mileage 116.6 Estevan Subd.

- 99655 Nov. 5—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Glen Ewen, Sask., Mileage 107 Estevan Subd.
- 99656 Nov. 5—Authorizing the Manitoba Dept. of Public Works to widen Highway No. 21 where it crosses the C.P.R. at Mileage 4.60 Lyleton Subd., Man.
- 99657 Nov. 6—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Moosomin, Sask., Mileage 86.3 Broadview Subd.
- 99658 Nov. 6—Authorizing the B.P. Refinery Canada Ltd. to construct a crude oil pipe line and two amine solution pipe lines across and under the siding of the C.N.R. serving Shell Oil Company in the City of Montreal East, P.Q.
- 99659 Nov. 6—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. east of Elkhorn, Man., Mileage 64.0 Broadview Subd.
- 99660 Nov. 9—Authorizing the Township of Harwich to improve the approach grades at the crossing of the N.Y.C. Railroad Co. and Base Line Road, in the Village of Mull, Mileage 163.11 (Main Line).
- 99661 Nov. 9—Requiring the C.N.R. to install automatic protection at the crossing of Highway No. 62 and the interchange track between the C.P.R. and the C.N.R. near Mileage 88.8 Beachburg Subd.
- 99662 Nov. 9—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. about 2 miles south of Parkland, Alta., Mileage 66.67 Macleod Subd.
- 99663 Nov. 10—Authorizing the C.N.R. to construct a permanent steel structure to replace the existing timber trestle over the Bulkley River, B.C., Mileage 60.8 Telkwa Subd.
- 99664 Nov. 10—Authorizing the City of Regina, Sask., to widen Pasqua St. where it crosses the C.P.R. at Mileage 93.95 Indian Head Subd.
- 99665 Nov. 10—Authorizing the Montreal Metropolitan Corporation to construct a temporary level crossing of Cote de Liesse Road across the C.N.R. at Mileage 41.71 l'Assomption Subd.
- 99666 Nov. 10—Authorizing the City of Port Coquitlam, B.C., to construct a diversion of Shaughnessy St. across the C.P.R. by means of a subway, at Mileage 112.2 Cascade Subd.
- 99667 Nov. 10—Approving revised Appendix "A" and Alternate Appendix "B" between The Bell Telephone Company of Canada and La Compagnie de Telephone St-Felix de Kingsey.
- 99668 Nov. 10—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 62 near Pembroke, Ont., Mileage 88.8 Beachburg Subd.
- 99669 Nov. 10—Authorizing the Saskatchewan Dept. of Highways and Transportation to widen Highway No. 11 where it crosses the C.N.R. at Mileage 38.59 Duck Lake Subd.
- 99670 Nov. 10—Authorizing the City of Regina to widen Pasqua St. where it crosses the C.N.R. at Mileage 115.3 Lewvan Subd.
- 99671 Nov. 10—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Coronach, Sask., Fife Lake Subd.
- 99672 Nov. 10—Approving flammable liquid storage facilities of Imperial Oil Limited at Shawville, P.Q., Mileage 44.4 Waltham Subd.
- 99673 Nov. 10—Authorizing the C.N.R. to construct a temporary diversion of their track, carried on a temporary timber trestle, to permit the reconstruction of the grade separation at Mileage 2.24 Strathroy Subd., Ont.
- 99674 Nov. 10—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 59.76 Cascapedia Subd., P.Q.

- 99675 Nov. 10—Authorizing the Township of Essa to relocate the crossing over the highway and the C.P.R. from Mileage 53.79 to Mileage 53.40 MacTier Subd., Ont.
- 99676 Nov. 10—Approving the construction of an industrial spur leading off the C.N.R. Opemisca Subd. at Mileage 106.80 across the highway at Mileage 0.3 of the said spur, in the Twp. of McKenzie, Co. Abitibi East, P.Q.
- 99677 Nov. 12—Authorizing the C.P.R. to construct and maintain two sidings across Titan Road, Twp. of Etobicoke, Ont., commencing at Mileage 9.13 Galt Subd., to serve Goodrich Rubber Company and Peoples Credit Jewellers.
- 99678 Nov. 12—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 99679 Nov. 12—Authorizing the C.P.R. to widen the crossing of its railway and the highway at Mileage 19.17 Hardisty Subd., Sask.
- 99680 Nov. 13—Authorizing the removal of the speed limitation at the crossing of Third St. and the C.N.R. in The Pas, Man., Mileage 0.1 Wekusko Subd.
- 99681 Nov. 13—Authorizing the C.N.R. to construct a siding to serve Imperial Oil Limited across Leblanc Road, Twp. of Pabos, Co. Gaspé, P.Q., Mileage 46.16 Chandler Subd.
- 99682 Nov. 13—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. in Minto, N.B., Mileage 33.44 Minto Subd.
- 99683 Nov. 13—Authorizing the B.C. Dept. of Highways to construct the highway across and under the bridge of the C.P.R. crossing the Columbia River near Revelstoke, B.C., Mileage 1.73 Shuswap Subd.
- 99684 Nov. 13—Dismissing application of the Northern Alberta Rlys. Company to remove the station agent at Belloy, Alta.
- 99685 Nov. 13—Authorizing the C.P.R. to remove the temporary station agent at Keeler, Sask.
- 99686 Nov. 13—Requiring the C.N.R. to install flashing light signals in lieu of existing protection at the crossing of their railway and Glasgow St., in Guelph, Ont., Mileage 49.20 Brampton Subd.
- 99687 Nov. 13—Authorizing the C.P.R. to remove the caretaker at Moore Park, Man.
- 99688 Nov. 13—Approving proposed flammable liquid storage facilities of Imperial Oil Limited near Otis, N.B., Mileage 11.44 Southampton Subd.
- 99689 Nov. 13—Authorizing the Saskatchewan Dept. of Highways and Transportation to widen Highway No. 2 where it crosses the C.N.R. at Mileage 29.38 Aberdeen Subd.
- 99690 Nov. 13—Requiring the C.N.R. to install automatic protection at the crossing of King St. and their railway, in Palmerston, Ont., Mileage 72.37 Fergus Subd.
- 99691 Nov. 13—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Le Telephone Guevremont.
- 99692 Nov. 13—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and South Leeds and Pittsburg Rural Telephone Company.
- 99693 Nov. 13—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and the Consolidated Paper Corporation Limited.
- 99694 Nov. 13—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Telephone de Warwick.
- 99695 Nov. 13—Authorizing the C.N.R. and C.P.R. to operate their trains through the interlocking at the crossing of their railways at Matsqui, B.C., Mileage 88.12 Yale Subd. (C.N.R.).
- 99696 Nov. 13—Authorizing the removal of the speed limitation at the crossing of Thames St. and the C.N.R. in Ingersoll, Ont., Mileage 58.9 Dundas Subd.

- 99697 Nov. 13—Approving proposed flammable liquid storage facilities of Texaco Canada Limited at Fort Frances, Ont., Mileage 89.68 Fort Frances Subd.
- 99698 Nov. 13—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at the second crossing north of Centralia Station, Ont., Mileage 22.58 Exeter Subd.
- 99699 Nov. 13—Authorizing the removal of the speed limitation at the crossing of Highbury Ave. and the C.N.R. in London, Ont., Mileage 75.63 Dundas Subd.
- 99700 Nov. 13—Authorizing the Ontario Dept. of Highways to construct Highway No. 68 across the C.P.R. by means of an overhead bridge, at Mileage 15.97 Little Current Subd.
- 99701 Nov. 13—Extending the time within which the C.P.R. is required to install additional light units at the crossing of its railway and County Road No. 4, at Innerkip, Ont., Mileage 83.66 Galt Subd.
- 99702 Nov. 13—Authorizing the Alberta Dept. of Highways to widen Highway No. 43 where it crosses the C.N.R. at Mileage 31.11 Athabasca Subd.
- 99703 Nov. 13—Amending Order No. 97385, re cost of improving the sight lines at crossing of the highway and the C.P.R., in the Twp. of Carling, Ont., Mileage 35.32 Parry Sound Subd.
- 99704 Nov. 16—Authorizing the City of Iberville, P.Q., to construct 6th Ave. across the spur leading from the main line of the C.P.R., at Mileage 19.2 Adirondack Subd.
- 99705 Nov. 16—Dismissing application of the Northern Alberta Rlys. Co. for authority to remove the station agent at Woking, Alta.
- 99706 Nov. 16—Authorizing the Twp. of Augusta, Ont., to improve the crossing of the C.N.R. and Rockey Road, Mileage 119.05 Cornwall Subd.
- 99707 Nov. 16—Approving Revised Schedule "B" to agreement between The Bell Telephone Company of Canada and the Canadian Overseas Telecommunication Corporation.
- 99708 Nov. 16—Approving flammable liquid storage facilities of Bate Chemical Corporation, Limited, at Pointe St. Charles, P.Q., Mileage 72.27 St. Hyacinthe Subd.
- 99709 Nov. 16—In the matter of protection at the crossings of the C.N.R. and Victoria and Elizabeth Streets, City of Sorel, P.Q., Mileage 44.62 Sorel Subd.
- 99710 Nov. 16—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and County Road No. 3 near Drumbo, Ont., Mileage 73.75 Galt Subd.
- 99711 Nov. 16—Approving flammable liquid storage facilities of Imperial Oil Limited, at Elia, Ont., Mileage 11.95 Newmarket Subd.
- 99712 Nov. 16—Approving proposed flammable liquid storage facilities of Ste. Agathe Co-Operative Limited at Ste. Agathe, Man., Mileage 20.55 Letellier Subd.
- 99713 Nov. 16—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and County Road No. 29 at Drumbo, Ont., Mileage 74.61 Galt Subd.
- 99714 Nov. 16—Dismissing application of the C.P.R. for authority to remove the station agent and appoint a caretaker at Oxdrift, Ont., Mileage 69.9 Ignace Subd.
- 99715 Nov. 16—Approving proposed liquefied petroleum gas storage facilities of Consumers' Gas Company at Pembroke, Ont., Mileage 19.61 Locksley Subd.
- 99716 Nov. 16—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and the Atwood Municipal Telephone System.
- 99717 Nov. 16—Amending Order No. 86449 which authorized the installation of automatic protection at the crossing of the Chesapeake & Ohio Rly. Co. and Park Avenue in Chatham, Ont., Mileage 17.3 No. 2 Subd.

- 99718 Nov. 16—Dismissing application of the C.N.R. for authority to remove the station agent and appoint a caretaker at Dalkeith, Ont.
- 99719 Nov. 16—Authorizing the removal of the speed limitation at the crossing of Howard Ave. and the C.P.R. in Windsor, Ont., Mileage 109.66 Windsor Subd.
- 99720 Nov. 16—Authorizing the Ontario Dept. of Highways to realign and widen County Road No. 3 where it crosses the St. Clair Branch of the N.Y.C. Railroad Co. in Lots 16 and 17, Conc. 4 and 5, Twp. of Enniskillen, Co. of Lambton, in Oil City, Ont.
- 99721 Nov. 16—Rescinding Order No. 73444 which approved the location of facilities of Trinidad Leaseholds (Canada) Limited, for handling and storage of flammable liquids at Lindsay, Ont., near the C.N.R.
- 99722 Nov. 16—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 55 in the Village of Chambord, P.Q., Mileage 1.20 Roberval Subd.
- 99723 Nov. 16—Requiring The Chesapeake and Ohio Rly. Company to install improved protection at the crossing of its railway and County Road No. 15, in the County of Kent, Ont., Mileage 80.6 No. 1 Subd.
- 99724 Nov. 16—Requiring the Northern Alberta Rlys. Co. to install automatic protection at the crossing of its railway and Highway No. 28 near Bon Accord, Alta., Mileage 7.95 Lac La Biche Subd.
- 99725 Nov. 16—Requiring the C.P.R. to install improved protection at the crossing of its railway and Cote St. Louis Road in the Parish of Ste. Therese de Blainville, P.Q., Mileage 1.99 Ste. Agathe Subd.
- 99726 Nov. 16—Requiring the C.N.R. to install flashing light signals in lieu of the existing protection at the crossing of their railway and Forest St. in Parry Sound, Ont., Mileage 1.8 Sudbury Subd.
- 99727 Nov. 16—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the secondary highway known at Montee Bowman, in the Village of Cantic, Parish of Notre Dame du Mont Carmel, P.Q., Mileage 41.48 Rouses Point Subd.
- 99728 Nov. 17—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 99729 Nov. 17—Approving Supplement No. 2 to Service Station Contract between The Bell Telephone Company of Canada and the Pleasant View Telephone Company Limited.
- 99730 Nov. 17—Authorizing the C.N.R. to reconstruct and improve the overhead bridge carrying Belmont Road across their tracks at Mileage 7.5 Cowichan Subd., B.C.
- 99731 Nov. 17—Extending the time within which The Toronto, Hamilton and Buffalo Rly. Co. is required to install automatic protection at the crossing of its railway and Highway No. 24, Mount Pleasant Road at Mileage 63.29 Waterford Subd., and at crossing of Highway No. 53, Colborne St., Mileage 63.37 Waterford Subd., City of Brantford, Ont.
- 99732 Nov. 17—Authorizing the removal of the speed limitation at crossing of the C.N.R. and Laurentian Blvd., in the Town of St. Laurent, P.Q., Mileage 41.3 l'Assomption Subd.
- 99733 Nov. 17—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at St. Andrews East, P.Q., Mileage 16.53 Grenville Subd.
- 99734 Nov. 17—Requiring the C.P.R. to install automatic protection at the crossing of County Road No. 23 and the C.P.R. in the Twp. of Zone, Co. Kent, Mileage 46.70 Windsor Subd.
- 99735 Nov. 18—Authorizing the Munic. Corporation of St. Romuald d'Etchemin to construct the highway across the C.N.R. in the Parish of St. Ramuald, P.Q., at Mileage 5.41 Drummondville Subd.
- 99736 Nov. 18—Dismissing application of the C.P.R. (the Esquimalt and Nanaimo Railway) for authority to remove the station agent at Qualicum Beach, B.C., for certain periods in the year.

- 99737 Nov. 18—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Ellerslie, Alta., Mileage 90.57 Leduc Subd.
- 99738 Nov. 18—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Walkley Road, Ottawa, Ont., Mileage 0.35 Sussex St. Subd.
- 99739 Nov. 18—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 36.63 Chalk River Subd., Ont.
- 99740 Nov. 18—Amending Order No. 96558, re apportionment of cost of improving the approach grades at the crossing of the highway and the C.N.R., Mileage 56.77 Chatham Subd., Ont.
- 99741 Nov. 18—Amending Order No. 97078, re apportionment of cost of improving the approach grades at the crossing of Mull Side Road and the C.N.R. at Mileage 54.24 Chatham Subd., Ont.
- 99742 Nov. 18—Authorizing the C.P.R. to operate under the trestle at Mileage 21.77 St. Maurice Valley Subd., P.Q.
- 99743 Nov. 18—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Haleys Public Crossing, Mileage 67.73 Chalk River Subd., Ont.
- 99744 Nov. 18—Authorizing the Manitoba Dept. of Public Works to improve the crossing of the C.N.R. and Highway No. 12 in the Parish of Lorette, Man., Mileage 131.39 Sprague Subd.
- 99745 Nov. 18—Authorizing The Statute Labour Board of the Township of North Wallbridge and Henvey to construct a temporary crossing across the siding of the C.P.R. at Britt, District of Parry Sound, Ont.
- 99746 Nov. 18—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Roosevelt Ave., in Ottawa, Ont., Mileage 1.96 Carleton Place Subd.
- 99747 Nov. 19—Amending Order No. 94725, re apportionment of cost of changes made in the operating circuits of the protection at the crossing of the C.N.R. and Wellington St., Aurora, Ont., Mileage 30.04 Newmarket Subd.
- 99748 Nov. 19—Approving the overhead clearance at the doorway through which the railway siding enters the new warehouse of J. M. Sinclair Limited in Regina, Sask., C.P.R.
- 99749 Nov. 19—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Birtle, Man., Mileage 59.8 Bredenbury Subd.
- 99750 Nov. 19—Dismissing application of the Northern Alberta Rlys. Co. for authority to remove the station agent at Brownvale, Alta.
- 99751 Nov. 19—Authorizing the removal of the speed limitation at the crossing of The Toronto, Hamilton & Buffalo Rly. Co. and Highway No. 99 (East Governors Road) Mileage 46.75 Waterford Subd., Ont.
- 99752 Nov. 19—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at Mileage 68.44 Kapuskasing Subd., Ont.
- 99753 Nov. 19—Amending Order No. 94699, re apportionment of cost of changes in the protection at the crossing of the C.N.R. and Davis Drive, in Newmarket, Ont., Mileage 34.12 Newmarket Subd.
- 99754 Nov. 19—Approving revised Appendix to Traffic Agreement between the Bell Telephone Company of Canada and Mr. Ovila Arpin, Proprietaire, Le Telephone de St-Ours Enrg.
- 99755 Nov. 19—Authorizing the Alberta Dept. of Highways to widen Highway No. 41 where it crosses the C.N.R. at Mileage 66.31 Oyen Subd.
- 99756 Nov. 19—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Water St., in Newmarket, Ont., Mileage 33.55 Newmarket Subd.

- 99757 Nov. 19—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Timothy St., in Newmarket, Ont., Mileage 33.64 Newmarket Subd.
- 99758 Nov. 19—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 6, at Mileage 27.00 Chandler Subd., P.Q.
- 99759 Nov. 19—Approving proposed flammable liquid storage facilities of North Star Oil Limited, at Thompson, Man., Mileage 30.59 Thompson Subd.
- 99760 Nov. 19—Authorizing the Manitoba Dept. of Public Works to widen Holmfield Access Road across the C.N.R. at Mileage 28.65 Wakopa Subd.
- 99761 Nov. 19—Approving flammable liquid storage facilities of British American Oil Company Limited, at Biggar, Sask., Mileage 118.09 Asquith Subd., C.N.R.
- 99762 Nov. 19—Rescinding Orders Nos. 73353 and 83733 which approved the proposed location of facilities of B-A Alberta Pipe Line Limited near the C.N.R. at Mileage 29.1 Coronado Subd., Alta.
- 99763 Nov. 19—Approving proposed crude petroleum loading facilities of Gibson Petroleum Co. Ltd., at Kipling, Sask., Mileage 128.30 Cromer Subd., C.N.R.
- 99764 Nov. 19—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and North Queen St., in Toronto, Ont., Mileage 0.91 Canpa Subd.
- 99765 Nov. 20—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Municipality of the Township of Pelee Island.
- 99766 Nov. 20—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and the Commissioners for the Telephone System of the Municipality of the Township of Flos.
- 99767 Nov. 20—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. near Cloverleaf, Man., Mileage 102.92 Keewatin Subd.
- 99768 Nov. 20—Authorizing the removal of the speed limitation at the crossing of Aiken Road and the C.N.R. at Mileage 34.50 Dunnville Subd., Ont.
- 99769 Nov. 23—Authorizing the C.N.R. to widen the highway where it crosses the C.N.R. in the Parish of St. Leonard, P.Q., Mileage 42.29 Batiscan Subd.
- 99770 Nov. 23—Authorizing the removal of the speed limitation at the crossing of Sherman Road and the Esquimalt and Nanaimo Rly. Company at 0.6 Lake Cowichan Subd., west of Hayward, B.C.
- 99771 Nov. 23—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Joliette St. in Montreal South, P.Q., Mileage 2.18 Sorel Subd.
- 99772 Nov. 23—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. north of station at King, Ont., Mileage 23.3 Newmarket Subd.
- 99773 Nov. 24—Approving Traffic Agreement and Supplement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Municipality of the Township of Christie.
- 99774 Nov. 24—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Tracadie, N.B., Mileage 72.41 Caraquet Subd., C.N.R.
- 99775 Nov. 24—Authorizing the C.P.R. to install CTC signals between certain mileages on its Shuswap Subd., B.C.
- 99776 Nov. 24—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 58 near Thorold, Ont., Mileage post 0.60 on the Coniagas Spur.

- 99777 Nov. 24—Authorizing the Manitoba Dept. of Public Works to construct the Metropolitan Winnipeg by-pass across the C.N.R. by means of an overhead bridge, in the Rural Munic. of Springfield, Mileage 143.58 Sprague Subd.
- 99778 Nov. 24—Authorizing the C.P.R. to remove the agent and appoint a caretaker at Trossachs, Sask.
- 99779 Nov. 24—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 124.5 Fort Frances Subd.
- 99780 Nov. 24—Amending Order No. 94748, as amended by Order 95741, re apportionment of cost of installing protection at the crossing of the C.N.R. and County Road No. 27, near Paris, Ont., Mileage 27.66 Dundas Subd.
- 99781 Nov. 24—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Glenmore Road, B.C., Mileage 118.00 Okanagan Subd.
- 99782 Nov. 24—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Traverse St., City of St. Boniface, Man., Winnipeg Terminal Division.
- 99783 Nov. 24—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at first public crossing south of the station at Carthey, Ont., Mileage 79.81 Newmarket Subd.
- 99784 Nov. 24—Authorizing the C.N.R. to use the Christie Brown track over Preston St., in Ottawa, Ont., for switching purposes between the hours of 8.00 a.m. and 4.00 p.m. daily.
- 99785 Nov. 24—Requiring the C.P.R. to install automatic protection at the crossing of County Road No. 19 and its railway, near Eady Station, Ont., Mileage 88.5 MacTier Subd.
- 99786 Nov. 24—Amending Order No. 99633 in the matter of the widening of a level crossing of the C.N.R. at Mileage 53.14 Letellier Subd.
- 99787 Nov. 24—Requiring the C.N.R. to install automatic protection at the crossing of County Road No. 20 and the C.N.R. at Mileage 71.4 Newmarket Subd., Ont.



# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

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*In the matter of the application of the Canadian National Railway Company, dated December 15, 1958, for an Order under Section 168 of The Railway Act and Section 2, Subsection 3, of the Canadian National-Canadian Pacific Act and all other relevant statutory provisions, granting leave to abandon the operation of the Irondale Subdivision in the Province of Ontario between York River (Mile .000) and Howland, a total distance of 50.96 miles.*

File No. 39310.68

**Before:**

ROD. KERR Q.C., *Chief Commissioner.*  
A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
J. M. WOODARD, *Commissioner.*

**Appearances:**

W. G. BOYD  
and  
E. D. ANGERS, } for the Canadian National Railway Company.  
STERLING MATHERS, representing the Township of Maynooth.  
WILLARD BILLINGS, representing the Township of Glamorgan.  
E. H. PEACOCK, representing the Township of Snowdon.  
MISS E. M. NICOL, representing the Township of Dysart.  
G. W. BARR, in person.

Heard at Haliburton on October 15, 1959.

### J U D G M E N T

**KERR, C.C.:**

The hearing of the above mentioned application took place at Haliburton, Ontario, on October 15, 1959, after investigation in the area served by the railway line by officers of the Board's Engineering and Operating Branches. Due notice of the hearing was sent to the Reeve, Clerk, Secretary, or other officers of some ten municipalities and townships in the area and to other

interested parties. Only the Townships of Maynooth, Glamorgan, Snowdon and Dysart and one shipper appeared at the hearing in opposition to the application. Letters in opposition were received from the Provisional County of Haliburton, the Township of Monmouth and the Improvement District of Bicroft and several residents of the area.

The line to which the application relates is Canadian National's Irondale Subdivision, 50.9 miles of single track railway in Ontario from York River to Howland. At York River the line joins the Maynooth Subdivision, at Howland it joins the Haliburton Subdivision.

The area served by the line is generally between the Haliburton Subdivision on the west, and the Maynooth Subdivision on the east and between the Haliburton Highlands and the Kawartha Lakes area.

The track is Class "E", which is the lowest class of Canadian National track. In addition to stations at Howland and York River there are nine other stations on the line. None of them is an agency or open station.

The area is fairly well served by hard surfaced highways, which are being improved. The distance by highway from communities along the line to the nearest stations on other subdivisions, namely, Howland, Bancroft, Haliburton, and Kinmount, range from five miles to thirty miles. The area is extensively wooded and is also a farming and tourist area. Industrial activity is confined for the most part to forest products and some uranium mining.

Train service consists of one mixed train, No. 324, leaving Howland on Wednesday mornings, and one mixed train, No. 323, leaving York River on Thursday mornings. Prior to April last there were two round trips weekly. The train consists of one 1200 class diesel, one coach and one baggage-express car, plus the freight cars handled.

About 60 per cent of the rail is 56 and 70 pound rail, in poor condition and not suitable for use elsewhere. Ballast is in fair condition. Bridges and culverts are good, with some repairs needed. About 60 per cent of the ties were installed in the past ten years in order to maintain service on the line, and a large portion of these ties are treated and usable elsewhere. Prior to October, 1958, the section force consisted of three foremen, each with three sectionmen, but since then the force consists of one foreman and three sectionmen.

Canadian National offered evidence at the hearing respecting system revenues, division of revenues between the branch and the system, traffic handled, operating expenses and operating results, for the years 1955 to 1958 inclusive.

In computing system revenues the company counted the earnings accruing from shipments on the line and also from shipments between points on the line and points off the line; for example, on a shipment from a point on the line to, say, Sarnia, the total freight charges on the shipment to destination were counted as system earnings.

System revenues were shown as follows: (Exhibit 3).

Year	System Total					Carload Traffic	
	Psgr.	Freight	Express	Misc.	Total	In	Out
	\$	\$	\$	\$	\$		
1955 .....	250	43,437	4,151	144	47,982	31	197
1956 .....	172	44,414	2,898	186	47,670	35	212
1957 .....	160	35,050	1,977	226	37,413	30	170
1958 .....	134	24,867	1,350	333	26,684	38	119

In each of those years the principal carload commodities handled were logs, lumber, fuelwood, pulpwood and veneer.

Less-than-carload traffic was as follows: (Exhibit 5).

	Tons	System Revenues
1955 .....	197	\$4,559
1956 .....	170	\$4,293
1957 .....	95	\$2,733
1958 .....	55	\$2,072

In calculating the division of revenues for those years between the branch line and system, Canadian National apportioned the waybills for the months of February, May, July and October and the average proportion between branch line revenue and system revenue obtained thereby was applied to the remainder of the year. The resulting division was as follows: (Exhibit 6).

	Branch Line \$	Balance of System \$	Total \$
1955 .....	7,227	40,755	47,982
1956 .....	7,099	40,571	47,670
1957 .....	5,628	31,785	37,413
1958 .....	4,165	22,519	26,684

Exhibit 6 also shows Canadian National's calculation of operating results on the branch line basis, as follows:

	Branch Revenues \$	Branch Expenses \$	Branch Loss \$	Branch Loss Per Mile \$
1955 .....	7,227	118,710	111,483	2,188
1956 .....	7,099	116,390	109,291	2,144
1957 .....	5,628	122,560	116,932	2,294
1958 .....	4,165	121,740	117,575	2,307

Details of branch expenses were given for the four years. Those for 1958 are as follows:

Train Service .....	\$31,345
Maintenance of Equipment .....	8,155
Station Expenses .....	1,300
Maintenance of Way and Structures .....	73,270
Payroll burden (Unemployment Insurance, Health and Welfare Plan, etc.) .....	7,670
Total .....	\$121,740

The train service amount includes \$24,240 for wages and \$4,900 for fuel. Maintenance of way and structures expense includes \$31,475 for labour and \$41,795 for material, mostly ties.

Canadian National's Exhibit 7 shows its appraisalment of the effect of operating the branch on the system as a whole. It includes the out-of-pocket expenses of the branch above set forth, and the balance of system expenses incurred in handling the off-line traffic, the latter calculated on the basis that at least 50 per cent of the system revenues for the freight and express handled would be the expense to Canadian National of handling the traffic on the

balance of the system. The Exhibit shows the following results for the years 1955 to 1958.

*Operating Results, System Basis*

	1955	1956	1957	1958
	\$	\$	\$	\$
<i>System Revenues</i> .....	47,982	47,670	37,413	26,684
<i>Out-of-Pocket Expenses</i>				
<i>Branch Line</i> .....	118,710	116,390	122,560	121,740
<i>Balance of System Expenses</i>				
50% Operating Ratio on				
off-line—Freight .....	18,678	19,098	15,072	10,693
Express .....	1,637	1,145	781	533
Total .....	\$139,025	\$136,633	\$138,413	\$132,966
Annual System Loss .....	91,043	88,963	101,000	106,282
Annual System Loss Per Mile ....	1,786	1,747	1,982	2,085

If operation of the line is abandoned Canadian National will incur switching expenses on its Bessemer, Coe Hill and Maynooth Subdivisions which were estimated to amount to \$32,520 if the switching had been performed in 1958, and this amount is deductible from the \$106,282 annual system loss above mentioned, leaving \$73,762 as the company's appraisal of the annual saving on 1958 figures that would result to Canadian National from abandonment of operation of the branch line.

Canadian National also gave figures of traffic handled during the first eight months of 1959, which showed that the number of outbound cars dropped to 45 as compared with 70 for the same period in 1958; and that the number of inbound cars increased but only because of heavy shipments of asphalt and highway material, which were said to be non-recurring traffic.

Evidence was given as to bus operations and trucking operations in the area.

The general purport of objections to the application that were made by those who appeared at the hearing and by persons who wrote to the Board, were that large timber in the area has become exhausted and there is only pulpwood and fuelwood left and the line is needed for these commodities; that highway construction is coming to a close and the farmers will go back to seasonal cutting of trees; that a large amount of money has been spent by the company in recent years in putting in new ties and otherwise repairing the line and structures, and this should enable operation to be carried on for some years with a minimum of expense; and that the railway is necessary in order that railway rates may help to hold down trucking rates.

#### FINDINGS AND DETERMINATION

The line has had a long and useful life and, like some other branch lines, has handled much more traffic in former years than in latter years. The changes that have taken place in the economy and industry of the area, coupled with the development of paved highways and highway transportation services by bus and truck, both private and public, have been influential in reducing traffic handled by this branch line to a weekly average of approximately two to three outbound cars, mostly pulpwood and forest products, and less than one inbound car. On behalf of Canadian National it was said that on a per mile basis this branch is one of its most unprofitable lines and that Canadian National management sees no prospect that patronage will increase to an extent sufficient to warrant continuance of operation of the line. The evidence supports the view

taken by Canadian National of future prospects for the line. The patronage in recent years and the prospective patronage for the future are not such as to warrant continuance of operation.

As was stated by the Board in its decision in 1935 in *C.N.R. v. Tweed*, 44 C.R.C. 53, the issue in each case where abandonment is sought resolves itself into the question "whether the loss and inconvenience to the public consequent upon the abandonment outweigh the burden that continued operation of the railway line involved would impose upon the railway company".

In my opinion the burden that continuance of operation of this line would impose upon Canadian National Railways greatly outweighs the loss and inconvenience to the public that would result from abandonment.

I would grant the application and authorize abandonment of operation to take place at any time after March 31, 1960. I feel that the area should continue to have the services of the line during the coming winter, and shippers will have that period to make adjustments in their transportation arrangements for the future.

An Order will be issued accordingly.

ROD. KERR

*I agree:*

A. SYLVESTRE

*I concur:*

J. M. WOODARD

OTTAWA, December 11, 1959.

## ORDER No. 99948

*In the matter of the application of the Canadian National Railway Company, dated December 15, 1958, for an Order under Section 168 of The Railway Act and Section 2, Subsection 3 of the Canadian National-Canadian Pacific Act and all other relevant statutory provisions, granting leave to abandon the operation of the Iroindale Subdivision in the Province of Ontario between York River (Mile 0.00) and Howland, a total distance of 50.96 miles:*

File No. 39310.68

FRIDAY, the 11th day of December, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

J. M. WOODARD, *Commissioner.*

*Upon hearing the application at a sittings of the Board held in Haliburton, Ontario, October 15, 1959, in the presence of Counsel for the Canadian National Railway Company and representatives of the Township of Maynooth, the Township of Glamorgan, the Township of Snowdon, the Township of Dysart, and Mr. G. W. Barr—*

*It is hereby ordered as follows:*

1. Abandonment of operation of the Canadian National Railway Company's Iroindale Subdivision, in the Province of Ontario, between York River (Mile 0.00) and Howland, a total distance of 50.96 miles, is approved.

2. The said abandonment shall not take place until after the 31st day of March, 1960.

ROD KERR,  
*Chief Commissioner.*

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## (TRADUCTION)

Relativement aux tarifs d'abonnement majorés, déposés à la Commission et devant entrer en vigueur le 15 mars 1959, qui furent suspendus par l'ordonnance n° 97316 du 9 mars 1959.

Dossier n° 29984.18

Devant:

ROD KERR, C.R., *commissaire en chef.*  
A. SYLVESTRE, C.R., *commissaire en chef suppléant.*  
L. J. KNOWLES, *commissaire.*

Ont comparu:

K. D. M. SPENCE, C.R.	}	pour la Compagnie de chemin de fer du Pacifique-Canadien.
et		
A. J. ALLISTON,	}	pour les chemins de fer Nationaux du Canada.
J. W. G. MACDOUGALL, C.R.		
et		
H. J. G. PYE,		
ARMAND POUPART, C.R.	}	pour la cité de Pointe-Claire.
et		
JACQUES VIAU, C.R.,		représentant Argenteuil-Deux-Montagnes.
J. O. LATOUR, député,		Beaurepaire.
EDWARD VAN KOUGHNET,		représentant Hudson, Hudson Heights et Como.
THOMAS CALDER,		Loretteville.
L. J. POMERLEAU,		représentant la Ligue des propriétaires de Fabreville.
J. L. SYRKOS,		
RALPH GOODMURPHY	}	représentant la Chambre de commerce junior de Roxboro.
et		
C. RENEMA,		
J. M. BOURBONNAIS, député,		
R. BLEAU,		représentant la Chambre de commerce de l'île Perrot.
HENRY DE L. HARWOOD,		représentant la paroisse de Vaudreuil.
PHILIPPE CASTONGUAY,		maire du village de Vaudreuil.
JACQUES DESMARAIS,		représentant Dorion.
R. M. GIBB,		représentant Beaconsfield.
DONALD B. GARFAT,		représentant de l'Association des abonnés de Oakville.

Audiences tenues à Montréal les 19, 20, 21 et 22 mai 1959 et à Toronto le 8 juin 1959.

## JUGEMENT

ROD. KERR, *commissaire en chef*, et L. J. KNOWLES, *commissaire*:

Agissant en vertu de leurs pouvoirs statutaires, la Compagnie de chemin de fer du Pacifique-Canadien, les chemins de fer Nationaux du Canada et les chemins de fer de l'Alberta-Nord déposèrent à la Commission, en février 1959, des tarifs devant entrer en vigueur le 15 mars 1959 et visant à augmenter et à modifier d'autre façon leurs prix d'abonnement. Les tarifs étaient principalement destinés à supprimer les billets d'abonnement de 50 passages pour le public

en général, à supprimer les billets d'abonnement de 20 passages, à porter le taux des billets de 10 passages de 3c. à 3.5c. par mille, le prix minimum étant de 25c. par passage, à porter de 2.3c. à 3.15c. par mille celui des billets de 40 passages pour le public en général, à porter de 0.77c. à 1.02c. par mille celui des billets de 40 passages pour les écoliers, à porter de 13.5c. à 18c. par passage le prix minimum pour les écoliers et de 20.25c. à 25c. par passage le prix minimum d'abonnement, et à discontinuer l'emploi des billets d'aller et retour en voiture ordinaire en territoire d'abonnement.

La Commission, ayant reçu des protestations, suspendit les augmentations. Elle rendit le 9 mars l'ordonnance n° 97316 et donna avis qu'elle tiendrait des audiences après le 27 avril afin de recueillir des témoignages tendant à justifier les augmentations et des témoignages s'y opposant et elle ordonna aux chemins de fer de déposer, au plus tard le 7 avril 1959, des exemplaires, des précis, des témoignages qu'ils entendaient présenter et d'en remettre à la même occasion des exemplaires à chacune des cités, villes et municipalités intéressées qui étaient représentées aux audiences de Toronto, Montréal et Ottawa en 1954 dans la cause des abonnements de cette même année et de donner, sur demande, des exemplaires aux avocats représentant les personnes intéressées et toute association de ces personnes. L'ordonnance exigeait aussi que les parties qui avaient l'intention de s'opposer aux augmentations de prix déposent leurs objections à la Commission et qu'elles adressent des exemplaires de ces objections aux avocats des chemins de fer.

Des audiences furent par la suite tenues à Montréal et à Toronto après un avis en bonne et due forme aux intéressés et une publicité considérable dans la presse. Les renseignements supplémentaires demandés par la Commission furent fournis par les chemins de fer en juillet.

Tant avant qu'après les audiences, la Commission a effectué des recherches pour son propre compte par l'intermédiaire de son personnel de l'exploitation, du trafic, de l'économique et des finances, au sujet des différentes caractéristiques du fonctionnement, des dépenses et des recettes du service d'abonnement, principalement au sujet du service de banlieue Montréal-Rigaud du Pacifique-Canadien. Nous considérons ce service comme un service d'abonnement typique pour l'établissement de prix raisonnables pour les abonnements en général.

### LE PROBLÈME DES ABONNEMENTS

Le jugement sur les abonnements, rendu par la Commission le 29 mars 1956, 73 C.R.T.C., 193 et autorisant certaines augmentations des prix d'abonnement, lassait entendre que les taux d'abonnement seraient retirés, dans un avenir prévisible, du domaine de la controverse entre les abonnés et les chemins de fer. Cet espoir ne s'est pas réalisé; les augmentations de prix accordées alors n'ont pas résolu le problème. Celui-ci existe toujours non seulement dans les régions de Montréal et d'Ottawa mais aussi dans les grandes villes des États-Unis, et les facteurs existants sont semblables dans presque toutes les régions: concentration du trafic d'abonnement sur une période d'environ deux heures le matin et d'environ deux heures le soir, cinq jours par semaine; chômage du matériel en dehors des heures de pointe ainsi que le samedi et le dimanche; augmentation des dépenses d'exploitation.

Le United States Senate Committee on Interstate and Foreign Commerce a récemment enquêté sur le problème des abonnements. Ce comité, sans aucun doute puissant et pleins de ressources, a dit dans son rapport que la solution du problème n'est pas manifeste et que, vu que les solutions pouvant être trouvées présentent un caractère essentiellement local, il a jugé opportun de laisser aux organismes locaux de l'État le soin de chercher des solutions expressément adaptées à leur problème particulier.

Des commissions et autres organismes ont aussi enquêté sur les problèmes des abonnements aux États-Unis. M. Thomas Calder, représentant Hudson,

Hudson Heights et Como à l'audience de Montréal dans la présente cause, a consigné des renseignements à ce propos et s'est reporté à des articles publiés dans le New York Times, le Wall Street Journal et le Business Week. En réponse à une question sur les principaux remèdes préconisés dans ces articles, il a répondu "qu'il conviendrait d'accorder une subvention quelconque pour les encourager à aller de l'avant et à maintenir leurs services d'abonnement". La Commission était au courant de ces articles et des mesures qu'on est à prendre aux États-Unis au sujet des services d'abonnement. Dans certaines régions, les autorités publiques y ont fourni de l'aide financière aux chemins de fer pour les aider à faire face aux dépenses qu'entraînent ces services.

En mai de cette année, l'Interstate Commerce Commission a rédigé un rapport sur les déficits des trains-voyageurs (Railroad Passenger Train Deficit), à la suite d'une enquête approfondie effectuée en mars 1956. Le rapport renferme un chapitre sur le problème des abonnements, et la recommandation n° 4 de cette Commission concernant les services d'abonnement se lit ainsi:

"4. Si les chemins de fer sont incapables d'exploiter avec profit un certain service local ou d'abonnement et que ce service est indispensable à la collectivité ou aux collectivités desservies, des mesures seront prises par l'État ou les autorités locales, ou les deux pour assurer le service en payant au transporteur les frais augmentés d'un profit raisonnable."

Le commissaire Arpaia, qui est de cet avis, a fait, sur les problèmes des abonnements aux États-Unis, des remarques supplémentaires dont nous citons les paragraphes suivants:

"Quiconque est intéressé au transport se rend compte depuis longtemps de la nécessité du service d'abonnement. La présente enquête souligne les difficultés qui l'entourent. A date, les gouvernements locaux, les chambres de commerce représentant le bien-être économique de la collectivité et les particuliers dépendant du service d'abonnement ont en général pris une attitude négative et passive. Leur intérêt se ramène à assurer un service d'abonnement rapide, efficace et confortable à bas tarif. Mais leur intérêt s'arrête là, se fondant sur l'hypothèse que la responsabilité de supporter les frais de ce service incombe uniquement aux chemins de fer et que, si de l'aide financière est nécessaire, elle devrait venir du gouvernement fédéral. Ces groupes, qui sont les plus directement intéressés, n'ont mis de l'avant aucun plan d'action concret. La législation de date récente de l'État de New York dans ce domaine marque un pas dans la bonne voie.

Chaque collectivité qui veut conserver un service non rentable se devrait d'accorder une aide quelconque, sous la forme soit d'une exemption de taxe ou d'un revenu annuel minimum garanti, soit sous la forme des deux à la fois. Chaque collectivité située sur la ligne ainsi que le centre métropolitain à la tête de cette ligne devraient participer à ces mesures, puisque le service leur est utile. Il est possible d'en venir à une entente à ce sujet en faisant de véritables efforts.

Il n'y a pas de raisons pour que la population du pays, par des subventions ou des taxes, ou que les expéditeurs de marchandises, aient à aider à défrayer un service-voyageurs *local*. Une vigoureuse action en commun de la part des collectivités qui soutiennent que le service est indispensable à leur bien est absolument nécessaire pour obtenir une solution satisfaisante."

Plusieurs années avant ces déclarations, notre Commission, dans son jugement du 18 février 1955, 72 C.R.T.C., 72, avait parlé de l'intérêt direct que présente le problème des abonnements pour les collectivités locales, dans les termes que voici:

"Il en résulte donc que les abonnés, les chemins de fer et la Commission se rendent compte que, par suite de la marche du temps et des événements,

l'encombrement croissant des régions métropolitaines et des voies qui y mènent est une préoccupation qui ne touche plus seulement les abonnés, les chemins de fer et la Commission, mais que toute solution, pour être au moins partiellement couronnée de succès, requiert l'intérêt et l'aide des autorités gouvernementales et des autres organismes publics qui sont le plus directement touchés."

La Commission est encore prête aujourd'hui à seconder tout effort en vue d'une solution.

Diverses municipalités de banlieue touchées ont présenté des mémoires à la Commission dans la présente cause et ont été représentées aux audiences publiques mais les cités de Toronto et de Montréal n'ont pas présenté de mémoires et n'ont pas comparu aux audiences.

#### AUGMENTATION DES PRIX D'ABONNEMENT DEPUIS LA FIN DE LA SECONDE GUERRE MONDIALE

Les prix d'abonnement furent fixés en 1920, 25 C.R.C., 409, et ce n'est qu'en 1950 qu'ils furent augmentés pour la première fois alors que la Commission autorisait une augmentation atteignant 20 p. 100, dans son jugement du 21 septembre 1950, 66 C.R.T.C., p. 98.

En mai 1954, les chemins de fer demandaient à la Commission la permission de faire de nouvelles augmentations, atteignant jusqu'à 100 p. 100, en deux étapes: 50 p. 100 immédiatement, 50 p. 100 six mois plus tard. La Commission tint des audiences à Toronto et à Montréal. Le principal grief à Toronto avait trait au service, ou plutôt au manque de service, plutôt qu'aux augmentations de tarif proposées. Dans la région de Montréal, les municipalités de la banlieue s'unirent pour retenir les services d'un avocat et d'un comptable agréé et s'opposèrent vigoureusement aux augmentations proposées. Après de nombreuses conférences, après une enquête par le personnel de la Commission et après des audiences, la Commission autorisait des augmentations qui étaient en substance les augmentations demandées mais elle répartit l'entrée en vigueur de ces augmentations sur une période plus étendue que ne l'avaient proposé les chemins de fer en premier lieu. Comme résultat, 50 p. 100 des augmentations accordées furent appliquées dans la région de Toronto en septembre 1954 et dans la région de Montréal en mars 1955, puis 25 p. 100 en mai 1956 et 25 p. 100 en mai 1957. Les jugements de la Commission autorisant les augmentations portent les dates du 4 août 1954, 71 C.R.T.C., 138, du 18 février 1955, 72 C.R.T.C., 72, et du 29 mars 1956, 73 C.R.T.C., 193.

#### OBJECTIONS SOULEVÉES PAR LES AUGMENTATIONS PROPOSÉES

Dans le cas qui nous occupe, la Commission a reçu de nombreuses protestations contre les augmentations. Certaines des protestations furent répétées aux audiences de Montréal et de Toronto par les personnes qui y ont comparu, mais d'autres ne furent pas appuyées par des témoins ou des comparutions aux audiences. Toutes furent étudiées par la Commission. Les objections principales et les plus fréquentes furent les suivantes:

1. Depuis 1950, il y a eu des augmentations successives des prix d'abonnement de 20 p. 100 et de 100 p. 100.
2. Beaucoup d'abonnés n'ont pas les moyens de payer les prix augmentés et subiront des privations si ces prix deviennent en vigueur.
3. Les augmentations forceront les résidents des agglomérations des banlieues à déménager à Montréal et à Toronto, ou à s'en rapprocher, et feront déprécier les propriétés des agglomérations de banlieue et elles entraveront leur croissance.
4. Les augmentations détourneront les voyageurs des chemins de fer et elles iront à l'encontre du but proposé.

5. Beaucoup de personnes ont établi leur foyer dans des agglomérations de banlieue en comptant sur le maintien de taux d'abonnement favorables.
6. Les services-voyageurs dans l'ensemble et certains services-voyageurs en particulier sont assurés à perte par les chemins de fer; les services d'abonnement ne devraient pas par conséquent avoir à faire leurs frais.
7. Ces augmentations porteront les prix d'abonnement presque au niveau de ceux des voitures de première classe et des voitures ordinaires et elles imposeront aux abonnés une trop grande partie des frais de services-voyageurs.
8. Les recettes de services d'abonnement devraient être créditées des montants que les employés ferroviaires qui utilisent ces services paieraient s'ils payaient les mêmes prix que les abonnés.
9. Il devrait y avoir une réduction graduelle des prix pour les distances plus considérables.
10. Les chiffres des dépenses des chemins de fer pour les services d'abonnement sont excessifs et ne montrent pas les véritables débours.
11. Les services d'abonnement sont pitoyables; les chemins de fer sont inefficaces; les demandes des employés de chemin de fer sont immodérées.
12. Les chemins de fer ont l'obligation d'assurer les services d'abonnement, même si les recettes qui en proviennent ne couvrent pas les débours.
13. L'usage des billets d'aller et retour de voiture ordinaire ne devrait pas être abandonné.

#### ANALYSE DES AUGMENTATIONS PROPOSÉES

Comme nous l'avons dit ailleurs dans le présent jugement, le service Montréal-Rigaud du Pacifique-Canadien nous sert en général de critère dans l'établissement des prix d'abonnement.

Les prix proposés ne comportent aucune augmentation des billets de 10 passages entre Montréal, Westmount et Montréal-Ouest, parce que les prix actuels sont fondés sur le prix régulier maximum ou le plein prix de voiture ordinaire pour les distances en cause, avec minimum de 25c. par passage. Les tarifs proposés pour les billets de 40 passages comportent cependant une augmentation atteignant jusqu'à 25c. par passage entre Montréal, Westmount et Montréal-Ouest.

Les chemins de fer ont, vu les prix maximums à Westmount et à Montréal-Ouest et les fortes perceptions au comptant aux barrières à ces deux endroits au plein prix simple, séparé dans leurs pièces à l'appui ces deux points du reste du territoire, l'augmentation ne pouvant être que très faible dans la région Montréal-Westmount-Montréal-Ouest.

La région s'étendant de Montréal-Ouest à Rigaud est par conséquent considérée comme la principale région d'abonnement pour les fins de la présente cause.

Le taux maximum actuel régulier de parcours milliaire est de 4.4c. par mille (minimum de 25c. par passage) et le taux actuel de voiture ordinaire pour l'aller seulement est de 3.675c. par mille (minimum de 25c. par passage également). Les prix d'aller et retour sont de deux passages d'aller de première classe moins 10 p. 100, et de deux passages d'aller de voiture ordinaire moins 5 p. 100, le minimum étant de 50c.

En résumé, le projet des chemins de fer consiste à augmenter les billets de 10 passages d'environ 17 p. 100 de façon à en porter le prix à environ celui d'un passage d'aller et retour en voiture ordinaire et d'augmenter de 37 p. 100 les billets de 40 passages. Voici un état comparatif des prix actuels de voiture ordinaire et des prix d'abonnement, actuels et proposés, avec des exemples des augmentations cumulatives depuis l'année 1950:

TABLEAU COMPARATIF DES PRIX ACTUELS DE VOITURE ORDINAIRE ET DES PRIX D'ABONNEMENT ACTUELS, MONTRANT LE RENDEMENT DE CES PRIX PAR MILLE.

ENTRÉE ET Montréal (gare Windsor)	Milles	Voitures ordinaires, aller seulement		Voitures ordinaires, aller et retour		Abonnement de 10 passages		Abonnement de 40 passages pour le public en général		Abonnement de 40 passages pour les écoliers	
		Prix	Rendement par mille en cents	Prix	Rendement par mille en cents	Prix	Rendement par mille en cents	Prix	Rendement par mille en cents	Prix	Rendement par mille en cents
Westmount.....	2 0	\$0.25	12 500	\$0.50	12 500			\$8.20	10 250	\$5.40	6 750
Montréal-Ouest.....	4 7	0.25	5 319	0.50	5 319			8.45	4 495	5.40	2 872
Sortin.....	6 1	0.30	4 918	0.60	4 878			9.00	3 689	5.40	2 213
Grovehill.....	7 6	0.30	3 947	0.60	3 947			9.00	2 961	5.40	1 776
Summerlea.....	8 2	0.35	4 268	0.70	4 268			9.00	2 744	5.40	1 646
Dorval.....	9 6	0.40	4 167	0.80	4 167	3.00	3 125	9.20	2 396	5.40	1 406
Pine Beach.....	10 7	0.45	4 206	0.90	4 206	3.30	3 084	10.10	2 440	5.40	1 304
Stratmore.....	11 5	0.45	3 913	0.90	3 913	3.50	3 043	11.00	2 391	5.40	1 174
Valois.....	12 0	0.45	3 750	0.90	3 750	3.50	2 917	11.00	2 292	5.40	1 125
Lakeside.....	12 6	0.50	3 968	0.95	3 770	3.90	3 095	11.90	2 361	5.40	1 071
Cedar Park.....	13 6	0.55	4 044	1.05	3 860	4.20	3 088	12.85	2 362	5.40	0 993
Pointe-Claire.....	14 0	0.55	3 929	1.05	3 750	4.20	3 000	12.85	2 295	5.40	0 964
Beaconsfield.....	15 0	0.60	4 000	1.15	3 833	4.50	3 000	13.70	2 283	5.40	0 900
Beaugreuil.....	16 9	0.65	3 846	1.25	3 698	5.10	3 018	15.55	2 300	5.40	0 799
Baie-d'Urfe.....	18 6	0.70	3 763	1.35	3 629	5.70	3 065	17.35	2 332	5.85	0 786
Sainte-Anne.....	20 4	0.80	3 922	1.55	3 800	6.30	3 088	19.25	2 359	6.35	0 778
Brucy.....	21 3	0.85	3 991	1.65	3 873	6.60	3 099	20.15	2 365	6.75	0 763
Ile Perrot (Terrace).....	22 0	0.85	3 712	1.65	3 603	6.90	3 013	21.05	2 298	7.05	0 770
Vaudreuil.....	23 7	0.90	3 797	1.75	3 692	7.20	3 038	22.05	2 326	7.35	0 775
Ile Cadieux.....	26 9	1.00	3 717	1.90	3 532	8.10	3 011	24.75	2 300	8.25	0 767
Como.....	30 0	1.15	3 833	2.20	3 667	9.00	3 000	27.50	2 917	9.15	0 763
Hudson.....	32 1	1.25	3 894	2.40	3 738	9.90	3 084	30.20	2 352	10.05	0 783
Hudson Heights.....	32 7	1.25	3 823	2.40	3 670	9.90	3 028	30.20	2 309	10.05	0 768
Astonvale.....	34 3	1.30	3 790	2.50	3 644	10.50	3 061	32.00	2 332	10.70	0 780
Choisy.....	36 1	1.40	3 878	2.70	3 740	11.10	3 075	33.90	2 348	11.30	0 783
Dragon.....	37 9	1.40	3 694	2.70	3 562	11.40	3 008	34.90	2 302	11.60	0 765
Rigaud.....	40 2	1.55	3 856	2.95	3 669	12.30	3 060	37.60	2 338	12.50	0 777



TABLEAU COMPARATIF DES PRIX ACTUELS DE VOITURE ORDINAIRE ET DES PRIX D'ABONNEMENT PROPOSÉS, MONTRANT LE RENDEMENT DE CES PRIX PAR MILLE.

ENTRÉE ET Montréal (gare Windsor)	Milles	Voitures ordinaires, aller seulement		Voitures ordinaires, aller et retour		Abonnement de 10 passages		Abonnement de 40 passages pour le public en général		Abonnement de 40 passages pour les écoliers	
		Prix	Rendement par mille en cents	Prix	Rendement par mille en cents	Prix	Rendement par mille en cents	Prix	Rendement par mille en cents	Prix	Rendement par mille en cents
Westmount.....	2.0	\$0.25	12 500	\$0.50	12 500	\$2.50	12 500	\$10.00	12 500	\$7.20	9 000
Montréal-Ouest.....	4.7	0.25	5 319	0.50	5 319	2.50	5 319	10.00	5 319	7.20	3 830
Sortin.....	6.1	0.30	4 918	0.60	4 878	2.50	4 400	10.00	4 098	7.20	2 951
Grovehill.....	7.6	0.30	3 947	0.60	3 947	2.80	3 684	10.10	3 322	7.20	2 368
Summerlea.....	8.2	0.35	4 268	0.70	4 268	3.15	3 841	11.35	3 460	7.20	2 195
Dorval.....	9.6	0.40	4 167	0.80	4 167	3.50	3 646	12.60	3 281	7.20	1 875
Pine Beach.....	10.7	0.45	4 206	0.90	4 206	3.85	3 598	13.90	3 248	7.20	1 682
Stratmore.....	11.5	0.45	3 913	0.90	3 913	4.20	3 652	15.15	3 293	7.20	1 565
Valois.....	12.0	0.45	3 750	0.90	3 750	4.20	3 500	15.15	3 156	7.20	1 500
Lakeside.....	12.6	0.50	3 968	0.95	3 770	4.55	3 611	16.40	3 254	7.20	1 429
Cedar Park.....	13.6	0.55	4 044	1.05	3 860	4.90	3 603	17.65	3 244	7.20	1 324
Pointe-Claire.....	14.0	0.55	3 929	1.05	3 750	4.90	3 500	17.65	3 152	7.20	1 286
Beaconsfield.....	15.0	0.60	4 000	1.15	3 833	5.25	3 500	18.90	3 150	7.20	1 200
Beaurepaire.....	16.9	0.65	3 846	1.25	3 698	5.95	3 521	21.45	3 173	7.20	1 065
Bate-d'Urfé.....	18.6	0.70	3 763	1.35	3 629	6.65	3 575	23.95	3 219	7.80	1 048
Sainte-Anne.....	20.4	0.80	3 922	1.55	3 800	7.35	3 603	26.50	3 248	8.60	1 054
Brucy.....	21.3	0.85	3 991	1.65	3 873	7.70	3 615	27.75	3 257	9.00	1 056
Île Perrot (Terrace).....	22.9	0.85	3 712	1.65	3 603	8.05	3 515	29.00	3 166	9.40	1 026
Vaudreuil.....	23.7	0.90	3 797	1.75	3 692	8.40	3 554	30.25	3 191	9.80	1 034
Île Cadieux.....	26.9	1.00	3 717	1.90	3 532	9.45	3 513	34.05	3 164	11.05	1 027
Como.....	30.0	1.15	3 833	2.20	3 667	10.50	3 500	37.80	3 150	12.25	1 021
Hudson Heights.....	32.1	1.25	3 894	2.40	3 738	11.55	3 598	41.60	3 240	13.50	1 051
Hudson Heights.....	32.7	1.25	3 823	2.40	3 670	11.55	3 532	41.60	3 180	13.80	1 032
Alstonvale.....	34.3	1.30	3 790	2.50	3 571	12.25	3 571	44.10	3 214	14.30	1 042
Choisy.....	36.1	1.40	3 878	2.70	3 740	12.95	3 587	46.65	3 231	15.10	1 046
Dragon.....	37.9	1.40	3 694	2.70	3 562	13.30	3 509	47.90	3 160	15.55	1 026
Rigaud.....	40.2	1.55	3 856	2.95	3 669	14.35	3 570	51.70	3 215	16.75	1 042

Depuis 1949, l'augmentation cumulative des prix d'abonnement pour les billets de 40 passages, y compris les augmentations proposées, aurait été d'environ 197 p. 100 comparativement à une augmentation de 10 p. 100 du prix régulier maximum de parcours milliaire pour aller seulement et de 24 à 37 p. 100 du prix de voiture ordinaire pour aller seulement. Nous pourrions également souligner que le pourcentage de l'augmentation générale des tarifs-marchandises moyens depuis le 6 avril 1948, alors que ces augmentations ont commencé à s'accumuler, a été de 157 p. 100 (actuellement réduite à 142 p. 100 par une subvention du gouvernement du Canada).

D'autres comparaisons peuvent aussi être faites. La Pièce n° 3 renferme une comparaison des recettes et du rendement par mille des différents genres de billets vendus dans la région d'abonnement Montréal-Rigaud, montrant les recettes estimatives de 1954, les recettes prévues en se fondant sur une augmentation de 100 p. 100 pour 1954 et les recettes réelles de 1958 après l'entrée en vigueur de l'augmentation de 100 p. 100, ainsi qu'il suit:



A l'aide de la Pièce 6, nous pouvons aussi comparer les recettes moyennes par mille-voyageurs:

Année	<i>Recettes du réseau</i>	<i>Recettes du service Montréal-</i>
	<i>par mille-voyageurs</i>	<i>Rigaud par mille-voyageurs(*)</i>
	(cents)	(cents)
1949 .....	2.72	.92
1954 .....	2.82	1.25
1958 .....	3.08	2.36
1959 .....	....	Proposé 3.38

\*A l'exclusion de la perception aux barrières à Westmount et à Montréal-Ouest.

Les chiffres ci-dessus démontrent que, bien que les recettes des abonnements par mille-voyageurs aient été invariablement inférieures à celles de la moyenne de tout le réseau, les chemins de fer proposent maintenant qu'elles soient de 10 p. 100 supérieures.

D'autres considérations pertinentes ressortent de l'examen de la Pièce n° 3: le fait que la vente des billets de 10 passages est passée, de 1954 à 1958, du chiffre estimatif de \$25,797 au chiffre réel de \$114,531, alors que la vente des billets de 40 passages pour adultes est passée du chiffre estimatif de \$683,690 au chiffre réel de \$551,305. Il s'est produit en outre une baisse d'environ \$20,000 dans l'achat des billets de 20 passages et une autre baisse de \$20,000 dans l'achat des billets de 50 passages, ce qui indique que les abonnés ont délaissé dans une grande mesure l'achat des billets de 20, de 40 et de 50 passages pour les billets de 10 passages. L'abandon des billets de 40 passages pour ceux de 10 passages s'expliquerait surtout, selon un témoin du Pacifique-Canadien, par le fait que les abonnés trouveraient plus commode de payer leurs passages à la semaine plutôt qu'au mois, même si le billet de 10 passages coûte plus cher par passage que le billet de 40 passages, ce qui équivaut à dire qu'avec l'augmentation de 116 p. 100 du prix des abonnements, bien des voyageurs ne déboursent pas la somme considérable nécessaire pour l'achat d'un billet de 40 passages. L'augmentation de la perception aux barrières à Montréal-Ouest, qui est passée du chiffre estimatif de \$14,259 en 1954 au chiffre réel de \$55,224 en 1958 et celle de la perception au comptant par les agents de trains, qui est passée du chiffre estimatif de \$49,704 en 1954 au chiffre réel de \$127,455 en 1958. (Les perceptions au comptant par les agents ont été effectuées probablement surtout au delà de Montréal-Ouest.) Ces augmentations semblent aussi indiquer que certains voyageurs ne déboursent pas d'argent pour acheter des billets de 10 passages mais qu'ils achètent des billets simples dans la région d'abonnement, en dépit du coût moins élevé par passage des billets d'abonnement.

Comme le nombre relatif de voyageurs ne pouvait être déterminé par l'étude des Pièces 3 et 6, la Commission a demandé des renseignements sur le

nombre de voyageurs durant ces deux périodes et, en conséquence, le Pacifique-Canadien a déposé la Pièce 8 (qui est partiellement un état estimatif, comme il est indiqué) qui suit:

*Voyageurs payants transportés*  
*Service de banlieue Montréal-Vaudreuil-Rigaud*

	Année 1954	Année 1958	Augmentation ou (Diminution)
<b>Westmount et Montréal-Ouest—</b>			
Perception aux barrières . . . . .	128,990	240,365	120,375
Billets d'abonnement . . . . .	672,330	298,610	(373,720)
	801,320	547,975	(253,345)
<b>Au delà de Montréal-Ouest—</b>			
Billets d'abonnement . . . . .	1,877,790	1,848,830	( 28,960)
Billets réguliers et autres (*) . . . . .	410,058	315,251	( 94,807)
Perception au comptant par les agents de trains (*) . . . . .	99,408	231,736	132,328
	2,387,256	2,395,817	8,561

(\*) Calculé d'après les recettes et le prix de passage pour la distance moyenne (14 milles) parcourue par les abonnés.

Les chiffres statistiques ci-dessus font voir une grande diminution du nombre des abonnés qui utilisent les trains Montréal-Westmount-Montréal Ouest, attribuable sans doute en grande partie au fait que le prix minimum a été porté à 25c., alors que celui de l'autobus est de 15c. Ils indiquent également qu'en quatre ans l'augmentation du nombre global de voyageurs transportés dans la région d'abonnement au delà de Montréal-Ouest, y compris Rigaud, a été de seulement quatre dixièmes pour cent. Le fait est surprenant à cause de l'augmentation bien connue de la population dans la région d'abonnement et de la discontinuation en 1955 du service d'abonnement du National-Canadien dans la région Montréal-Vaudreuil, qui devait, croyait-on, ajouter un nombre considérable d'abonnés au service du Pacifique-Canadien. La Pièce 8 indique donc qu'un grand nombre des abonnés possibles du train voyagent par autobus ou automobile privée plutôt que de payer les prix augmentés.

Une autre remarque s'impose au sujet des augmentations proposées: les chemins de fer proposent d'augmenter de 17 p. 100 le prix des billets de 10 passages et de 37 p. 100 celui des billets de 40 passages; cette différence tendrait à décourager davantage l'emploi des billets de 40 passages.

**DÉPENSES DES SERVICES DE BANLIEUE MONTRÉAL-RIGAUD  
DU PACIFIQUE-CANADIEN**

Au début d'avril de la présente année, conformément aux instructions de notre ordonnance n° 97316, le Pacifique-Canadien a déposé les états n°s 1 et 2, qui indiquent que les dépenses du service de banlieue Montréal-Rigaud ont été de \$1,360,879 pour l'année 1958 et de \$1,313,150 pour l'année 1959 (chiffres établis par déduction).

Les dépenses indiquées pour l'année 1959 sont établies d'après l'exploitation de 1958 et reflètent pour une année entière le niveau des taux de salaire connus ou devant être en vigueur à la fin de 1959, la révision des taux d'amortissement des locomotives diesel de ligne et des voitures à voyageurs, la réduction estimative des dépenses attribuable aux modifications proposées du service de trains de banlieue et à la discontinuation de l'utilisation de Glen Extension pour l'entretien et la réparation des voitures ordinaires et un ajustement du coût du transport des fonctionnaires et des employés du Pacifique-Canadien.

Le chemin de fer a calculé ces dépenses en se fondant, d'après ses témoins, sur ce que ces derniers ont appelé les dépenses évitables, c'est-à-dire le calcul de seulement les dépenses qui seraient évitées si les services n'étaient pas assurés.

Subséquemment, l'état n° 1 (révisé) et l'état n° 2 (révisé) furent déposés par le Pacifique-Canadien et reçus en preuve à l'audience de Montréal. Ces états font voir peu de changement dans les dépenses globales mais des changements considérables dans les différents postes.

Les dépenses figurant à l'état n° 1 et à l'état n° 1 (révisé) pour 1958 sont les suivantes:

	<i>État n° 1</i>	<i>État n° 1 (révisé)</i>
<b>DÉPENSES:</b>		
Salaires des équipes de train et de locomotive ..\$	272,976	\$ 272,976
Combustible et eau .....	187,146	187,146
Remises à locomotives, lubrifiants et autres fournitures .....	29,381	29,381
Trains—fournitures et autres dépenses .....	125,673	196,288
Aiguillage de tête de ligne .....	104,381	39,140
Dispatching des trains, employés de gare et dépenses de gares .....	38,503	38,503
Impression des billets .....	1,176	1,176
Réparation et entretien—Locomotives .....	62,971	62,994
—Voitures à voyageurs .	160,620	160,620
—Voie ferrée .....	22,740	22,740
—Gares .....	2,363	2,363
Amortissement—Locomotives .....	39,348	36,461
—Voitures à voyageurs .....	114,300	114,300
—Voie ferrée .....	11,976	11,976
—Ouvrages .....	9,960	9,960
Autres frais de transport et d'entretien .....	25,059	25,139
	<hr/> \$1,208,573	<hr/> \$1,211,163
Coût des capitaux (à l'exclusion de l'impôt sur le revenu) .....	201,600	199,180
	<hr/> \$1,410,173	<hr/> \$1,410,343
A déduire: coût du transport des titulaires de passe .....	49,294	49,494
Dépenses globales .....	<hr/> \$1,360,879	<hr/> \$1,360,849

Une comparaison semblable des dépenses figurant à l'état n° 2 et à l'état n° 2 (révisé) du Pacifique-Canadien pour l'année 1959 est donnée ci-dessous:  
DÉPENSES:

	<i>État n° 2</i>		<i>État n° 2 (révisé)</i>	
Dépenses estimatives—1958 ..	\$1,410,173		\$1,410,343	
A ajouter: augmentation estimative des dépenses occasionnées				
par les taux de salaire ...	\$39,522		\$39,155	
par les taux d'amortissement .....	11,963	51,485	11,963	51,118
		<hr/> 1,461,658		<hr/> 1,461,461
Moins: Réduction estimative des dépenses attribuable aux modifications				
proposées du service de trains	93,032		93,032	
Discontinuation de l'emploi de Glen Extension pour l'entretien et la réparation des voitures ordinaires de banlieue .....	31,909		31,909	
La moitié du coût du transport des fonctionnaires et employés du P.-C. ....	23,567	148,508	23,555	148,496
Dépenses globales .....		<hr/> \$1,313,150		<hr/> \$1,312,965

Des dépôts importants furent faits à l'audience de Montréal au sujet des dépenses ci-dessus, y compris les augmentations de salaire et les frais de main-d'œuvre depuis la dernière augmentation des prix d'abonnement en mai 1957. Les témoins du Pacifique-Canadien donnèrent des détails sur les dépenses et sur la façon dont elles avaient été calculées ainsi que des explications sur les différences entre les chiffres des états nos 1 et 2 et ceux des états nos 1 et 2 (révisés).

Un poste qui accuse une baisse considérable est celui de l'aiguillage de tête de ligne, lequel est réduit d'environ \$65,000, soit de \$104,381 dans l'état n° 1 à \$39,140 dans l'état n° 1 (révisé). L'explication donnée est que le premier chiffre est une estimation et que le chiffre révisé a été obtenu à la suite d'une étude de la durée des mouvements d'aiguillage, pendant lesquels un commis du transport voyageait à bord des trains, ainsi que d'une étude de la durée réelle des mouvements.

Un poste qui fait voir une grande augmentation est celui des fournitures et dépenses des trains, qui a augmenté d'environ \$71,000, soit de \$125,673 dans l'état n° 1 à \$196,288 dans l'état n° 1 (révisé). L'explication donnée est que le chiffre du nettoyage des voitures, sous ce poste, dans l'état n° 1 est une estimation, tandis que le chiffre de l'état n° 1 (révisé) est fondé sur une étude, effectuée pendant les derniers jours d'avril et pendant le mois de mai 1959, de la durée réelle des travaux de nettoyage effectués au cours de la période d'étude sous la surveillance directe du contremaître en chef des wagons à la gare de triage Glen et du maître mécanicien divisionnaire. Ordinairement, ces travaux ne sont pas exécutés sous la surveillance directe de fonctionnaires de rang aussi élevé.

Nous avons examiné les dépenses indiquées par le Pacifique-Canadien ainsi que les dépositions faites à leur sujet, nous les avons comparées aux chiffres des services de banlieue du National-Canadien, nous avons eu l'avantage de consulter nos propres fonctionnaires qui possèdent une grande expérience de ces services et qui ont personnellement enquêté sur les dépenses et les services et nous avons jugé à propos, pour les fins de la tarification à cette occasion, de faire certaines corrections aux chiffres des dépenses et recettes des états révisés du Pacifique-Canadien, de la façon indiquée ci-après.

En agissant ainsi, nous agissons conformément à ce que la Commission déclarait dans son jugement du 18 février 1955 sur les abonnements, à savoir, que dans l'accomplissement de ses fonctions administratives concernant les allocations équitables et raisonnables à l'égard des débours, elle devrait être libre d'accorder toute l'attention nécessaire non seulement au principe d'opérer des déductions sur les débours effectivement réclamés par le chemins de fer mais aussi au principe d'ajouter à ces débours lorsque, de l'avis de la Commission, les circonstances particulières le justifient.

Les débours sont une question de fait, et au sujet des questions de fait, la Cour suprême du Canada a déclaré dans la cause N.-C. contre la Compagnie de téléphone Bell du Canada, 50 C.R.T.C., 10, qu'en se prononçant sur une question de fait, la Commission doit inévitablement avoir recours à son expérience sur ces sujets dans le grand nombre de cas dont elle est saisie ainsi qu'à l'expérience de ses conseillers techniques.

Bien que nous ayons apporté des redressements à certains postes, il s'en trouve d'autres qui, à notre avis, n'en ont pas besoin.

#### *Emploi de quatre mois de 31 jours:*

Les chiffres estimatifs de l'année 1958 étaient fondés, dans bien des cas, sur quatre mois de 31 jours, à savoir, mars, mai, juillet et octobre, et le total de ces mois était multiplié par trois pour donner une idée de toute une année. Pour les postes de dépenses (et de recettes) qui varient avec le nombre de jours dans un mois, cela donnerait une année de 372 jours. Bien que ces sept jours de trop auraient pu être contre-balancés par d'autres facteurs, comme le caractère saisonnier des quatre mois choisis, nous ne croyons pas qu'il en soit ainsi. Nous sommes d'avis que dans certains cas les chiffres estimatifs de 1958 portent sur 53 semaines au lieu de 52 et que les dépenses (et vraisemblablement les recettes) ont été exagérées. Nous faisons donc une réduction de 2 p. 100, rectification qui ramène approximativement de 53 semaines à 52 semaines, pour les postes où les dépenses (et les recettes) ont tendance à varier avec le nombre de jours du mois.

Les postes de dépense auxquels la réduction de 2 p. 100 a été appliquée sont les salaires des équipes de train et de locomotive, les frais de combustible et d'eau, les dépenses de remises à locomotives (matériaux), les fournitures et dépenses des trains (matériaux), les réparations de locomotives (matériaux), l'entretien des voies ferrées et l'amortissement des voies ferrées; la réduction effectuée à ces postes est compensée en partie par une réduction au poste "autres prix de passage" afin de corriger de façon semblable les recettes.

#### *Frais de combustible et d'eau—\$187,146*

Le Pacifique-Canadien a calculé le coût du charbon en multipliant le nombre de tonnes consommées par mois, inscrit par les mécaniciens de locomotive sur leurs billets de voyage, par le prix moyen par tonne dans le district de Québec pour le mois en cause. Des calculs semblables ont servi à trouver les dépenses de combustible diesel. Les totaux des quatre mois choisis multipliés par trois ont donné une dépense annuelle globale de combustible de \$180,036.

Le coût de l'eau a été établi à \$7,110 en utilisant le rapport de 1956 de la dépense pour l'eau à la dépense de combustible des locomotives à vapeur dans le district de Québec.

Nous croyons que le chiffre estimatif de la consommation de charbon, établi d'après les billets de voyage, exagère la consommation réelle. Le chiffre estimatif de la consommation d'eau a un rapport direct avec celui de la consommation de charbon. Nous sommes d'avis que le coût global du charbon et de l'eau devrait être réduit de 10 p. 100.

*Dépenses des remises à locomotives, lubrifiants et autres approvisionnements—*  
\$29,381

Au cours de notre examen de l'exploitation pour Vaudreuil et Rigaud, nous avons constaté que les frais de main-d'œuvre étaient réduits pendant l'été à l'égard de deux chefs d'équipe et d'un gardien de locomotives-nettoyeur de wagons. Cette réduction n'avait pas entièrement trait aux dépenses des remises à locomotives mais nous estimons que les dépenses réduites de main-d'œuvre approchent le salaire de deux chefs d'équipe pendant six mois ou d'un chef d'équipe pendant un an, et nous avons réduit ce poste en conséquence.

*Fournitures et dépenses de trains—*\$196,288

Il a déjà été fait mention de l'augmentation considérable du montant de ce poste à l'état n° 1 (révisé) par rapport à celui de l'état n° 1.

Cette catégorie de dépenses comprend: a) le nettoyage des voitures, \$170,355; b) le chauffage des voitures, \$9,992; c) l'éclairage des voitures, \$11,759; d) la glace et l'eau pour les voitures, \$549; et e) le graissage des voitures ainsi que d'autres dépenses, \$3,633.

Nous avons comparé le coût estimatif du Pacifique-Canadien du nettoyage par voiture par année dans le service de banlieue en 1958 (\$3,276) avec celui de 1954 (\$1,120), avec celui du National-Canadien de 1954 (\$1,419), avec la moyenne du réseau de 1958 du Pacifique-Canadien pour ses voitures (\$1,051), y compris celles de tête, et avec le coût estimatif du National-Canadien pour 1958 dans le service de banlieue (\$1,822), établi d'après une période d'étude.

Nous sommes d'avis que le chiffre estimatif (\$170,355) du Pacifique-Canadien pour le nettoyage des voitures est trop élevé. L'estimation serait plus exacte si le nettoyage courant était toujours fait comme il l'a été pendant la période d'étude et sous une surveillance semblable, mais l'état du matériel de banlieue à Vaudreuil et à Rigaud, selon la constatation de nos enquêteurs, et nos recherches sur le nettoyage des voitures, ainsi que les comparaisons ci-dessus, nous portent à croire que ce poste de dépenses est exagéré et nous estimons que \$2,000 par voiture par année est un chiffre équitable à allouer pour les dépenses de nettoyage des voitures dans le service de banlieue Montréal-Vaudreuil-Rigaud. A ce compte, le total annuel pour 52 voitures serait de 104,000.

*Dispatching, employés de gare et dépenses de gare* \$38,503

Le chiffre estimatif du dispatching était de \$6,899, ce qui représentait le salaire d'un agent régulateur (dispatcher) à Smith's Falls.

Au cours de la réorganisation qui eut lieu cette année, une position d'agent régulateur de trains dont le titulaire s'occupait du territoire de banlieue de Rigaud et de Vaudreuil a été abolie et le travail a été réorganisé sans augmentation de personnel. Nous avons donc réduit le chiffre estimatif de la Compagnie du montant du salaire d'un agent régulateur à Smith's Falls.

*Réparation des locomotives—\$62,994*

Le montant de \$5,766 pour les matériaux de réparation des locomotives diesel de manœuvres a été établi d'après le nombre d'heures de manœuvres de triage, converties en milles. Nous faisons une réduction de 60 p. 100 en harmonie avec la réduction effectuée aux dépenses d'aiguillage de tête de ligne à l'état n° 1 (révisé).

*Coût du transport des titulaires de passe—\$49,494*

La question controversée du coût du transport des titulaires de passe et des employés de chemin de fer a fait le sujet d'une discussion prolongée au cours de l'audience de 1954. A cette époque, les avocats des municipalités avaient soutenu que les chemins de fer devraient créditer leurs recettes des recettes supposées provenir du transport des titulaires de passe comme si les titulaires de passe payaient les pleins prix d'abonnement. Les chemins de fer, de leur côté, avaient soutenu que, dans le calcul des débours et des recettes, ils devraient déduire des dépenses les frais d'exploitation des voitures supplémentaires nécessaires pour le transport des titulaires de passe, y compris les frais de réparation, d'amortissement et d'entretien de la voie ferrée, les autres frais de transport et d'entretien et le coût des capitaux pour les voitures supplémentaires, mais ne devraient pas créditer les recettes supposées provenir des titulaires de passe. La Commission a fait ses observations sur ces plaidoyers dans son jugement sur les abonnements en date du 29 mars 1956, mais elle a trouvé inutile de se prononcer sur les avantages de l'une ou l'autre de ces méthodes parce que, après avoir calculé les effets de l'application de chaque méthode en tenant compte de tous les autres postes de dépenses et de recettes, elle était d'avis qu'avec les taux proposés les chemins de fer ne devraient pas retirer des recettes supérieures aux débours imputables à juste titre au service d'abonnement.

En vertu des dispositions de l'article 350 de la Loi sur les chemins de fer, les chemins de fer peuvent transporter leurs propres employés gratuitement ou à prix réduit, mais le transport de trafic en vertu de cet article peut être étendu, restreint, limité ou soumis à certaines conditions par la Commission.

Dans les services d'abonnement en cause, les chemins de fer se sont départis cette année de leur coutume de transporter gratuitement les employés de chemin de fer, car chacun d'eux demande maintenant à ses propres employés 50 p. 100 du prix d'abonnement et le plein prix d'abonnement aux employés des autres chemins de fer. Dans ses états des recettes et dépenses, le Pacifique-Canadien a, dans ce cas-ci, débité la moitié du coût du transport de ses propres employés à titre de dépenses des services de banlieue et crédité ces services aux recettes réelles reçues des employés.

Nous supposons que, dans le passé, les chemins de fer ont jugé que le transport gratuit ou à prix réduit de leurs employés était à l'avantage de leurs relations d'employeur à employé. Quel que soit l'avantage retiré, rien à ce sujet n'a été crédité par les chemins de fer dans leurs recettes dans la présente cause.

Si les débours devaient être réduits d'un montant égal à la moitié du coût du transport des fonctionnaires et employés du Pacifique-Canadien sur le service de banlieue Montréal-Rigaud, et que les recettes montraient les demi-prix réellement reçus, nous considérons que le calcul devrait être effectué en supposant que 6.5 voitures sont nécessaires pour le transport de ces personnes au lieu de cinq comme dans le calcul du Pacifique-Canadien, vu qu'environ 12 p. 100 des personnes transportées vers Montréal et 13 p. 100 des personnes transportées de Montréal étaient des titulaires de passe, c'est-à-dire des fonctionnaires et employés du Pacifique-Canadien. Cependant, en ce cas-ci

nous suivons la même procédure que dans le jugement du 4 août 1954; nous n'opérons aucun redressement des débours mais nous calculons les recettes comme si les fonctionnaires et employés avaient payé le plein prix d'abonnement.

*Coût des capitaux—\$199,180*

Une somme représentant le coût des capitaux avait été incluse, à titre de dépense, par les chemins de fer dans leur requête de 1954; elle fut étudiée lors des audiences tenues à propos de cette requête. Dans la cause actuelle, le Pacifique-Canadien a inclus à titre de débours ou de dépense évitable de l'année 1958 un poste de \$199,180 pour le coût des capitaux. On a expliqué que ce chiffre provenait de l'application d'un taux de 6.5 p. 100, qui est, prétend le Pacifique-Canadien, le coût à long terme des capitaux pour son entreprise ferroviaire, à la moitié de la valeur comptable des locomotives et des voitures utilisées dans le service de banlieue et à la moitié de la proportion de l'outillage de Glen Yard Extension utilisé pour ce service. Ce dernier poste a été éliminé dans l'état de l'année 1959, qui, compte tenu des autres redressements, a réduit la somme à \$172,457. Les valeurs comptables des locomotives et des voitures utilisées dans l'état estimatif de 1958 étaient les suivantes:

5 locomotives à vapeur au service de ligne .....	\$ 734,486
1 locomotive diesel au service de ligne .....	216,660
1 locomotive au service de triage .....	19,481
40 voitures ordinaires de banlieue, moins 5 p. 100 de leur valeur comptable pour le service de la fin de la semaine	3,431,843
7 voitures ordinaires en acier .....	268,121
4 autorails diesel .....	782,630
	\$5,453,221

De l'avis de la Commission, une partie de la somme allouée pour le coût des capitaux dépensés pour l'achat de matériel utilisé dans le service de banlieue peut à juste titre être incluse comme débours ou dépense évitable de l'exploitation de ce service. Nous n'acceptons pas comme raisonnable le taux de 6.5% à employer à ce sujet mais, compte tenu du coût du matériel effectivement utilisé dans ce service et du degré d'amortissement inscrit aux registres de la Compagnie, nous ne croyons pas que le montant débité dans le présent cas soit excessif.

*Dépenses globales admises*

Les réductions et redressements que nous avons faits aux débours, ainsi que la façon dont nous avons traité la question du transport des fonctionnaires et employés du Pacifique-Canadien et celle de la réduction estimative des dépenses du Pacifique-Canadien pour l'année 1959, ont réduit les dépenses pour notre tarification actuelle à environ \$1,242,000. Les recettes supplémentaires, établies en supposant que les fonctionnaires et employés du Pacifique-Canadien paient le plein prix d'abonnement, sont étudiées ailleurs au présent jugement.

RECETTES, INSUFFISANCE DES RECETTES ET  
AUGMENTATION DES TAUX

L'état n° 1 (révisé) du Pacifique-Canadien indique des recettes réelles de \$1,073,244 en 1958 pour son service de banlieue Montréal-Rigaud, ainsi qu'il suit:

**RECETTES**

Billets d'abonnement:	de 10 passages .....	\$114,531	
	de 20 passages .....	18,398	
	de 40 passages (pour le public)	551,305	
	de 40 passages (pour les écoliers) .....	23,092	
	de 50 passages .....	4,352	\$711,678
Autres passages:	d'aller seulement .....	68,577	
	d'aller et retour .....	58,626	
	de fin de semaine .....	30,204	
	divers .....	15,981	
	perceptions au comptant des agents de train .....	127,455	
	perceptions aux barrières—		
	Westmount .....	5,499	
	Montréal-Ouest .....	55,224	361,566
			\$1,073,244

Les modifications apportées en mai 1959 aux prix de passage de fin de semaine produiront des recettes supplémentaires d'environ \$2,000 par année, et si ces modifications avaient été en vigueur en 1958, les recettes de cette année-là auraient accusé une augmentation correspondante.

Le Pacifique-Canadien considère qu'une diminution du nombre de voyageurs transportés pourrait se produire si les nouveaux prix qu'il propose devenaient en vigueur mais il s'attend à des recettes plus élevées de l'ensemble du trafic.

Comme nous l'avons déjà dit, nous avons évalué les débours du service de banlieue Montréal-Rigaud pour l'année 1959 à \$1,242,000. Les recettes de ce service furent de \$1,073,244 en 1958. Pour la tarification, nous avons fait un redressement abaissant le chiffre de ces recettes à cause de l'emploi de quatre mois de 31 jours et un redressement qui l'augmente afin de tenir compte de la modification des prix de fin de semaine et du plein prix d'abonnement demandé aux employés de chemin de fer, ce qui donne des recettes globales de \$1,182,000 aux prix actuels pour l'année 1959, calculées d'après le nombre de personnes transportées en 1958. Ces dépenses et recettes indiquent qu'il manquerait environ \$60,000 pour combler les débours. Nous autorisons des augmentations de tarif en rapport avec cette insuffisance. Si nous avons adopté, dans le calcul de l'insuffisance, la méthode proposée par les chemins de fer et débité comme dépenses la moitié du coût du transport des fonctionnaires et employés du Pacifique-Canadien et crédité aux recettes les prix de passage réellement payés par eux, l'insuffisance serait considérablement plus élevée si le calcul était fondé sur l'emploi de 5 voitures ou de 6.5 voitures pour ces personnes.

Le calcul des recettes globales, des dépenses globales et de l'insuffisance des recettes que nous avons fait est raisonnablement approximatif mais ne vise pas à la précision, car la précision dans ce genre de calcul est impossible dans les circonstances.

Nous croyons que dans une période raisonnable les prix augmentés que nous autorisons permettront au Pacifique-Canadien de se rattraper de ses débours pour les services de banlieue. Comme nous l'avons déjà dit, le service de banlieue Montréal-Rigaud du Pacifique-Canadien est regardé comme un service typique pour l'établissement des taux d'abonnement en général, et les taux que nous autorisons pour ce service seront aussi autorisés pour les services d'abonnement ailleurs.

Nous avons mentionné les objections qu'on nous a présentées au sujet des augmentations. La mesure dans laquelle nous avons donné suite à certaines de ces objections ressort de ce que nous avons déjà dit, car nous avons fait des réductions, lorsque nous jugions à propos de le faire, aux montants que le Pacifique-Canadien comptait à titre de débours et nous avons crédité les recettes du montant que les employés de chemin de fer paieraient au plein prix d'abonnement; et comme il ressort des prix que nous autorisons, le taux des billets d'abonnement de 40 passages par mille sera bien moins élevé que ceux des prix de voiture ordinaire et de première classe.

Nous ne permettrons pas aux chemins de fer de discontinuer l'emploi des billets d'aller et retour de voiture ordinaire dans les services de banlieue pendant qu'ils continuent à les employer sur les autres trains partout au Canada, car nous estimons qu'un voyageur ne devrait pas avoir à payer plus pour un passage d'aller et retour en voiture ordinaire dans les services de banlieue que pour un passage semblable sur les autres trains de voyageurs.

Quant à l'objection voulant que les prix de passage pour des distances plus longues ne soient pas soumis à un taux dégressif, nous répétons ce que la Commission a dit à ce sujet dans son jugement sur les abonnements en date du 4 août 1954, à savoir que l'avantage d'un taux dégressif serait ressenti par ceux qui font de plus grands voyages et le fardeau supporté par ceux qui parcourent de plus petites distances.

La proposition d'un taux dégressif est sans doute fondée sur le fait que dans les tarifs-marchandises l'addition des frais de tête de ligne au taux du transport sur la ligne produit un effet de dégression qui peut être constant pour chaque mille ou diminuer à différents points milliaires. Un taux dégressif semblable est produit dans les tarifs-marchandises en réduisant délibérément les taux sur les marchandises en provenance ou à destination de points éloignés, de façon à obtenir un marché plus étendu. Le même principe pourrait probablement être adopté pour les prix de passage des voyageurs; de fait, il est appliqué dans une certaine mesure lorsque le taux moyen par mille d'un passage d'aller en voiture ordinaire entre Montréal et Ottawa est de 3.7c. alors qu'entre Montréal et Vancouver, il est de 3.3c., mais cette dégression est surtout due à la concurrence pour le prix de passage de Vancouver.

Dans le cas des prix d'abonnement, cependant, alors que les prix sont en rapport des débours, toute réduction du taux de dégression pour les distances plus grandes se traduirait inévitablement par une augmentation relative des prix de passage des distances plus courtes; sinon, le revenu global nécessaire ne serait pas obtenu.

Quant à l'objection voulant que les revendications des employés de chemin de fer dépassent la mesure, il n'appartient pas à notre Commission de fixer ou d'établir les taux de salaire de ces employés. Nous croyons que la Commission a le devoir de désavouer, pour la tarification, les dépenses qu'elle estime être déraisonnables, inutiles ou exagérées, mais nous ne rencontrons pas cette situation ici vu que les dépenses de main-d'œuvre découlent de contrats de salaire conclus par les procédés ordinaires de la négociation collective.

Quant à la supposée incompétence des chemins de fer, nous croyons pouvoir faire, avec raison, les mêmes observations au sujet des chemins de fer canadiens

qu'a faite dernièrement l'Interstate Commerce Commission au sujet des chemins de fer des États-Unis dans le rapport déjà mentionné, dans lequel on lit ceci :

“Les dépositions corroborent la conclusion générale que beaucoup de chemins de fer en améliorant et en remplaçant leur matériel, en expérimentant avec de nouveaux genres de matériel et en recourant à d'autres moyens ont consciencieusement tenté d'améliorer leurs normes de service. Il est également équitable de conclure que les chemins de fer en général n'ont pas abandonné de trains sans faire de sérieux efforts—parfois prolongés—pour en rendre l'exploitation payante et ne l'ont fait qu'après avoir accordé une attention bienveillante à la commodité du public. Les fonctionnaires et employés des chemins de fer ont une fierté traditionnelle de leur longue carrière de transporteurs de voyageurs, et il y a peu lieu de croire que l'exploitation profitable de services de voyageurs ait été abandonnée. Néanmoins, les archives et notre correspondance révèlent clairement que bien des moyens n'ont pas encore été étudiés quant à l'amélioration du service-voyagers des chemins de fer. Les programmes énergiques des concurrents relatifs au marché du transport à une époque d'innovations continuelles dans le domaine de la technologie et de la vente doivent, au moins, être compensés par des programmes tout aussi énergiques de la part des chemins de fer.”

Quant à l'objection voulant que les augmentations de prix soient injustement préjudiciables aux banlieues, nous ne croyons pas que les augmentations que nous accordons auront cet effet. L'existence même de services de trains représente un avantage pour ces collectivités et il est dans leur intérêt que les services soient maintenus même avec des prix de passage légèrement augmentés. Il est également dans l'intérêt des centres urbains, de Montréal et Toronto en particulier, et des autorités de la Voirie, que ces services continuent d'exister. Sans ces services, de grands problèmes surgiraient pour toutes les collectivités intéressées, parmi lesquels le moindre ne serait pas le besoin de routes et de moyens de stationnement pour faire face à l'augmentation de la circulation routière qu'entraînerait la discontinuation des services de train.

Nous ne contestons pas que les services-voyagers des chemins de fer dans l'ensemble et certains services-voyagers en particulier soient exploités à perte. Cette perte constitue un fardeau pour les usagers des services-marchandises. Nous ne croyons pas que l'existence d'une telle perte soit une raison valable pour obliger les chemins de fer à prévoir, pour les services d'abonnement, qui existent surtout dans les régions de Montréal et de Toronto, des prix de passages inférieurs aux débours. Le service assuré dans ces régions est un service de transport en masse et diffère aussi sous d'autres rapports des services-voyagers en général; et le prix par mille que nous permettons aux chemins de fer de demander pour les services d'abonnement est sensiblement moindre que le prix par mille pour les passages de voiture ordinaire ou de première classe, dans les services-voyagers en général.

#### SERVICES D'ABONNEMENT DES CHEMINS DE FER NATIONAUX DU CANADA

Le National-Canadien exploite actuellement plusieurs services d'abonnement dans la région de Montréal. Le principal est connu sous le nom de “service du tunnel”. Un autre est celui de Montréal-Lachine-Dorval, petite exploitation provisoire destinée à assurer un certain service au public en attendant le déplacement de la ligne principale du National-Canadien de cette région à un emplacement au nord à proximité de la ligne du Pacifique-Canadien entre Dorval et Montréal-Ouest. L'avocat du National-Canadien a demandé à la Commission l'autorisation de discontinuer, à partir du 1<sup>er</sup> août 1959, ce service, dont l'exploitation entraîne des pertes considérables. Un jugement distinct

décidera de cette requête. D'autres services d'abonnement, moins importants, sont aussi assurés dans la région à l'est et à l'ouest de Montréal.

Il existe aussi un service d'abonnement dans la région de Québec.

Un autre service important est celui de la région Toronto-Oakville. Les régions de Hamilton, Ottawa et Windsor ont des services d'abonnement de moindre importance.

On se propose de se servir de la même base pour l'augmentation des prix de toutes les régions. Quant à la base de l'augmentation demandée, M. Macdougall, du National-Canadien, a avancé:

“Je crois que l'attitude de ma compagnie au sujet de notre service d'abonnement est que la Commission devrait considérer notre service du tunnel comme le plus représentatif de ces services. C'est la plus grande exploitation d'abonnement au Canada et elle est assez typique, je crois, pour servir de fondement à la Commission dans l'établissement des taux à utiliser sur tout notre réseau pour les abonnements.” (Transcription, p. 2175, vol. 1039.)

La base que propose le National-Canadien pour l'augmentation des prix de passage est cependant la même que celle que propose le Pacifique-Canadien pour la ligne Montréal-Rigaud, en dépit de la différence pouvant exister dans les frais respectifs d'exploitation de ces deux lignes du point de vue des débours.

La Pièce n° 23 déposée par le National-Canadien indique, pour la ligne “du tunnel” des recettes annuelles estimatives de \$1,294,225 et des dépenses d'exploitation de \$1,497,548. Les frais supplémentaires pour les charges fixes du matériel, des intérêts et de l'amortissement et les charges fixes sur les installations requises exclusivement pour l'exploitation de banlieue, portent les dépenses globales à \$1,778,944, soit une insuffisance de \$484,719. Les augmentations proposées seraient censées, d'après l'estimation, rapporter \$458,500, ce qui donnerait des recettes globales de \$1,743,621 (Pièce n° 22).

Certains éléments de dépenses demandent cependant des observations: par exemple, pour la réparation des voitures le chiffre est de \$401,985 tandis qu'il est de \$160,620 pour le service Montréal-Rigaud du Pacifique-Canadien. Les frais élevés du National-Canadien sont attribuables à un plus grand nombre de voitures et probablement aussi au fait qu'une partie du matériel est vieux et a constamment besoin de réparation; apparemment, l'acquisition de matériel neuf réduirait considérablement ce montant. De même, au poste de l'entretien de la voie et des ouvrages du National-Canadien, le chiffre indiqué est de \$124,825, alors qu'il est de \$25,103 pour le Pacifique-Canadien pour un plus grand nombre de milles. Cette différence s'explique ainsi: une grande partie de la dépense du National-Canadien est attribuable au fait que presque tous les frais d'entretien de la ligne du tunnel sont imputables sur le service de banlieue, vu que celui-ci représente le gros du service assuré par cette ligne.

Cette exploitation du tunnel diffère de celle du Pacifique-Canadien en ce que la clientèle augmente constamment. Bien qu'il se soit produit une diminution dans le nombre de personnes transportées après l'augmentation des prix de passage de 1954, ce nombre est maintenant de 8,000 contre 6,500 par jour il y a environ quatre ans, et le nombre de voyageurs augmentera sans doute avec la construction de plusieurs grands immeubles pour bureaux qui se poursuit dans la région du tunnel à Montréal. A ce propos, l'avocat et les témoins du National-Canadien ont déclaré que la compagnie poursuit toujours des recherches approfondies sur la possibilité d'équilibrer les débours et les recettes. Par exemple, on a réalisé des économies dans le service des trains en réduisant le nombre lorsque certains d'entre eux transportaient de petites charges. On a aussi installé un appareil de perception des billets à la gare centrale de Montréal et à Mont-Royal, ce qui a permis d'éliminer certain:

adjoints d'agent de train qui en faisaient la perception sur les trains. Les frais de nettoyage du matériel ont aussi été abaissés. La traction diesel a remplacé l'énergie électrique au nord du tunnel, ce qui a permis de réaliser d'autres économies. Des modifications ont aussi été effectuées dans la disposition des sièges à l'intérieur des voitures ordinaires, ce qui a permis d'en faire un meilleur usage. D'autre part, par suite de l'accroissement du nombre d'employés qui sont transportés vers le centre de la ville, le National-Canadien a augmenté cette année le nombre de trains entre Montréal et Saint-Eustache pendant les heures creuses en vue d'encourager plus de gens à voyager pendant ces heures. Ce nouveau service a été établi au coût supplémentaire de \$30,000 par année en salaires. Cependant, on n'en connaît pas encore les résultats.

Une autre mesure de longue portée à l'étude est l'établissement, pour les prix de passage, d'un nouveau système de zonage visant à réduire au minimum la tâche de la perception des billets.

L'audience de Toronto avait trait surtout au service Toronto-Oakville du National-Canadien. Les témoins du National-Canadien ont fait des dépositions. M. Donald B. Garfat a comparu pour l'Association des abonnés d'Oakville et a appuyé, avec certaines réserves, le mémoire déposé par l'Association. L'avocat du National-Canadien s'est reporté aux études effectuées en vue de déterminer si des services d'abonnement supplémentaires pouvaient être établis dans la région de Toronto. Il a déclaré qu'on a trouvé aucune solution mais que le *Metropolitan Planning Board* et le National-Canadien s'occupent activement de la question.

Nous croyons qu'il n'est pas pratique d'avoir différentes bases de prix pour le service d'abonnement dans les régions de Toronto et de Montréal. Les chemins de fer proposent d'avoir la même base pour les prix de passage d'un bout à l'autre du Canada, en dépit de différences dans le coût estimatif des services dans les diverses régions. Nous suivons la pratique de la Commission à ce sujet, car dans l'ensemble nous estimons que l'adoption, comme jusqu'ici, du service Montréal-Rigaud du Pacifique-Canadien pour servir de critère dans l'établissement des prix d'abonnement est raisonnable et que les prix de passage du National-Canadien devraient être établis d'après cette base.

## LES AUGMENTATIONS PERMISES

Nous jugeons que la règle établie par la Commission dans son jugement du 4 août 1954 sur les abonnements, à savoir que

... "un chemin de fer a le droit de demander des prix d'abonnement répondant au moins aux débours raisonnables qu'il effectue pour assurer le service de banlieue en cause et que la Commission ne devrait pas l'obliger à assurer ou à continuer d'assurer des services d'abonnement qui ne supportent pas de tels débours"

est une règle raisonnable à appliquer dans le cas et les circonstances qui nous occupent. Nous sommes aussi d'avis que les augmentations que nous accordons ne produiront pas des taux injustes ou déraisonnables pour les personnes qui ont besoin de ce service ou qui l'utilisent. Par conséquent, nous rejetons les tarifs suspendus par l'ordonnance n° 97316 et nous autorisons, en remplacement de ces tarifs, les redressements suivants des prix d'abonnement actuels:

Majoration de 10 p. 100 du prix actuel des billets de 40 passages, tant pour le public en général que pour les écoliers; pour les prix de passage fractionnaires résultant de ces majorations, les dispositions du paragraphe (3) de l'article 330 de la Loi sur les chemins de fer sont applicables;

Les billets de 20 passages et les billets de 50 passages pourront être supprimés;

Aucune majoration du prix des billets de 10 passages;

Aucune modification de la durée de validité des billets d'abonnement.

Les augmentations susmentionnées sont calculées d'après les recettes suivantes indiquées dans la Pièce n° 3:

Billets de 40 passages pour le public .....	\$551,305
Billets de 50 passages pour le public transférées aux billets de 40 passages .....	4,352
Billets d'écoliers de 40 passages .....	23,092
Recettes provenant des titulaires de passe, à ajouter par suite de la suppression des privilèges de passe en mars 1959 et supposées provenir de billets de 40 passages .....	62,000
	<hr/>
	\$640,749

Avec une insuffisance de recettes de \$60,000, l'augmentation théorique requise serait d'environ 9.4 p. 100 mais, compte tenu de la baisse du nombre des voyageurs qu'entraînera sans doute au début cette augmentation des prix de passage, nous croyons qu'une majoration de 10 p. 100 s'impose pour combler l'insuffisance nette.

Il est à remarquer qu'aucune augmentation du prix des billets de 10 passages n'est permise, pour plusieurs raisons que voici: les billets de 10 passages entre Montréal-Westmount et Montréal-Ouest ont été, dans des cas antérieurs, majorés d'un pourcentage supérieur au pourcentage ordinaire, afin de les porter au plein prix maximum de 25c. par passage; le taux de base actuel en dehors de la région Montréal-Montréal Ouest est de 3c. par mille pour un billet de 10 passages, ce qui est de moins de ½c. près du taux du prix d'un passage d'aller et retour en voiture ordinaire, pour un billet simple; et la base de 3c. par mille est approximativement la même que la moyenne de 3.08c. par mille de l'ensemble du réseau du Pacifique-Canadien. Pour ces raisons, nous estimons qu'il serait déraisonnable à l'heure actuelle d'augmenter le prix des billets de 10 passages.

Toute augmentation du prix des billets d'abonnement constitue un fardeau pour les abonnés, mais nous estimons que les augmentations que nous autorisons sont raisonnables dans les circonstances sur la base des simples débours. Nous n'affirmons pas que le présent jugement soustraira les prix d'abonnement à la controverse, car les dépenses et le nombre de personnes transportées par les chemins de fer ne sont pas constants et la mesure dans laquelle ces services seront placés sur une base qui se rapprocherait plus de la base compensatoire ne peut être déterminée que par l'expérience; mais nous croyons que ces augmentations, jointes à la collaboration des abonnés et aux efforts plus grands des chemins de fer et de leurs employés en vue de l'exploitation des services avec efficacité et sans dépenses inutiles, permettront aux chemins de fer d'équilibrer les dépenses et les recettes des services en cause.

Les prix de passage majorés devraient être équitablement mis à l'essai pendant une période raisonnable et, pendant ce temps, les parties directement en cause devraient, dans leur meilleur intérêt, travailler de concert de façon à assurer une exploitation des services de train de banlieue nécessaires aux collectivités, urbaines et de banlieue, qui fournirait aux chemins de fer des recettes suffisantes pour couvrir au moins leurs simples débours, à des prix de passage raisonnables et à la portée de la bourse de ceux qui ont besoin de ces services.

De nouveaux tarifs, incorporant les redressements autorisés, pourront être déposés mais ne pourront entrer en vigueur avant le 1<sup>er</sup> janvier 1960.

Une ordonnance sera rendue en conséquence.

ROD. KERR  
L. J. KNOWLES

SYLVESTRE, *Commissaire en chef suppléant* (dissident),

En cette cause, mes collègues ont décidé d'approuver une majoration des taux pour billets de transport, mais je ne suis pas du même avis.

Il est reconnu, je crois, qu'en principe une entreprise de service public ne devrait pas être requise d'exploiter à perte. Ce principe, toutefois, n'est pas nécessairement applicable dans tous les cas. Dans *Canadian Encyclopedic Digest*, volume 9, une entreprise de service public est définie comme suit: "Anything supplied for public consumption or service rendered for the public maintenance of the best standard of living under modern conditions of civilized society. This would include . . . (f) transportation and all incidents thereof". Webster définit utilité publique comme suit: "A business organization performing some public service and hence subject to special governmental regulation such as fixing of rates required of incidental facilities etc."

Mon opinion, c'est que le service des trains pour abonnés est un service public et que comme tel est exploité pour le bénéfice et la commodité du public, et je considère qu'il est nécessaire pour le maintien du niveau de vie habituel des usagers au norme des conditions actuelles.

En vertu de la Loi, les compagnies de chemins de fer sont requises de fournir des moyens de transport adéquats et convenables, ce qui comprend le service-voyageurs. Le clause relative aux facilités à fournir n'oblige pas les compagnies de chemins de fer à exploiter un service à des taux rénumérateurs en vue des déboursés encourus en rapport avec tel service. Pour ce qui est des taux de transport, je crois que la Commission a pour fonction de prescrire ou approuver des taux équitables et raisonnables.

Je suis d'avis que toute majoration des taux de transport pour abonnés peut occasionner des embarras pécuniaires aux abonnés réguliers. L'allure est maintenant d'établir résidence hors les limites des grands centres pour des raisons faciles à comprendre. Les gens désirent s'éloigner des centres peuplés pour vivre où ils peuvent respirer le bon air; où le train de vie est plus convenable, et enfin où l'on trouve plus de confort. Généralement ils préparent un budget qui comprend les paiements mensuels pour une résidence achetée à termes; les frais de transport pour tous les membres de la famille et tout va bon train pourvu que le coût de la vie demeure stable. En 1955, une majoration de 100% a été accordée et une autre de 37% est maintenant demandée. Bien que cette dernière majoration n'est pas accordée en entier il y a toutefois lieu de dire sans hésitation que le budget en question sera considérablement affecté, et le but pour lequel ces gens se sont établis en banlieue sera manqué si leurs moyens ne leur permettent pas de payer le taux requis pour un tel service.

Il a été établi que les compagnies de chemins de fer ne couvrent pas les déboursés immédiats encourus pour le service-voyageurs réguliers et le déficit s'élève à des millions de dollars, toutefois, il n'y a aucune mention de majoration des taux réguliers. Pourquoi donc cette différence de traitement entre deux classes de voyageurs, les deux services étant essentiels? Est-ce qu'il y aurait ici un élément de discrimination injuste? Je pose la question.

Des requêtes sont adressées à la Commission demandant la suppression de services de trains sur certaines lignes. Dans chaque cas il s'agit de déterminer si la perte et les inconvénients causés au public par l'abandon d'un tel service l'emportent sur le fardeau imposé à la compagnie de chemins de fer par la continuation du service. Dans tels cas, nonobstant la perte causée à la compagnie de chemins de fer, si la Commission considère que la perte et les inconvénients causés au public l'emportent sur le fardeau que doivent supporter les compagnies de chemins de fer en continuant d'exploiter le service-voyageurs en question, la requête est refusée.

Pour les abonnés réguliers, ce service est de toute première importance, ainsi que d'intérêt public général, car il faut considérer que chaque matin

environ 15,000 personnes entrent dans la ville de Montréal et retournent à leurs demeures le soir.

M. G. C. Campbell, un économiste à l'emploi des Chemins de fer Nationaux du Canada, a publié un article très intéressant sur ce sujet qui est rapporté aux pages 32 et 33 de l'édition de juillet 1959 d'une brochure intitulée "Canadian Transportation". Ses conclusions sont dignes de mention et je cite textuellement:

"I predict that if a way could be found for the railways and metropolitan authorities to work together co-operatively in the planning, operation and financial support of comprehensive commuter services the benefit to the entire area would be so great that were I to estimate an equivalent in dollars I would be accused of gross exaggeration. Not only that, but the cultural and social benefits of living in a large city would for the first time become a practical reality for all within walking or driving distance of a railroad station".

Cette suggestion a certes beaucoup de mérite mais n'est pas du domaine de notre Commission bien que, tel que mentionné dans le jugement du Commissaire en chef, la Commission est disposée à prêter ses bons offices pour apporter une solution à ce problème complexe.

C'est mon opinion que toute majoration des taux de transport des abonnés actuels créerait des inconvénients aux usagers plus considérables que le prétendu fardeau qu'imposerait aux compagnies de chemins de fer la continuation de l'exploitation du service des abonnés aux taux actuels, car le surplus qui proviendrait de la présente majoration serait infinitésimal en comparaison des déficits des chemins de fer.

Dans le jugement rendu par l'honorable juge Kearney en 1956, rapporté au volume 73, page 193 de C.R. & T.C., le dernier paragraphe, page 205, se lit comme suit:

"It has been mentioned that the present judgment should remove commutation rates from the field of controversy for the foreseeable future as between commuters and the Railways. Such a result should also create a desirable atmosphere for Railways, commuters, civic and provincial authorities to look anew at the overall problem of traffic congestion."

C'est la raison principale pour laquelle j'ai agréé, mais moins de trois ans plus tard une nouvelle requête est soumise demandant une autre augmentation de 37%. Je crois que mon attitude est justifiable dans la présente cause.

Si les compagnies de chemins de fer désirent réduire leurs déficits, elles pourraient atteindre leur but par un moyen autre que celui d'imposer aux abonnés réguliers un fardeau additionnel.

Je renverrais donc la présente requête.

A. SYLVESTRE.

OTTAWA, le 6 novembre 1959.

## ORDONNANCE N° 99642

*Relative aux tarifs d'abonnement majorés, déposés à la Commission et devant entrer en vigueur le 15 mars 1959, qui furent suspendus par l'ordonnance n° 97316 du 9 mars 1959.*

Dossier n° 29984.18

VENDREDI 6 novembre 1959.

ROD KERR, C.R., *commissaire en chef.*  
L. J. KNOWLES, *commissaire.*

*Après audition de l'affaire aux séances de la Commission à Montréal les 9, 20, 21 et 22 mai 1959 et à Toronto le 8 juin 1959 et étude par la Commission, et après examen des mémoires déposés et en conformité du jugement ci-annexé, lu 6 novembre 1959, du Commissaire en chef et du commissaire Knowles—*

*Il est par les présentes ordonné ce qui suit:*

1. Les tarifs suspendus par l'ordonnance n° 97316 de la Commission sont éjetés.
2. Des tarifs destinés à incorporer les redressements autorisés par ledit jugement dans les prix d'abonnement actuels pourront être déposés par les chemins de fer requérants mais ils ne pourront entrer en vigueur avant le 1<sup>er</sup> janvier 1960.

*Le Commissaire en chef,*  
ROD KERR.

## GENERAL ORDER No. 853

*In the matter of regulations respecting the reduction of certain freight rates between Eastern and Western Canada pursuant to Section 468 of the Railway Act, prescribed by General Order No. 833, dated July 3, 1958, as amended by General Order No. 840, dated February 24, 1959:*

File No. 45464.1

MONDAY, the 16th day of November, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

*It is hereby ordered as follows:*

1. General Order No. 840, dated February 24, 1959, is rescinded.
2. General Order No. 833, dated July 3, 1958, is amended by striking out paragraph numbered 4 thereof, and substituting therefor the following:  
"4. REDUCTION IN RATES:  
Subject to paragraphs 1, 2, 3 and 8 hereof, carload and less than carload basic rates shall be reduced by
  - (a) 4.72 per cent, and
  - (b) 15 cents per one hundred pounds."
3. This Order shall have effect from December 1, 1959.

ROD KERR,  
*Chief Commissioner.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 19788 Nov. 25—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 19789 Nov. 25—Relieving the C.P.R. from erecting right of way fencing on the south side of its right of way between Mileages 96.37 and 97.85 Wynyard Subd., Sask.
- 19790 Nov. 25—Relieving the C.P.R. from erecting right of way fencing on the west side of its right of way between Mileage 128.07 and Mileage 128.78 Tisdale Subd., Sask.
- 19791 Nov. 25—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and the Bracebridge and Northwood Telephone Company Limited.
- 19792 Nov. 25—Authorizing the C.N.R. to relocate their floating emergency fire fighting unit at Port Mann, B.C., Mileage 115.1 Yale Subd.
- 19793 Nov. 25—Requiring the C.N.R. to install automatic protection at the crossing of their railway and County Road No. 16, Village of Lefroy, Ont., Mileage 51.89 Newmarket Subd.
- 19794 Nov. 26—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. east of the station at Vars, Ont., Mileage 117.77 Alexandria Subd.
- 19795 Nov. 25—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Prince St., Maxville, Ont., Mileage 91.60 Alexandria Subd.
- 19796 Nov. 25—Authorizing the N.B. Department of Public Works to construct the Trans-Canada Highway across the C.N.R. by means of an overhead bridge at Mileage 79.0 Temiscouata Subd., N.B.
- 19797 Nov. 25—Authorizing the City of Brantford, Ont., to reconstruct and improve the existing overhead bridge across the C.N.R. at Mileage 74.23 Dunnville Subd.
- 19798 Nov. 25—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 3 (Southern Trans Provincial Highway, near Olson, B.C.), Mileage 22.71 Cranbrook Subd.
- 19799 Nov. 25—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Highway No. 95 at Mileage 8.5 Kimberley Subd., B.C.
- 1800 Nov. 25—Requiring the C.P.R. to install automatic protection at the crossing of Clarke Side Road and their railway north of Dundas St., Ont., Mileage 110.62 Galt Subd.
- 1801 Nov. 25—Authorizing the C.P.R. to operate its engines, etc. over the subway at Mileage 40.78 Oshawa Subd., Ont.
- 1802 Nov. 25—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Pine Beach Boulevard, County of Jacques Cartier, P.Q., Mileage 5.95 Winchester Subd.
- 1803 Nov. 26—In the matter of protection at the crossing of Montreuil Road and the C.N.R. in Windsor, Ont.
- 1804 Nov. 26—Approving flammable liquid storage facilities of North Star Oil Limited, at Meadow Lake, Sask., C.P.R. Meadow Lake Subd.
- 1805 Nov. 26—Rescinding Order No. 99616 which authorized the installation of automatic protection at crossing of the C.N.R. and Highway No. 590, near Kakabeka Falls, Ont., Mileage 21.95 Kashabowie Subd.
- 1806 Nov. 26—Authorizing the removal of the speed limitation at the crossing of Prince Edward St. and the C.N.R. in Brighton, Ont., Mileage 241.59 Oshawa Subd.
- 1807 Nov. 26—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. in Whitby, Ont., Mileage 75.01 Oshawa Subd.
- 1808 Nov. 26—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R., south of Minto, Ont., Mileage 2.04 Durham Subd.

- 99809 Nov. 26—Approving Connecting Agreement between the Bonaventure and Gaspé Telephone Company, Limited, and La Corporation de Téléphone de Québec.
- 99810 Nov. 26—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and the Perkins Telephone Company Limited.
- 99811 Nov. 26—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Compagnie de Téléphone Soulanges Limitee.
- 99812 Nov. 26—Authorizing the removal of the speed limitation at the crossing of Church St. and the C.P.R. in Weston, Ont., Mileage 4.14 MacTier Subd.
- 99813 Nov. 26—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and The Commissioners for the Telephone System of the Munic. of the Township of Moore.
- 99814 Nov. 26—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. north of Chesley, Ont., Mileage 38.81 Owen Sound Subd.
- 99815 Nov. 26—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 45.08 Goderich Subd., Ont.
- 99816 Nov. 27—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Highway No. 47 in Grenfell, Sask., Mileage 15.4 Indian Head Subd.
- 99817 Nov. 27—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Governor's Road, in the County of Oxford, Ont., Mileage 3.78 St. Mary's Subd.
- 99818 Nov. 27—Authorizing the C.P.R. to construct a private siding to serve Sutherland Supply Limited across Point Douglas Ave. and McFarlane St., in Winnipeg, Man., Mileage 125.13 Keewatin Subd.
- 99819 Nov. 27—Authorizing the Alberta Dept. of Highways to widen the highway where it crosses the C.N.R. at Mileage 27.83 Three Hills Subd., Alta.
- 99820 Nov. 27—Exempting the New York Central Railroad Co. from the application of General Order No. 61.
- 99821 Nov. 27—Rescinding Order No. 83137 which authorized the relocation of the main line of the C.P.R. at certain locations in the Saint John Subd. in the City of Lancaster, N.B.
- 99822 Nov. 27—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 99823 Nov. 27—The N.B. Department of Public Works is authorized to improve the sight lines at the crossing of the highway and the C.N.R. at Mileage 89.36 Chipman Subd.
- 99824 Nov. 27—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 7.43 Ashcroft Subd., B.C.
- 99825 Nov. 27—Authorizing the Alberta Dept. of Highways to construct Highway No. 2 over the C.P.R. by means of an overhead bridge at Mileage 51.15 MacLeod Subd.
- 99826 Nov. 27—Authorizing the Quebec Dept. of Roads to widen Highway No. 3 where it crosses the C.N.R. at St. Wenceslas, P.Q., Mileage 75.6 Drummondville Subd.
- 99827 Nov. 27—Amending Order No. 97293, which authorized the N.B. Department of Public Works to construct the Trans-Canada Highway across the C.N.R. by means of an overhead bridge, near the Memramcook River, Parish of Dorchester, Co. of Westmorland, N.B.
- 99828 Nov. 27—Amending Order No. 99303 which authorized the widening of Highway No. 402 across the C.N.R. at Mileage 68.34 Forest Subd. Ont.
- 99829 Nov. 27—Requiring the Grand River Rly. Company to install improved protection at the crossing of its railway and Breslau Road in Hagerstown, Ont., Mileage 5.9 Waterloo Subd.

- 99830 Nov. 27—Authorizing the C.N.R. to improve the protection at the crossing of their railway and 114th Ave. near 81st St. in Edmonton, Alta.
- 99831 Nov. 30—Requiring The Essex Terminal Railway Company to install automatic protection at the crossing of its railway and Highway No. 18, north limits of Ojibway in the Twp. of Sandwich West, Ont., Mileage 9.9 Essex Terminal Subd.
- 99832 Nov. 30—Authorizing the New York Central Railroad Co. to install improved protection at the crossing of its railway and Belmont Road (Highway 74), Twp. of Yarmouth, Ont., Mileage 109.82 Main Line Subd.
- 99833 Nov. 30—Approving tariffs filed by The Bell Telephone Company of Canada.
- 99834 Nov. 30—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and the highway at White Fox, Sask., Mileage 8.64 White Fox Subd.
- 99835 Nov. 30—Approving tolls filed by the Canadian Freight Assoc. under section 3 of the Maritime Freight Rates Act.
- 99836 Nov. 30—Amending Order No. 99504, which authorized the C.N.R. to install protection at crossing of their railway and Ontario St. in Brighton, Ont.
- 99837 Nov. 30—Authorizing the Ontario Department of Highways to widen Highway No. 23 where it crosses the C.N.R. at Mileage 29.24 Newton Subd.
- 99838 Nov. 30—Approving By-law No. 3695 of the City of Oshawa, Ont.
- 99839 Nov. 30—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Shanks, P.Q., Mileage 79.93 Sherbrooke Subd.
- 99840 Nov. 30—Authorizing the removal of the speed limitation at the crossing of Provincial Highway No. 15 and the C.N.R. at Mileage 0.38 Yorkton Subd., Sask.
- 99841 Nov. 30—Authorizing the Township of Niagara, Ont., to relocate the road allowance between the Twp. of Stamford and the Twp. of Niagara where it crosses the Niagara Branch of the N.Y.C. Railroad.
- 99842 Nov. 30—Authorizing the C.N.R. to make changes to the interlocking at the crossing of their railway and the C.P.R. near Camrose, Alta., Mileage 47.7 Camrose Subd. (C.N.R.)
- 99843 Dec. 1—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Montgomery Road in Islington, Ont., Mileage 8.35 Galt Subd.
- 99844 Dec. 1—Authorizing the C.N.R. to remove the station agent at Denholm, Sask., Mileage 67.9 Langham Subd.
- 99845 Dec. 1—Dismissing application of the C.P.R. for authority to remove the caretaker at Freemont, Sask.
- 99846 Dec. 1—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Grey St., in Winnipeg, Man., Mileage 124.0 Keewatin Subd.
- 99847 Dec. 1—Approving the temporary liquefied petroleum gas loading facilities of Progas Limited at Acheson, Alta., Mileage 14.2 Wabamun Subd., C.N.R.
- 99848 Dec. 1—Rescinding Order No. 74226 which approved facilities of Harvey Creamery Limited for handling and storage of flammable liquids near the C.P.R. at Harvey, N.B.
- 99849 Dec. 2—Authorizing the C.P.R. to remove the station shelter at Saskatchewan Beach, Sask. and delete the station name from the tariffs.
- 99850 Dec. 2—Authorizing the Corporation of the City of Toronto, Ont., to construct a subway at the crossing of the C.N.R. and Logan Ave., Mileage 331.3 Oshawa Subd.
- 99851 Dec. 2—Authorizing the B.C. Dept. of Highways to construct the highway across the C.P.R. at Mileage 2.08 Okanagan Subd., B.C.

- 99852 Dec. 2—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 99853 Dec. 2—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 22.3 and 22.73 St. Maurice Valley Subd., in the City of Shawinigan Falls, P.Q.
- 99854 Dec. 2—Requiring the C.P.R. to install automatic protection at the crossing of their railway and Galipeau St., in Thurso, P.Q., Mileage 90.46 Lachute Subd.
- 99855 Dec. 2—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Cadillac St., in Montreal, P.Q., Mileage 7.93 Longue Pointe Subd.
- 99856 Dec. 2—Approving flammable liquid storage facilities of the C.N.R. at Senneterre, P.Q.
- 99857 Dec. 3—Authorizing the Manitoba Dept. of Public Works to widen the highway where it crosses the C.P.R. at Mileage 0.95 Fallison Subd.
- 99858 Dec. 3—Authorizing the Town of Iberville, P.Q., to construct 6th Avenue across the C.N.R.'s Lemoyne Spur at Mileage 0.32.
- 99859 Dec. 3—Authorizing the C.N.R. to discontinue passenger train service between Mahone Bay and Lunenburg, N.S.
- 99860 Dec. 3—Rescinding Order No. 68256 which approved the location of facilities of Home Oil Distributors Limited, near the C.N.R. at Vanderhoof, B.C.
- 99861 Dec. 3—Approving Supplement No. 20 to Canadian Freight Classification No. 20, filed by the Canadian Freight Association.
- 99862 Dec. 3—In the matter of changes in rate groupings of certain telephone exchanges of the British Columbia Telephone Company.
- 99863 Dec. 3—Authorizing the C.P.R. to construct an extension of its siding serving the Consolidated Fruit Company Limited along Fourth St. in the City of Lethbridge, Alta.
- 99864 Dec. 3—Authorizing the Alberta Department of Highways to construct Highway No. 2 across the C.P.R. by means of an overhead bridge, at Mileage 111.64 Hoadley Subd.
- 99865 Dec. 3—Approving proposed flammable liquid storage facilities of B.P. Canada Limited at Sherbrooke, P.Q., Mileage 70.4 Sherbrooke Subd.
- 99866 Dec. 3—Amending Order No. 99270 which authorized the Ontario Dept. of Highways to construct Highway No. 17 across the C.P.R. by means of an overhead bridge, at Mileage 78.45 Chalk River Subd.
- 99867 Dec. 3—Authorizing the Ontario Dept. of Highways to construct Highway No. 401 across the C.N.R. at Mileage 103.56 Smiths Falls Subd.
- 99868 Dec. 3—Approving tolls published in tariffs filed by the Canada and Gulf Terminal Railway Company under Section 8 of the Maritime Freight Rates Act.
- 99869 Dec. 3—Authorizing the removal of the speed limitation at the crossing of Hamford Street and the C.P.R. in Lachute, P.Q., Mileage 45.11 Lachute Subd.
- 99870 Dec. 3—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 15.18 Aberdeen Subd., Sask.
- 99871 Dec. 3—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. near Grand Forks, B.C., Mileage 93.4 Boundary Subd.
- 99872 Dec. 3—Authorizing the removal of the speed limitation at the crossing of Hollowell Grant Road and the C.N.R., Mileage 83.44 Hopewell Subd., N.S.
- 99873 Dec. 4—Authorizing the C.P.R. to reconstruct its snow shed at Mileage 96.2 Mountain Subd., B.C.
- 99874 Dec. 4—Approving flammable liquid storage facilities of Imperial Oil Limited at Stoughton, Sask., Kisebey Subd., C.P.R.

- 99875 Dec. 4—Approving flammable liquid storage facilities of Imperial Oil Limited at Shaunavon, Sask., C.P.R.
- 99876 Dec. 4—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Sylvan Valley, N.S., Mileage 82.10 Hopewell Subd.
- 99877 Dec. 4—Authorizing the C.N.R. to operate over the siding serving Imperial Oil Limited in the City of Sarnia, Ont., Mileage 0.39 Froomfield Spur.
- 99878 Dec. 4—Authorizing the C.P.R. to reconstruct a portion of its tunnel at Mileage 27.6 Coquihalla Subd., B.C.
- 99879 Dec. 4—Relieving the C.P.R. from erecting and maintaining right-of-way fencing between certain mileages on its Lac du Bonnet Subd.
- 99880 Dec. 4—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. in Thamesford, Ont., Mileage 101.31 Galt Subd.
- 99881 Dec. 4—Authorizing the removal of the speed limitation at the crossing of First St. and the C.P.R. in London, Ont., Mileage 111.63 Galt Subd.
- 99882 Dec. 4—Requiring the C.N.R. to install protection at the crossing of the C.N.R. and Belvedere Road in Queens Co., P.E.I., Mileage 1.61 Kensington Subd.
- 99883 Dec. 4—Authorizing the City of Calgary, Alta., to construct Southland Drive across the C.P.R. at Mileage 5.66 MacLeod Subd.
- 99884 Dec. 7—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. in Newcastle, Ont., Mileage 57.98 Oshawa Subd.
- 99885 Dec. 7—Authorizing the removal of the speed limitation at the crossing of Caradoc St. and the C.N.R. in Strathroy, Ont., Mileage 19.85 Strathroy Subd.
- 99886 Dec. 7—Amending Order No. 95667, re apportionment of cost of installing automatic protection at the crossing of Chamberlain St. and the C.N.R. in Amherst, N.S., Mileage 75.92 Springhill Subd.
- 99887 Dec. 7—In the matter of protection at the crossing of Fitch St. and the Niagara, St. Catharines and Toronto Rly. in Welland, Ont., Mileage 15.77 Welland Subd.
- 99888 Dec. 7—Authorizing the removal of the speed limitation at the crossing of Provincial Highway No. 16 and the C.N.R. at Mileage 84.68 Telkwa Subd., B.C.
- 99889 Dec. 7—Authorizing the C.N.R. to relocate the protection at the crossing of their railway and Highway No. 401 at Whitby, Ont., Mileage 0.77 Town Spur.
- 99890 Dec. 7—Authorizing the C.N.R. to operate over the private siding serving the Hydro-Electric Power Commission of Ontario in Sarnia, Ont.
- 99891 Dec. 7—Authorizing the C.N.R. to operate over the subway at Mileage 8.69 Harcourt Subd., N.B.
- 99892 Dec. 7—Rescinding Order No. 67944 which approved facilities of North Star Oil Limited near the C.N.R. at Livelong, Sask.
- 99893 Dec. 7—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. in Carleton, P.E.I., Mileage 10.31 Borden Subd.
- 99894 Dec. 7—Authorizing the removal of the speed limitation at the crossing of Byer's Lane and the C.N.R. at Mileage 5.09 Lake Verde Subd., P.E.I.
- 99895 Dec. 7—Authorizing the removal of the speed limitation at the crossing of Melrose Road and the C.N.R., Mileage 27.21 Tormentine Subd., N.B.
- 99896 Dec. 8—Approving revised book of rules and regulations governing the operation of the Great Northern Railway Company in Canada.
- 99897 Dec. 8—Approving flammable liquid storage facilities of Imperial Oil Limited at Ponteix, Sask., Shaunavon Subd.

- 99898 Dec. 8—Rescinding Orders Nos. 61738 and 68471, which approved the location of facilities of Imperial Oil Limited near the C.N.R. at Pointe Claire, P.Q.
- 99899 Dec. 8—Requiring the C.P.R. to install automatic protection at the crossing of their railway and Cowichan Lake Road, at Duncan, B.C., Mileage 39.70 Victoria Subd.
- 99900 Dec. 8—Requiring the C.N.R. to install improved protection at the crossing of their railway and Highway No. 26 at Stayner, Ont., Mileage 23.4 Meaford Subd.
- 99901 Dec. 8—Authorizing the C.P.R. to operate over the private siding serving the Goodrich Rubber Company and Peoples Credit Jewellers in the Twp. of Etobicoke, Ont., Mileage 1.93 Galt Subd.
- 99902 Dec. 8—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 99903 Dec. 8—Approving revisions to tariffs filed by the British Columbia Telephone Company.
- 99904 Dec. 8—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 99905 Dec. 8—Approving tolls published in tariffs filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 99906 Dec. 9—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 504 at Palgrave, Ont., Mileage 49.1 Milton Subd.
- 99907 Dec. 9—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 1 at Mileage 90.21 (Regina By-Pass) Glenavon Subd., Sask.
- 99908 Dec. 9—Authorizing the City of Galt to construct Clyde Road across the C.P.R. at Mileage 55.8 Galt Subd.
- 99909 Dec. 9—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 131.20 Fort Frances Subd., Ont.
- 99910 Dec. 9—Authorizing the C.N.R. to operate over the bridge across the Tatamagouche River, N.S., Mileage 35.6 Oxford Subd.
- 99911 Dec. 9—Authorizing the Department of Citizenship and Immigration to construct a road across the C.N.R. in Gamblers Band Indian Reserve No. 63A, Man., Mileage 39.40 Togo Subd.
- 99912 Dec. 9—Approving tolls published in tariffs filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 99913 Dec. 9—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at first crossing north of station in Rosemary, Alta.
- 99914 Dec. 9—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. east of switch to Barlow Junction yard Alta., Mileage 131.47 Drumheller Subd.
- 99915 Dec. 9—Authorizing the City of St. Jerome, P.Q., to construct a public pedestrian crossing across the C.P.R. at Mileage 13.9 Ste. Agathe Subd.
- 99916 Dec. 9—Authorizing the Munic. of Metropolitan Toronto to construct the Don Valley Parkway across the C.P.R. by means of a subway at Mileage 101.2 Oshawa Subd.
- 99917 Dec. 9—Extending the time within which the C.P.R. is required to install automatic protection at crossing of its railway and Highway No. 50 in Indian Head, Sask., Mileage 50.5 Indian Head Subd.
- 99918 Dec. 9—Approving flammable liquid storage facilities of Shell Oil Company of Canada Limited, at Drummondville, P.Q., Mileage 98.3, Drummondville Subd., C.N.R.
- 99919 Dec. 9—Authorizing the C.P.R. to operate over the branch line of railway serving its piggyback service in the City of Winnipeg, Man. Mileage 3.07 Carberry Subd.

- 99920 Dec. 9—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Lincoln, N.B., Mileage 64.92 Centreville Subd.
- 99921 Dec. 9—Authorizing the C.N.R. to close their station at St. Aime, P.Q., provided a caretaker is appointed.
- 99922 Dec. 9—Requiring the C.P.R. to install protection at the crossing of its railway and Clyde Road, east of Galt, Ont., Mileage 55.17 Galt Subd.
- 99923 Dec. 9—Approving liquefied petroleum gas storage facilities of the Seventy-Seven Oil Company Limited at Medicine Hat, Alta., Maple Creek Subd., C.P.R.
- 99924 Dec. 9—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and old Highway No. 17, Mileage 7.71 M. & O. Subd., P.Q.
- 99925 Dec. 9—Requiring the C.N.R. to widen the crossing of Highway No. 34 and their railway at St. Wenceslas, P.Q., Mileage 75.62 Drummondville Subd.
- 99926 Dec. 10—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under Section 8 of the Maritime Freight Rates Act.
- 99927 Dec. 10—Approving flammable liquid storage facilities of Shell Oil Company of Canada Limited at Granby, P.Q., Mileage 46.58 Granby Subd., C.N.R.
- 99928 Dec. 10—Approving flammable liquid storage facilities of National Petroleum Limited at Ottawa, Ont., Mileage 133.76 Alexandria Subd., C.N.R.
- 99929 Dec. 10—Approving flammable liquid storage facilities of Imperial Oil Limited at Kingston, Ont., Mileage 1.35 Kingston Subd., C.N.R.
- 99930 Dec. 10—Authorizing the C.P.R. to remove the existing bell and danger sign at the crossing of their railway and the highway between Lots 8 and 9, Twp. of Goderich, Ont., Mileage 35.61 Goderich Subd.
- 99931 Dec. 10—Authorizing the Alberta Dept. of Highways to construct Highway No. 43.83 across the Northern Alberta Railways Company at Mileage 81.84 Edmonton Subd.
- 99932 Dec. 10—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Parent Ave., Mileage 13.31, and Avenue du Palais, Mileage 13.38 Ste. Agathe Subd., in St. Jerome, P.Q.
- 99933 Dec. 10—Approving proposed flammable liquid storage facilities of Agincourt Fuel Company at Agincourt, Ont., Mileage 96.23 Oshawa Subd., C.P.R.
- 99934 Dec. 10—Approving Appendix "A" to Traffic Agreement between The Bell Telephone Company of Canada and Le Telephone Somerset Limitee.



The Board of  
**Transport Commissioners for Canada**

**Judgments, Orders, Regulations and Rulings**

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OTTAWA, JANUARY 15, 1960

No. 20

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*In the matter of the application of the Municipal District of Kneehill No. 48, Three Hills, Alberta, dated May 31, 1958, for the reconstruction of an overpass at mileage 62.5 Langdon Subdivision, Canadian Pacific Railway, and in the S.W.  $\frac{1}{4}$  17-29-22 W.A.M., in the Province of Alberta and apportionment of cost thereof, in accordance with Section 265 of the Railway Act.*

File No. 26662.26

Heard at Calgary, Alberta, September 24, 1959.

Before:

H. H. GRIFFIN, *Assistant Chief Commissioner.*  
J. M. WOODARD, *Commissioner.*  
W. R. IRWIN, *Commissioner.*

Appearances:

ELDON M. WOOLLIAMS, for the Municipal District of Kneehill No. 48, Three Hills, Alberta.  
H. M. PICKARD, for the Canadian Pacific Railway Company.

J U D G M E N T

GRIFFIN, A.C.C.:

This is an application by the Municipal District of Kneehill No. 48, Three Hills, Alberta, for the reconstruction of an overpass at mileage 62.5 Langdon Subdivision of the Canadian Pacific Railway and the apportionment of the cost.

By Order No. 41129 of July 19, 1928, the Board authorized the Canadian Pacific Railway Company to construct an overhead crossing at the above point; ordered the road allowance east and west thereof to be closed; and the land

within the limitations of the right-of-way conveyed to the railway company. The Board further ordered—"The railway company to pay the cost of constructing the proposed overhead crossing and the applicant (the municipal district of Carbon No. 278) to pay the cost of maintenance".

Prior to the issuance of this Order, and following the hearing, the railway company offered to the municipality of Carbon to pay half the cost of construction of the overhead crossing and half the cost of maintenance or in the alternative to pay the cost of construction, provided the government or municipality would maintain it. The municipality elected to have the railway company pay the cost of construction, the municipality to bear the cost of maintenance.

The applicant is the successor to the municipal district of Carbon.

The overhead crossing is a wooden bridge.

In May of 1958 the municipality informed the Board that on a joint inspection its officials and those of the railway company had agreed that the bridge was unsafe for loads, and that signs had been posted stating that it was closed to all bus and truck traffic. It was subsequently closed to all vehicular traffic.

By Order No. 95869 dated October 1, 1958, the Board authorized the municipality to construct and maintain a public temporary crossing at a nearby farm crossing.

The municipality has applied to the Board for an Order—

- (1) Authorizing the construction of a bridge with the necessary approaches thereto over the right-of-way of the Canadian Pacific Railway Company at the above point (i.e., approximately at the site of the present bridge).
- (2) Applying a sum from The Railway Grade Crossing Fund towards the cost of construction of the bridge.
- (3) Apportioning the balance of the cost of construction between the railway company and it.
- (4) Apportioning the cost of maintenance between the railway company and it.

The existing bridge built in about the year 1928 was designed for a loading of approximately fifteen tons, has a width of some 20 feet and cost \$2,514. The municipality, as required by the Board's Order, has paid for such maintenance as has been done.

The new proposed bridge is one designed to carry H.20-S.16 loadings. This rating means that the bridge should carry a total maximum loading of 36 tons. The railway company and the municipality proposed a bridge some 24 feet in width. The Board's Engineering Branch has, in this instance, recommended a width of 26 feet.

The municipality's submission is that the cost of the bridge, after any contribution from the Railway Grade Crossing Fund, should be borne by the railway company for the following reasons:

- (a) The railway company was ordered to pay the cost of construction of the former bridge; the municipality to pay the cost of maintenance. Further maintenance will not suffice to make the bridge safe for traffic.
- (b) The railway company derived the benefit from the closing of other crossings in the vicinity as set forth in the Board's Order No. 41129. (The original Order).
- (c) The railway company will benefit from the increased carrying capacity of the proposed bridge and the resulting increased highway traffic and heavier loads.

The reason given is that deliveries of grain by way of the bridge to elevators at Sharples (a community near the bridge), will result in increased shipments from Sharples by way of the company's railway line. Should the bridge not be reconstructed for an adequate loading, it is alleged that grain presently delivered to Sharples would be delivered to elevators at points on the railway line of Canadian National Railways.

- (d) The railway company is deriving revenue from the shipment of steel pipe and other equipment for the transmission and processing of natural gas in the vicinity of the proposed bridge.
- (e) The municipality would have to pay in any event for the construction of approaches to the proposed bridge in an estimated amount of \$3,000.
- (f) The municipality has already had to construct two steel bridges over the Kneehill Creek for roads leading to the proposed bridge.

The railway company has opposed bearing any part of the cost of construction of the new bridge for the following reasons:

- (1) The company will not benefit from any increase in carrying capacity of the bridge. This will be solely for highway traffic.
- (2) The company assumed the cost of constructing the original bridge and the municipality agreed to assume the cost of future maintenance. The replacement of the existing structure would be in the nature of maintenance.
- (3) The company paid for any benefits it derived from the closing of other crossings when it paid for the construction of the overhead bridge and should not be required to make any further payment for the benefits derived in closing other crossings which in this case are relatively small.

The above were the reasons given by the municipality and the railway company prior to the hearing. "Other crossings" referred to in the railway company's reasons can refer only to the temporary crossing authorized by the Board's Order No. 95869, which crossing should be closed when the proposed bridge has been constructed. The estimated cost of the new bridge, excluding approaches, is \$20,900. This is the railway company's estimate for a bridge that will carry the necessary loading (i.e., H.20-S.16 rating) and be 24 feet in width. As stated above, it is recommended that the bridge should be 26 feet in width. The statement of Counsel for the railway company is that the additional width of two feet will not increase the cost by more than \$200 to \$400. The municipality at the hearing undertook to pay the cost of the construction of the approaches, being some \$3,000.

Based upon the statement of Counsel and allowing an additional sum, I shall treat the estimated cost of the proposed bridge being 26 feet in width as \$21,500.

The proposed work is the reconstruction and improvement of a grade separation. As such, the Board is authorized, in its discretion, to apply towards such cost from the Railway Grade Crossing Fund a sum not exceeding 50 per cent of the cost of the work.

The evidence is clear that the existing bridge can no longer be safely used.

I would authorize the construction of the new proposed bridge being the reconstruction of the present grade separation.

I would further order the payment from the Railway Grade Crossing Fund of 50 per cent of the cost of the proposed work (excluding the cost of the construction of the approaches), not to exceed the sum of \$10,750.

There, therefore, remains the matter of the apportionment of the remaining cost, and the cost of maintenance.

At the hearing evidence was introduced to establish the following:

- (i) That the road allowances in substitution for which the crossing was built are senior to the railway.
- (ii) That there was a trail from Carbon going east, north and south across and along Kneehill Creek before the railway was built.
- (iii) That should the bridge not be reconstructed and be of adequate strength, grain now being delivered to elevators at Sharples would be delivered by grain farmers south of the railway line to elevators on the railway line of Canadian National Railways.

In my opinion, our decision should not be based on whether or not the road allowance or railway was senior in time or whether or not, in fact, there was an existing trail used roughly along the present route of the existing road and bridge.

The third point, however, must be dealt with. Much evidence was called to show the advantages in distance, condition of roads and gradients of roads that might induce such farmers to deliver to elevators on the Canadian National Railways' line. However, the average quantity of grain delivered to the elevator of the Alberta Wheat Pool at Sharples over a ten year period is 115,000 bushels each year. During the period when the bridge has been closed the farmers south of the Canadian Pacific Railway line have been using the level crossing authorized by the Board's Order No. 95869 of October 1, 1958. In the season since the bridge was closed and the level crossing authorized, that elevator has received a total of 119,000 bushels of grain which is slightly above the ten year average. The delivery of grain to that elevator at Sharples has, therefore, not diminished during the period when the bridge has been closed. The evidence of what would happen if the bridge were not reconstructed or if the bridge were reconstructed only for the loadings carried by the old bridge is to some extent conjecture. The evidence on this point I find too uncertain and too remote upon which to base any order which presumes a benefit to the railway company. Moreover, the contention that the railway company would benefit from shipments of grain from elevators at Sharples is to some extent offset by evidence that one of the elevators at Sharples has, on occasion, shipped grain to Calgary not by way of the railway company's line but by truck.

In my opinion, this application is in part for authority to replace a worn out bridge with a new bridge. That is the basis for the contribution that I would authorize from the Railway Grade Crossing Fund. It is simply that a bridge which, over the years, has become unsafe for vehicular traffic must now be replaced by another bridge. The new proposed bridge must be stronger and wider to meet the demand of present day traffic. Moreover, such a standard construction is required by Section 267 of the Railway Act which provides that:

"Every structure by which any railway is carried over or under any highway or by which any highway is carried over or under any railway, shall be so constructed, and, at all times, be so maintained, as to afford safe and adequate facilities for all traffic passing over, under or through such structure."

It is, therefore, necessary to have the new bridge constructed according to the specifications proposed and at the present estimated cost to meet present day conditions.

In argument Counsel for the municipality has relied in part on the decision of this Board in the *Hamilton v. Canadian Pacific and Toronto, Hamilton and Buffalo Railway Companies* (1920) 25 C.R.C. 379, (the King Street bridge case). Counsel, as I understand him, has interpreted this case as laying down the principle that the obligation "to construct" in the matter of railway crossings is a continuous one and that the railways must construct each time reconstruction becomes necessary. Possibly that is taking this decision further than it should be taken, but it did lay down the principle that "When a railway company excavates and cuts away a portion of a highway they should be compelled to replace that highway by a substructure capable of carrying everything which the earth itself as it then existed would carry".

In enunciating this principle the then Chief Commissioner said:

"In the case of the King Street crossing now under consideration, before the railway was constructed, the municipality had a highway, I believe macadamized, upon a foundation which was quite sufficient to carry any traffic then existing and any other traffic however great or heavy that might wish to pass along the same for all time to come. By an order of the proper authorities, and quite properly, the railway company was authorized to sever this highway for the purpose of constructing a railway and was ordered to construct, in the place of the highway thus severed, a bridge which no doubt was entirely capable of carrying all the traffic of that portion of Canada as it existed at that date.

In my judgment, as a general principle, when a railway company excavates and cuts away a portion of a highway, they should be compelled to replace that highway by a substructure capable of carrying everything which the earth itself as it then existed would carry, but I do not think they should be held responsible for placing a covering or surfacing on the substructure thus provided of any different construction or durability than that which they found when the road was severed, and, having provided such a structure with such a covering, I then think the burden should be on the municipality to pave it or cover it with any material which, in their judgment, might be necessary to take care of the traffic in that particular locality. No person with any knowledge of conditions in the City of Hamilton today can deny that a bridge of the size, structure, and dimensions of the present bridge would not be sufficient to carry the traffic of that city today, and, as the railway company was allowed to take away from them their street, I think it should be replaced by another measuring up to the standard which I have just described."

In a relatively recent application, *Hamilton v. Toronto, Hamilton and Buffalo Railway Company* (1952) 69 C.R.T.C. 300, the Board departed from this principle and held that since the King Street bridge case was decided in 1920 the picture had completely changed; whereas road improvements had at one time served to feed more traffic to the railways they now had the effect of withdrawing business from the railways. Costs should be apportioned in relationship to the benefits received. In that judgment the observation was made that "the Board in apportioning costs is given the widest discretion under s. 39 of the Railway Act and over the years its decisions indicate an increasing relaxation from strict adherence to former established concepts as conditions have changed; also an increasing tendency to deal with each case on its merits according to its surrounding circumstances."

I do not intend to follow the principle in the (1920) Hamilton King Street bridge case for the following reasons:

Firstly, the Board in the 1952 Hamilton case (*supra*) has already declined to follow it.

Secondly, as set out in the 1952 Hamilton case the relative position of highways and the railways has changed since 1920. Each integral part of a highway is part of a highway system. Such highway systems are not feeders to the railways, but are their competitors in transport.

Thirdly, in the 1920 Hamilton case (King Street bridge case) the then Chief Commissioner, (Carvell, C. C.) in his Judgment said:

"I am actuated purely by the conditions in Hamilton as I find them from evidence and personal investigation, but the principle which I have herein enunciated, while applying generally, is intended only in the present instance to apply to the bridge under discussion".

I can only take it that the Chief Commissioner did not intend that this principle should be of universal application.

Fourthly, the Chief Commissioner seems to have relied in part on a statutory duty imposed upon the railway company by Section 260 (later Section 263) of the Railway Act which read as follows:

"263. In any case where a railway is constructed after the 19th day of May, 1909, the company shall, at its own cost and expense, unless and except as otherwise provided by agreement, approved by the Board, between the company and a municipal or other corporation or person, provide, subject to the order of the Board, all protection, safety and convenience for the public in respect of any crossing of a highway by the railway."

This section was repealed in 1955.

Fifthly, I cannot hold that because the face of nature has been changed by the railway company in its original construction it must necessarily be responsible in perpetuity for the costs occasioned to the highway authority by that change.

Sixthly, as the demands of highway construction increase, the universal application of this principle may become unjustifiably onerous.

Counsel for the municipality quite properly has pointed out the principle laid down in the later case of *Hamilton v. Toronto, Hamilton and Buffalo Railway Company* (1935) 44 C.R.C. 312. In this case, the Board stated that in its opinion "the obligation 'to maintain' when no words of limitation or restriction are employed involves an obligation to reconstruct up to the standard of the original structure should it become necessary at any time so to do." Counsel for the municipality has endeavoured to distinguish this decision on the ground that in that case the highway over the crossing was to be used to ship freight in competition with the railway company. Here Counsel submits that the overhead bridge will assist the railway; that the Board should make its decision on the circumstances of each case and is not bound by any particular precedent.

However, I should point out that in my opinion, upon careful consideration, the statement of Guthrie, C.C., does not appear to lay down the principle that has been described.

To ascertain how far the Chief Commissioner intended to go in laying down this principle it is necessary to consider *Grand Trunk Railway Company v. C.P.R.* (1913) 15 C.R.C. 433 to which he referred in his Judgment. Here a bridge had been built under an agreement made in 1883 between O. & Q.R. Company (operated by the C.P.R.) and Midland Railway (thereafter operated by G.T.R.). The agreement provided that the crossing *shall* be maintained at the cost of the

C.P.R. and it shall *always* be maintained in a good and safe state so as in no way to endanger the property fixed or movable of the G.T.R. and against all damages because of the construction or non-maintenance of the crossing . . . . and that the C.P.R. shall and will save the Midland Company harmless. (Emphasis mine).

The bridge was damaged by work of the C.P.R. in 1912 and the G.T.R. made an application for an Order requiring the C.P.R. to reconstruct the bridge which carried the G.T.R. over the C.P.R. At the time of the hearing the bridge was supported by temporary structures. The Board came to the conclusion that the bridge had to be put into a good and sufficient state of repair by the C.P.R. and perhaps reconstructed in any event. The bridge was thirty years old.

The G.T.R. requested an entirely new structure of sufficient strength to permit the operation of rolling stock of the standard of 1913. The Chief Commissioner (Drayton C.C.) in his Judgment stated that the G.T.R. received no consideration and that in his view no restriction of its right to use its property for railway purposes was contemplated. The Chief Commissioner went on to say: "In my view the word 'maintenance' has to be read in its wider sense and entails upon the constructing company (the junior company, C.P.R.) the duty of maintaining the bridge in question as a part of the permanent way of the Grand Trunk Line and sufficient for the purposes of that company".

On appeal to the Supreme Court of Canada the Board's decision was upheld.

In the Grand Trunk case, the constructing company had the obligation both to construct and to maintain. It was, I think, more than the obligation to maintain a structure during its natural life; it was an obligation to maintain (i.e. in this instance to keep in existence and in a good state of repair) a way over another railway.

"Maintenance", if it is not to be given its usually accepted meaning must vary according to the instrument in which it is found and the circumstances in which it has been used.

Accordingly I read the Chief Commissioner's statement of principle in the 1935 Hamilton case as meaning "*If the obligation to maintain includes the obligation to reconstruct* then when no words of limitation or restriction are employed it involves the obligation to reconstruct up to the standard of the original structure when it becomes necessary at any time to do so." (Emphasis mine).

I should point out that Guthrie C.C. went on to say that when Section 264 (now Section 267) was considered in conjunction with this responsibility there became an obligation to reconstruct up to the standard required by that section.

I do not think that an obligation to maintain necessarily carries with it the duty to reconstruct.

Counsel for the municipality has sought firstly to rely upon the 1920 Hamilton case (King Street Bridge Case). Secondly, if he cannot do so he endeavours to distinguish the 1935 Hamilton case. Thirdly, having endeavoured to do so he seeks to rely upon the 1952 Hamilton case which lays down the principle that cost should be apportioned in relationship to the benefits received.

Counsel for the railway company relies upon the 1935 Hamilton case, saying that upon its authority the municipality having the obligation to maintain has the obligation to reconstruct. He says that this obligation is an obligation to reconstruct in kind only. He says further that the cost of any betterment over the original structure should be apportioned in relationship to the benefits received in accordance with the principle set out in the 1952 Hamilton case.

I cannot follow the principle in the 1920 Hamilton (King Street Bridge Case) for the reasons I have given. As I have said, I do not think that the 1935 Hamilton case lays down the principle ascribed to it. I propose to follow

the 1952 Hamilton case which lays down the principle that costs should be apportioned in relationship to the benefits received. The benefits to be considered may be past and prospective. Other factors, depending on the circumstances, may also be taken into consideration in the apportionment of costs. As Kearney, C.C., said in *Calgary v. C.P.R.*, 1954, 70 C.R.T.C., 143 at 149:

“Benefit of the subway to the parties is, of course, not the only factor to be considered in apportioning costs. What we have endeavoured to do is to determine what would be reasonable and proper, having regard to all the circumstances . . . .”

I would allot the costs of reconstruction as follows:

The cost of the construction of the approaches, which the Municipality of the District of Kneehill has undertaken to assume, is to be borne by the Municipality.

I would, as I have already stated, order the payment from the Railway Grade Crossing Fund of 50 per cent of the cost of the proposed work (excluding the cost of the construction of the approaches), not to exceed the sum of \$10,750.

I would assess against Canadian Pacific Railway Company the amount of \$2,500.

I would assess against the Municipal District of Kneehill the remaining cost.

I would require the Municipal District of Kneehill to bear the cost of maintenance of the proposed bridge.

An Order will go accordingly.

H. H. GRIFFIN

Dec. 10, 1959.

*I concur:*

JOHN M. WOODARD

*I concur:*

W. R. IRWIN

## ORDER No. 99943

*In the matter of the application of the Municipal District of Kneehill No. 48, in the Province of Alberta, hereinafter called the "Applicant", for the reconstruction of an overpass at mileage 62.5 Langdon Subdivision, Canadian Pacific Railway, in the Southwest quarter of Section 17, Township 29, Range 22, West 4th Meridian, in the Province of Alberta, and apportionment of the cost thereof, in accordance with Section 265 of the Railway Act:*

File No. 26662.26

FRIDAY, the 11th day of December, A.D. 1959

H. H. GRIFFIN, *Assistant Chief Commissioner.*

J. M. WOODARD, *Commissioner.*

W. R. IRWIN, *Commissioner.*

Upon hearing the application at a sittings of the Board held in Calgary, Alberta, on September 24, 1959, in the presence of Counsel for the Municipal District of Kneehill No. 48 and the Canadian Pacific Railway Company—

*It is hereby ordered as follows:*

1. The Applicant is authorized to relocate from mileage 62.53 to mileage 62.55 Langdon Subdivision, and to reconstruct the overhead bridge in the Southwest quarter of Section 17, Township 29, Range 22, West 4th Meridian, in the Province of Alberta, as shown on plans dated October 22, 1958, and No. 46213, dated February 1, 1952, on file with the Board under file No. 26662.26, except that the said overhead bridge shall be twenty-six feet in width.

2. The said overhead bridge shall be reconstructed in accordance with the requirements of General Order No. 848.

3. Fifty per cent of the cost of reconstruction of the said overhead bridge, or the sum of \$10,750.00, whichever is the lesser, shall be paid out of The Railway Grade Crossing Fund, \$2,500.00 shall be paid by the Canadian Pacific Railway Company, and the balance of the said cost shall be borne and paid by the Applicant.

4. The cost of construction of the approaches to the said relocated overhead bridge shall be borne and paid by the Applicant.

5. The cost of future maintenance of the said reconstructed overhead bridge, including the approaches thereto, shall be borne and paid by the Applicant.

H. H. GRIFFIN,  
*Assistant Chief Commissioner*

## GENERAL ORDER No. 854

*In the matter of Regulations for the Transportation of Dangerous Commodities  
by Rail approved by General Order No. 836, dated October 31, 1958:*

File No. 1717

MONDAY, the 23rd day of November, A.D. 1959

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

W. R. IRWIN, *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

The Board's Regulations for the Transportation of Dangerous Commodities by Rail is amended by striking out Section 73.119(a) (3) thereof and substituting therefor the following:

- (3) Spec. 17E. Metal drums (single trip) not over 5 gallons capacity, with openings not over 2.3 inches in diameter. (See also paragraph (a) (16) of this section.)

A SYLVESTRE,

*Deputy Chief Commissioner,*

*The Board of Transport Commissioners for Canada.*

## GENERAL ORDER No. 855

*In the matter of General Order No. 836, dated October 31, 1958;*

*And in the matter of "The Regulations for the Transportation of Dangerous Commodities by Rail" attached thereto:*

Files Nos. 1717-B  
1717.179

THURSDAY, the 26th day of November, A.D. 1959

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

W. R. IRWIN, *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

1. The said Regulations for "The Transportation of Dangerous Commodities by Rail" are amended as follows:

(a) Where the words "Vinyl Chloride, inhibited" appear in sections 72.5, 73.308(a), 73.314(a) and 73.315(h), they shall be amended to read "Vinyl Chloride".

(b) Section 73.315(i) (2) shall be amended by adding the following item to the table: "Vinyl Chloride . . . . 150".

2. No shipper shall be relieved from compliance with the requirements of section 73.21(b) of the said regulations.

3. This amendment to the said regulations shall come into force on November 25, 1959.

A SYLVESTRE,  
*Deputy Chief Commissioner,*  
*The Board of Transport Commissioners for Canada.*

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
OCTOBER, 1959.

Railway Accidents .....	186	Killed	6	Injured	200
Level Crossing Accidents ....	62	Killed	28	Injured	98
Total .....	248		34		298

		Killed		Injured	
Passengers .....		5		68	
Employees .....		—		156	
Others .....		29		74	
Total .....		34		298	

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

NEWFOUNDLAND

- 1 — Auto truck struck by train. Licence: Nfld. C-9104.

PRINCE EDWARD ISLAND

- 1 Auto truck ran into side of train. Licence: P.E.I. C-6-147.

NOVA SCOTIA

- 1 Automobile ran into side of standing train. Licence: N.S. 12-75-17.  
— 1 Automobile struck by train. Licence: N.S. 5-86-23.

NEW BRUNSWICK

- 1 Automobile ran into side of train. Licence: N.B. 71-171.  
— 1 Auto truck struck by train. Licence: N.B. C-10-503.  
— 1 Automobile ran into side of train. Licence: N.B. 34-227.

QUEBEC

- 1 Auto truck ran into side of train. Licence: Que. FD-308.  
1 — Automobile ran into side of R.D. Unit. Licence: Que. 804-863.  
1 — Auto truck struck by train. Licence: Que. FG-6174.  
— 1 Automobile ran into side of train. Licence: Que. 363-156.  
1 — Automobile struck by train. Licence: Que. 732-510.  
1 2 Auto truck struck by train. Licence: Que. FT-87.  
— 1 Automobile ran into side of train. Licence: Que. 400-867.

ONTARIO

- 1 Automobile ran into side of engine. Licence: Ont. 814-230.  
— 1 Pedestrian struck by train.  
— 1 Automobile struck by train. Licence: Ont. 721-031.  
1 — Auto truck struck by train. Licence: Ont. 52-798-B.  
— 1 Automobile ran into side of train. Licence: Ont. A-55393.  
— 2 Automobile struck by train. Licence: Ont. 615-964.  
— 1 Auto truck ran into side of train. Licence: Ont. 85-432-B.  
— 1 Automobile ran into side of train. Licence: N.B. 84-304.  
1 — Automobile struck by train. Licence: Ont. B-45308.  
— 1 Gasoline truck struck by train. Licence: Ont. 54-010-A.  
— 1 Automobile ran into side of train. Licence: Ont. 882-695.  
— 2 Auto truck struck by train. Licence: Ont. 95368-B.

*Killed Injured*

- 1 Automobile struck by train. Licence: Ont. 838-626.
- 1 Automobile struck by train. Licence: Ont. 612-521.
- 1 — Auto truck struck by train. Licence: Ont. 709-957-C.
- 1 Track Motor car struck by auto truck. Licence: Ont. 72282-A.
- 13 Tractor trailer ran into side of RDC. Licence: Ont. 67520-B.
- 1 2 Automobile struck by RDC. Licence: Que. 437060.
- 1 Automobile ran into side of train. Licence: Ont. 952-267.
- 1 Automobile ran into side of train. Licence: Ont. C-24191.
- 2 Automobile struck by train. Licence: Fla. 111-852.
- 3 Automobile struck by train. Licence: Ont. 502-65-X.
- 1 Auto truck struck by train. Licence: Ont. 78620-C.
- 1 Auto truck struck by train. Licence: Ont. 43503-C.
- 4 — Automobile struck by train. Licence: Ont. B-46001.
- 1 3 Automobile struck by train. Licence: Ont. J-38640.
- 5 Automobile ran into side of train. Licence: Ont. 526-935.

## MANITOBA

- 1 1 Auto truck struck by train. Licence: Man. F-86652.
- 1 Automobile ran into side of train. Licence: Man. 38-D-7.
- 1 Automobile ran into side of standing train. Licence: Sask. 219-457.
- 1 Automobile ran into side of train. Licence: Man. 2-J-666.
- 3 Automobile ran into side of train. Licence: Man. 9-T-122.
- 2 Automobile ran into side of train. Licence: Man. 5-S-845.
- 3 Automobile ran into side of standing train. Licence: Man. C-34217.

## SASKATCHEWAN

- 1 Auto truck struck by train. Licence not given.
- 3 — Auto truck struck by train. Licence: Sask. D-6-235.
- 1 1 Auto truck struck by train. Licence: N.J.AJE-904.
- 1 — Oil tank truck ran into side of train. Licence: Sask. C-25249.
- 2 Automobile struck by train. Licence: Sask. 214-908.

## ALBERTA

- 1 Auto truck ran into side of train. Licence: Alta. 706601.
- 1 Automobile struck by train. Licence: Alta. RJ-489.
- 2 Track motor car struck by automobile. Licence: Alta. FG-627.
- 6 16 Gasoline truck ran into side of R.D.C. Licence: Alta. ES-35-393.
- 1 — Automobile struck by R.D.C. Licence: Alta. GX-776.

## BRITISH COLUMBIA

- 1 — Automobile struck by train. Licence not given.
- 1 Automobile struck by train. Licence: B.C. 328-251.
- 1 Automobile ran into side of R.D.C. Licence: B.C. 305-143.
- 2 Automobile ran into side of train. Licence: B.C. 250513.

Of the 62 accidents at Highway Crossings, 54 occurred at unprotected crossings, 8 at protected crossings, 35 occurred after sunrise and 27 after sunset.

OTTAWA, Ontario, December 21, 1959.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 99935 Dec. 10—Approving Appendix A to Traffic Agreement between The Bell Telephone Company of Canada and Harry G. Lewis, Lessee-Purchaser of the Rural Telephone Company of Kitley Limited.
- 99936 Dec. 10—Amending Order No. 98284, re apportionment of cost of installing automatic protection at the crossing of Windsor Suburban Road No. 5 and the C.P.R., at Mileage 108.33 Windsor Subd.
- 99937 Dec. 10—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Scotsguard, Sask., C.P.R.
- 99938 Dec. 10—Approving flammable liquid storage facilities of Imperial Oil Limited at Dinsmore, Sask., Mileage 22.4 Elrose Subd., C.N.R.
- 99939 Dec. 10—Approving proposed liquid storage facilities of North Star Oil Limited at Rosetown, Sask., Mileage 69.2 Rosetown Subd., C.N.R.
- 99940 Dec. 10—Approving Supplement to Tariff filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 99941 Dec. 10—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and the Chatsworth Rural Telephone Assoc.
- 99942 Dec. 10—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. in Spanish, Ont., Mileage 23.39 Thessalon Subd.
- 99943 Dec. 11—Authorizing the Munic. District of Kneehill No. 48 to reconstruct the overpass at Mileage 62.5 Langdon Subd., C.P.R., Alta.
- 99944 Dec. 11—Extending the time within which the C.N.R. is required to install automatic protection at the crossing of their railway and Highway No. 29 at Mileage 14.04 Smiths Falls Subd., Ont.
- 99945 Dec. 11—Approving Connecting Agreement between The Bell Telephone Company of Canada and the Farmers Mutual Telephone Company of Whatcom Co. Lynden, Washington.
- 99946 Dec. 11—Approving Traffic Agreement between The Bell Telephone Company of Canada and the Morrow Telephone Company Limited.
- 99947 Dec. 11—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Addison Rural Independent Telephone Company Limited.
- 99948 Dec. 11—Approving abandonment of operation of the C.N.R.'s Irondale Subd., Ont., between York River and Howland.
- 99949 Dec. 14—Authorizing the removal of the speed limitation at the crossing of River Road and the C.P.R. at Grand Falls, N.B., Mileage 18.31 Edmundston, Subd.
- 99950 Dec. 14—Approving proposed liquefied petroleum gas storage facilities at Montreal Hump Yard, P.Q., L'Assomption Subd., C.N.R.
- 99951 Dec. 14—Approving flammable liquid storage facilities of Imperial Oil Limited at Kaslo, B.C., C.P.R.
- 99952 Dec. 14—Approving flammable liquid storage facilities of Texaco Canada Limited at Saint John, N.B., C.N.R.
- 99953 Dec. 14—Approving flammable liquid storage facilities of Canadian Kodiak Refineries Limited at Flin Flon, Man., Mileage 87.0 Flin Flon Subd., C.N.R.
- 99954 Dec. 14—Approving revisions to tariffs filed by Canadian National Telegraphs.
- 99955 Dec. 14—Approving tolls published in tariffs filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 99956 Dec. 14—Requiring the Sydney & Louisburg Rly. Company to install automatic protection at the crossing of their railway and Daley Crossing on Shore Road, near Waterford, N.S., Mileage 0.75 No. 18 Colliery Spur.
- 99957 Dec. 14—Requiring the C.P.R. to synchronize the existing gates at the crossing of their railway and Bridge St., with the traffic lights to be erected at Bridge and Prince Edward Sts., City of Quebec, P.Q.

- 99958 Dec. 14—Approving right of way agreement between The Bell Telephone Company of Canada and The Toronto, Hamilton and Buffalo Railway Company.
- 99959 Dec. 14—Approving tolls published in tariffs filed by the Canadian Freight Association under Sections 3 and 8 of the Maritime Freight Rates Act.
- 99960 Dec. 15—In the matter of the construction of a gas main across and under the C.N.R., and under their bridge which crosses the Fraser River at Prince George, B.C.
- 99961 Dec. 15—Authorizing the C.N.R. to discontinue operation of their tri-weekly trains between Dartmouth and Musquodoboit, N.S., and authorizing them to operate a road shunter between these two points.
- 99962 Dec. 15—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The Lyndhurst Telephone Company Limited.
- 99963 Dec. 15—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Telephone d'Harricana et Gatineau Limitee.
- 99964 Dec. 15—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Lansdowne Rural Telephone Company Limited.
- 99965 Dec. 15—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and The South Crosby Rural Telephone Company Limited.
- 99966 Dec. 15—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and the Keward Rural Telephone Company Limited.
- 99967 Dec. 15—Authorizing the Canadian Freight Association to publish a rate of \$2.60 per 100 pounds, subject to ex-parte increase X-212 on aluminum oxide catalysts in carloads from Montreal, P.Q. to Brian, Louisiana.
- 99968 Dec. 15—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Le Telephone de Contrecoeur Limitee.
- 99969 Dec. 15—Approving revisions to tariffs filed by the Canadian Pacific Railway Company.
- 99970 Dec. 15—Approving flammable liquid storage facilities of Imperial Oil Limited at Lake Windermere, B.C., Mileage 92.83 Lake Windermere Subd., C.P.R.
- 99971 Dec. 15—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and La Cie de Telephone du Chateau Richer Enrg.
- 99972 Dec. 15—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Baseline Road, Twp. of Toronto, Ont., Mileage 19.25 Galt Subd.
- 99973 Dec. 15—Approving tolls published in Supplement No. 4, filed by The Canadian Freight Association under sections 3 and 8 of the Maritime Freight Rates Act.
- 99974 Dec. 15—Approving tolls published in tariffs filed by the Canadian Freight Association under sections 3 and 8 of the Maritime Freight Rates Act.
- 99975 Dec. 15—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Cottonwood Drive, in St. Boniface, Man., Mileage 3.18 Emerson Subd.
- 99976 Dec. 15—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and County Road No. 74, Co. of Wellington, Mileage 26.09 Teeswater Subd.

- 99977 Dec. 15—Authorizing the C.N.R. to construct two sidings across St. Clair Avenue West in the City of Toronto, Ont.
- 99978 Dec. 16—Authorizing the C.P.R. to operate over the trestle supporting the track serving Alberta Pool Terminal Grain Elevator No. 1, City of Vancouver, B.C.
- 99979 Dec. 16—Approving flammable liquid storage facilities of Imperial Oil Limited at Dunrea, Man., Mileage 17.25 Hartney Subd.
- 99980 Dec. 16—Approving proposed flammable liquid storage facilities of Societe Co-Operative Agricole d'Amqui, at Amqui, P.Q., Mileage 61 Mata-pedia Subd., C.N.R.
- 99981 Dec. 16—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Hunt Club Road, in Ottawa, Ont., Mileage 5.60 Prescott Subd.
- 99982 Dec. 16—Approving proposed flammable liquid storage facilities of J. A. Burgess & Sons Limited at Chilliwack, B.C., Mileage 71.83 Yale Subd., C.N.R.
- 99983 Dec. 16—Authorizing the C.P.R. to install automatic protection at the crossing of its railway and the private access road of Nichols Chemical Company Limited, at Mileage 119.23 Cascade Subd., B.C.
- 99984 Dec. 16—Authorizing the C.N.R. to operate under the overhead bridge at Mileage 321.45 Oshawa Subd., Twp. of Scarborough, Ont.
- 99985 Dec. 16—Authorizing the C.P.R. to construct an extension of its passing track across the public road at Mileage 86.29 Oshawa Subd., Ont.
- 99986 Dec. 16—Authorizing the C.P.R. to construct an extension of its passing track across the public road at Mileage 86.90 Oshawa Subd., Ont.
- 99987 Dec. 16—Rescinding Orders which approved the location of facilities of Fiberglass (Canada) Limited, for the handling and storage of flammable liquids near the C.N.R. at Oshawa, Ont.
- 99988 Dec. 17—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 99989 Dec. 17—Approving signal changes to the interlocker at the crossing of the C.P.R. at Mileage 32.7 Oshawa Subd. and the C.N.R. spur at Cobourg, Ont.
- 99990 Dec. 17—Authorizing the Township of Ekfrid to improve the approach grades at crossing of the highway and the C.N.R. at Mileage 17.46 Longwood Subd., Ont.
- 99991 Dec. 17—Authorizing the Alberta Dept. of Highways to widen Highway No. 50A where it crosses the C.P.R. at Mileage 87.02 Lacombe Subd.
- 99992 Dec. 17—Authorizing the N.Y.C. Railroad Company to make signal changes and eliminate Tower No. 3 at Windsor, Ont.
- 99993 Dec. 17—Requiring the C.P.R. to install automatic protection at the crossing of its railway and the highway in the Municipality of Shuniah, Twp. of McGregor, Mileage 122.68 Nipigon Subd., Ont.
- 99994 Dec. 17—Rescinding Order 87245 which authorized the Ontario Dept. of Highways to construct Highway No. 401 across the C.N.R. by means of an overhead bridge at Mileage 63.17 Cornwall Subd., Ont.
- 99995 Dec. 17—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Tannery St., Streetsville, Ont., Mileage 20.85 Galt Subd.
- 99996 Dec. 17—In the matter of changes in the rate grouping of certain telephone exchanges of The Bell Telephone Company of Canada.
- 99997 Dec. 17—Amending Order No. 96931, which authorized the installation of automatic protection at the crossing of the highway and the C.P.R. at Mileage 92.94 Ste. Agathe Subd., P.Q.
- 99998 Dec. 17—Authorizing the Town of Brockville to widen Park St. where it crosses the C.N.R. at Mileage 125.15 Cornwall Subd., Ont.
- 99999 Dec. 17—Requiring the C.N.R. to install improved protection in lieu of the existing protection at crossing of their railway and Eglinton Ave., Scarborough, Ont., Mileage 323.2 Oshawa Subd.

- 100000 Dec. 17—Requiring the C.P.R. to install automatic protection at the crossing of its railway and County Road No. 27, Twp. of West Nissouri, Ont., Mileage 107.40 Galt Subd.
- 100001 Dec. 17—Authorizing the C.P.R. to remove the station shelters at Lumsden Beach and Buena Vista, Sask., Mileages 2.9 and 5.6 Colonsay Subd.
- 100002 Dec. 17—Authorizing the C.P.R. to remove the station shelter at Zangwill, Sask., Mileage 98.2 Colonsay Subd., Sask.
- 100003 Dec. 17—Authorizing the removal of the speed limitation at the crossing of Main St. and the C.N.R. at Lancaster, Ont., Mileage 53.82 Cornwall Subd.
- 100004 Dec. 18—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Theodore St., City of Montreal, P.Q., Mileage 8.87 Longue Pointe Subd.
- 100005 Dec. 18—Authorizing the C.N.R. to operate through the interlocker at the crossing of their railway and the C.P.R. Co.'s Airport Spur at St. James, Man., Winnipeg Terminals Division, Mileage 4.1 Oakpoint Subd.
- 100006 Dec. 18—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Highway No. 97, Mileage 2.34 Osoyoos Subd., B.C.



# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

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OTTAWA, FEBRUARY 1, 1960

No. 21

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*Application of the Sandwich, Windsor and Amherstburg Railway Company for an Order directing the Corporation of the City of Windsor to assume and pay all costs otherwise payable by the Applicant, of maintenance of the bridge over the Canadian National Railways, in the City of Windsor, Province of Ontario, as shown on the plans revised March 12, 1929, on file with the Board under file No. 35594:*

### BY THE BOARD:

The Sandwich, Windsor and Amherstburg Railway Company, hereinafter called the "Tram Company", has applied to this Board to be relieved of its obligation to contribute towards the cost of maintenance of the Peabody Bridge, hereinafter called the "Bridge".

The Bridge was reconstructed by the Town of Walkerville in compliance with Orders Nos. 42618 and 44201, issued by the Board on May 14, 1929, and January 17, 1930, respectively. These Orders in which the Town of Walkerville is referred to as the applicant, read as follows:

No. 42618

### "THE BOARD ORDERS:

1. That the Canadian National Railways be, and they are hereby, directed to reconstruct the said bridge over their railway on Sandwich Street, in the Town of Walkerville, Province of Ontario, as shown on the plans revised March 12, 1929, filed by the applicant, and on file with the Board under file No. 35594.

#2. That the cost of constructing and maintaining the said bridge be apportioned as follows, namely: Canadian National Railways, 55 per cent; applicant, 20 per cent; City of Windsor, 15 per cent; and Hydro-Electric Railways, 10 per cent.

3. That the applicant provide and maintain, at its own cost, the wearing surface of the bridge and the approaches thereto, subject to the terms of an agreement between the applicant and the Hydro-

#Struck out  
by Order  
44201 &  
new para.  
substituted  
therefor.

Electric Railways in respect of the pavement between the rails of the said railway as well as that adjacent to the rails of the said railway; the pavement of the sidewalk and the maintenance of the same to be borne and paid by the applicant.

4. That the applicant undertake the adjustment and settlement of the cost of lands and damages arising out of the said work; the expense so incurred to be adjusted in the final settlement.

5. That any dispute arising in respect of the construction or of the cost of the work be determined by an Engineer of the Board.

6. That detail plans of the proposed structure be filed for the approval of an Engineer of the Board."

Negotiations then took place between the C.N.R. and the Town of Walkerville and they agreed, amongst other things, that the Bridge be reconstructed by the Town of Walkerville and that the C.N.R. pay a lump sum of \$60,000 towards the cost of reconstruction; the apportionment of costs of maintenance to remain unchanged; and Order No. 44201 of the 17th of January, 1930, was issued amending Order No. 42618 so as to provide that the Bridge be reconstructed by the Town of Walkerville instead of the C.N.R. and reapportioning the costs of construction and maintenance as follows:

*No. 44201*

"That the cost of constructing the said bridge be apportioned as follows: Canadian National Railways 55%, not exceeding a lump sum of \$60,000; Applicant 20%; City of Windsor 15% and the Hydro-Electric Railways 10%. That, in the event of the bridge costing in excess of \$109,090.91, the Town of Walkerville bear the additional sum the Canadian National Railways would have had to bear but for this Order; and that the cost of maintenance be apportioned as follows: Canadian National Railways 55%; Applicant 20%; City of Windsor 15%; and Hydro-Electric Railways 10%.

By the City of Windsor Amalgamation Act of 1935, the Corporation of the City of Walkerville and the Corporation of the City of Windsor, along with two other municipalities, were amalgamated under the name of the Corporation of the City of Windsor (hereinafter called the "City") and the obligations of the two former municipalities under the above mentioned Orders became the obligation of the newly created municipality, with the result that at the present time the City is responsible for 35% of the cost of maintenance of the Bridge.

The Tram Company succeeded in title to the Hydro-Electric Railways and thus assumed the obligation of the latter with respect to the maintenance costs of the Bridge.

The reconstruction of the Bridge was completed in the year 1931.

The Tram Company operated street cars over the Bridge for some years, and had a right of way about 14' 6" wide, thus taking 36% of the total surface of the Bridge. The right of way of the Tram Company, over the Bridge, was separated from the remainder of the Bridge used for highway traffic by a concrete curbing 18" wide and 17" high so that highway traffic could not use that portion of the Bridge reserved for the Tram Company's operation.

On June 12, 1938, the Tram Company discontinued the use of street car service over the Bridge and soon thereafter abandoned its right of way. The City took over the abandoned right of way, removed the concrete curbing on the Bridge and resurfaced the Bridge, including that portion thereof formerly reserved for the exclusive use of the Tram Company. At present the Bridge is a highway bridge open to and used by the public generally.

The City opposes the present application of the Tram Company.

The Tram Company and the City have filed several submissions with the Board in support of their respective views on the matter at issue and have agreed that the Board make its decision on the submissions filed.

The Tram Company has made use of the Bridge with its electric street cars only during the period 1931-1938, approximately seven years.

During the said period of seven years the City has made whatever minor repairs were required to the Bridge; the City stated that "since the construction of the present bridge in 1929 or 1930, it has only been necessary to make minor repairs to the structure up to the present time".

Since 1938 or 1939 the Tram Company has given only a bus service over the Bridge; and thus has become an ordinary user of the highway.

This Board does not assess any cost of maintenance on ordinary users of a highway.

There is no evidence that repairs to the Bridge have become necessary because of the operation of the Tram Company's street cars over the bridge.

The Tram Company does not derive any benefit from its use of the Bridge with its busses not enjoyed by other bus, truck or vehicle owners or operators.

The City in taking over and paving the right of way of the Tram Company has had the benefit of a wider bridge for the highway traffic, thus reducing to a marked degree the traffic congestion at the Bridge.

In the circumstances peculiar to this case the Board is of the view that any maintenance and repairs now required have not become necessary as a result of the operation of the Tram Company's street cars, and the Board should not require the Tram Company to pay for them; nor should it vary the share of cost apportioned by Order No. 44201 against the C.N.R., for the C.N.R. does not derive any benefit from the fact that the Tram Company operates busses instead of street cars; and the Board determines that the application should be granted and Orders Nos. 42618 and 44201 amended so as to assess against the City of Windsor the 10% directed to be paid by the Tram Company under these two Orders.

An Order will go accordingly.

ROD KERR,  
A. SYLVESTRE,  
JOHN M. WOODARD,  
W. R. IRWIN.

DECEMBER 23, 1959.

## ORDER No. 100068

*In the matter of the application of the Sandwich, Windsor and Amherstburg Railway Company for an Order directing the Corporation of the City of Windsor to assume and pay all costs otherwise payable by the Applicant of maintenance of the bridge over the Canadian National Railways, in the City of Windsor, Province of Ontario, as shown on the plans revised March 12, 1929, on file with the Board under file No. 35594:*

TUESDAY, the 29th day of December, A.D. 1959.

ROD KERR, Q.C., *Chief Commissioner.*

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

J. M. WOODARD, *Commissioner.*

W. R. IRWIN, *Commissioner.*

*Upon reading the submissions filed and the decision made thereon by the Board—*

*It is hereby ordered as follows:*

Order No. 42618, dated May 14, 1929, amended by Order No. 44201, dated January 17, 1930, is further amended by deleting all the words after the second figure "55%", in paragraph numbered two of said Order No. 42618 amended by the said Order No. 44201, and substituting the following words therefor: "and 45% by the Corporation of the City of Windsor".

ROD KERR,  
*Chief Commissioner.*

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To hear evidence and submissions relating to the train service being furnished by Canadian Pacific Railway Company on its line between Vancouver, B.C., and Medicine Hat, Alta., via Nelson, B.C., and to inquire into the adequacy thereof and complaints respecting it.

Files Nos. 27563.56.14  
27563.56.16

Heard at Nelson, B.C., June 22, 23 and 24; at Vancouver, B.C., July 2; and at Ottawa, Ont., July 30 and December 8, 1959.

Before:

H. H. GRIFFIN, *Assistant Chief Commissioner.*  
L. J. KNOWLES, *Commissioner.*  
J. M. WOODARD, *Commissioner.*

Appearances:

K. D. M. SPENCE, Q.C., for Canadian Pacific Railway Company.  
L. M. MCBRIDE, Q.C., for Nelson Chamber of Commerce, Associated Chambers of Commerce, south-eastern British Columbia, and Joint Running Trades, Railroad Brotherhoods.  
A. L. PEARSON  
and  
M. A. WELLER,  
KEN SMITH,  
H. L. ROBINSON  
and  
REMO MORANDINI, } for Attorney-General of Province of British Columbia.  
T. S. SHORTHOUSE, Mayor of City of Nelson, B.C. } representing Local 480, International Union of Mine, Mill and Smelter Workers, Trail, B.C.

GRIFFIN, A.C.C.:

#### J U D G M E N T

By reason of dissatisfaction existing as to the train service being furnished by Canadian Pacific Railway Company on its line between Vancouver, British Columbia, and Medicine Hat, Alberta, via Nelson, B.C., the Board, in April, 1959, gave notice that it would hold a hearing to hear evidence and submissions as to such service.

The hearing was held at Nelson on June 22, 1959. The hearing extended over three days.

There were represented before the Board, in addition to the Railway Company, the following:

The Attorney-General of British Columbia.

The Running Trades, being the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen, the Brotherhood of Trainmen. The Nelson Chamber of Commerce.

The Associated Chambers of Commerce of Southeastern British Columbia. This Association includes the Chambers of Commerce of Kimberley, Cranbrook, Kaslo, Preston, Nakusp, Salmo, Trail, Rossland and also Lethbridge, Alberta.

Okanagan and Boundary Associated Boards of Trade, which include, as affiliated Boards, those of Summerland, Naramata, Penticton, Osoyoos, Oliver, Keremeos, Rutland, Westbank, Okanagan Falls, Greenwood and Cawston.

International Mine, Mill and Smelter Workers, being Trail, Local 480; Kimberley and Riondel, Local 561; Beaverdell, Local 900; Nelson and district, Local 901; and Greenwood-Phoenix and district, Local 1013. The members of these Locals and their families make up a large part of the population of the Kootenays.

## Kootenay Lake General Hospital.

Medical Associated Clinic of Nelson.

A submission has since been received from the Association of Kootenay Municipalities.

The present rail service between Vancouver and Medicine Hat is provided by rail diesel car (R.D.C.) running on the following schedule:

## RAIL DIESEL CAR SCHEDULE

<i>Westward</i>		<i>Eastward</i>
Daily	(Mountain Time)	Daily
9.10 AM Lv.	Medicine Hat	Arr. 8.30 PM
11.20 AM Arr.	Lethbridge	Lv. 6.20 PM
12.20 PM Lv.	"	Arr. 5.10 PM
2.40 PM Arr.	Crowsnest	Lv. 2.55 PM
	(Pacific Time)	
1.50 PM Lv.	Crowsnest	Arr. 1.40 PM
4.25 PM Arr.	Cranbrook	Lv. 11.20 AM
4.40 PM Lv.	"	Arr. 11.05 AM
8.55 PM Arr.	Nelson	Lv. 7.00 AM
Mon. & Thurs.		Daily
7.00 AM Lv.	"	Arr. 4.15 PM
11.15 AM Arr.	Midway	Lv. 12.00 NOON
11.20 AM Lv.	"	Arr. 11.55 AM
3.15 PM Arr.	Penticton	Lv. 8.00 AM
Daily		Tues. & Fri.
3.30 PM Lv.	"	Arr. 3.05 PM
6.25 PM Arr.	Brookmere	Lv. 12.10 PM
6.30 PM Lv.	"	Arr. 12.05 PM
8.27 PM Arr.	Odlum	Lv. 10.05 AM
8.30 PM Lv.	"	Arr. 10.03 AM
10.40 PM Arr.	Vancouver	Lv. 8.00 AM
Daily	(Pacific Time)	Daily

There are five cars in operation. Two operate between Nelson and Medicine Hat; one car between Penticton and Nelson; and one car, or a two-car train (depending on the traffic offering) between Vancouver and Penticton. The Railway Company's evidence is that on many days there is only sufficient traffic to warrant one car between Vancouver and Penticton.

The two cars operating between Nelson and Medicine Hat operate as single units, one in each direction daily. They are scheduled to pass at Crow's Nest.

The car or cars operating between Vancouver and Penticton make the round trip in one day. The car or cars leave Vancouver at 8:00 a.m. and are due to arrive at Penticton at about 3.00 p.m. The car or cars then leave Penticton at about 3:30 p.m. and are due to arrive in Vancouver at about 10:40 p.m.

Travelling westward, the car leaves Medicine Hat at 9:10 a.m. and is due to arrive at Nelson at about 8:55 p.m. It is necessary, then for a passenger to stay over night in Nelson and it is not possible for him to continue his journey until 7:00 a.m. the next day. There is then no schedule interruption of his journey to Vancouver.

Similarly, in travelling eastward a passenger arrives at Penticton from Vancouver at about 3:00 p.m. He must remain over night in Penticton and continue his journey at 8:00 a.m. the next day. He is due, then, to arrive at Nelson at about 4:15 p.m. on that day and must stay over night in Nelson and continue his journey at 7:00 a.m. the next day.

A passenger travelling eastward from Vancouver to Medicine Hat has therefore two over-night stops en route. A passenger travelling westward from Medicine Hat has one.

As mentioned above, the eastbound car leaves Vancouver at 8:00 a.m. The westbound car arrives in Vancouver at 10:40 p.m. The Railway Company con-

siders that these are the most convenient times for the public. The service provides for connection at Medicine Hat with the Transcontinental train, "The Canadian".

The original service was started in 1919.

The first service was that of a conventional train operating in both directions daily between Medicine Hat and Vancouver. The running time was approximately 38 hours. The running time between Penticton and Vancouver was 10 hours and 50 minutes, between Nelson and Penticton 9 hours and 30 minutes, between Nelson and Medicine Hat 17 hours and 10 minutes. This train has been referred to for convenience in the proceedings as train No. 1. Train No. 1 operated until February-March, 1958.

Train No. 1 consisted of mail, express and baggage cars with day coaches, buffet parlour car and sleeping cars. Between 1946 and 1958, the train, in addition, handled L.C.L. freight for set-out at various points such as Nelson, Cranbrook and Grand Forks.

Train No. 1 made connections at Medicine Hat and Fort McLeod. It connected at Yahk with the Spokane International Railway. It connected also with a train which at that time ran from Nelson to Trail.

The connection with the Spokane International Railway at one time was a very lucrative passenger connection. There was also a heavy express movement. In addition to the passengers and express, there was also a movement of carloads of fruit, mainly citrus fruit from California to the Prairies. The passenger traffic gradually dwindled, as did the express and the freight movement. The Spokane International Railway discontinued its train operation as a passenger train in 1955.

The Railway Company found after the War that it was encountering more competition from the highway trucking industry. For this reason, L.C.L. cars were put on train No. 1 in an effort to meet this competition. The result was to slow up the operation of this train. For this reason, the Company placed in operation two additional trains which, for convenience, have been referred to as trains Nos. 2 and 4.

Train No. 2 was a conventional train operating between Vancouver and Penticton in each direction daily. Its running time was 10½ hours. It operated from 1947 to 1954.

Train No. 4 was a conventional train operating between Nelson and Medicine Hat in each direction daily. Its running time was 17½ hours. It operated from 1952 to 1954.

Somewhat earlier an additional train (which will be referred to as train No. 5), being a mixed freight and passenger conventional train, operated daily between Yahk and Lethbridge. Its running time was 12 hours. Train No. 5 operated from 1946 to 1952. Train No. 5 carried freight as well as passengers and connected at Yahk to handle fruit and express traffic.

There was, however, only one train between Penticton and Nelson at any time.

In 1947, Canadian Pacific Airlines commenced a service from Vancouver to Calgary with stopping points at Penticton, Castlegar and Cranbrook.

As highway competition increased, the Railway Company found more difficulty in maintaining its position with the L.C.L. freight. For this reason, train No. 5 was withdrawn in 1952. Train No. 4 was then instituted, (as referred to above).

At this time, then, the Railway Company had two passenger trains operating between Vancouver and Penticton and two passenger trains operating between Nelson and Medicine Hat. One of these trains was train No. 1 operating from Vancouver through to Medicine Hat and thereby serving the area Penticton to Nelson.



SUMMARY OF REVENUE PASSENGER TRAFFIC 1946-1958 INCLUSIVE  
AVERAGE PASSENGERS PER TRIP

WESTBOUND

Year	Lethbridge to Yahk	Lethbridge to Cranbrook	Cranbrook to Nelson	Lethbridge to Crowsnest		Crowsnest to Nelson	
	Tr. 5	Tr. 1-3	Tr. 1-3	Tr. 1	Tr. 4	Tr. 1	Tr. 4
1946	20			(A) 101		(A) 126	
1947	21			76		99	
1948	13			68		82	
1949	12			56		59	
1950	8			37		49	
1951	(B) 3			(B) 42		51	
1952	(C) 4			26	(D) 20	37	(D) 31
1953				18	28	29	29
1954				20	(E) 23	28	(E) 25
1955				26		39	
1956				23		26	
1957				21		19	
1958		(F) 20	(F) 20				

Year	Nelson to Midway	Midway to Penticton	Penticton to Odlum		Odlum to Vancouver		Penticton to Vancouver
	Tr. 1	Tr. 1	Tr. 1	Tr. 2	Tr. 1	Tr. 2	Tr. 1
1946	(A) 119	(A) 89					145
1947	92	70		(G) 68		(G) 65	84
1948	73	52	50	64	55	60	
1949	52	38	40	52	46	53	
1950	46	31	30	15	38	17	
1951	43	27	27	14	34	15	
1952	38	26	33	14	38	13	
1953	34	25	37	18	45	13	
1954	28	24	30	(H) 11	36	(H) 12	
1955	30	20	32		41		
1956	28	19	28		34		
1957	26	18	17		32		
1958	<u>Tr. 1-3-6</u> 12	<u>Tr. 1-3-6</u> 9	<u>Tr. 1-3</u> 26		<u>Tr. 1-3</u> 27		

LEGEND:

- (A)—1946 = 7 Months
- (B)—1951 = 9 Months
- (C)—1952 = 4 Months
- (D)—1952 = Train 4: 8 Months
- (E)—1954 = 9 Months
- (F)—1958 = Conductors run extended Lethbridge to Cranbrook and reports submitted on this basis.
- (G)—1947 = 8 Months
- (H)—1954 = 9 Months

In my opinion the Company has made every reasonable endeavour to attract passenger traffic to its trains, but nonetheless the patronage given to the trains by the travelling public has declined.

In 1957 a study was conducted by the Research Department of the Railway Company. As a result of this study, the Company says that its loss on train No. 1 was \$833,000 per annum. The Company was of the opinion that express, mail and L.C.L. traffic could, with equal service to the public, be more economically handled by highway trucks and the passenger traffic carried by rail diesel cars. The estimated deficit of such an operation was \$146,000 per annum.

By reason of my conclusion it is not necessary for me to question the accuracy of these costs.

By July, 1957, the Company had ordered six rail diesel cars costing some \$250,000 each. Four of the cars were to be used for regular service and two as standbys. A tentative schedule had been arranged whereby a train would leave Vancouver at 6:50 p.m., arrive at Nelson at 4:15 p.m. the following day and reach Medicine Hat at 11:20 a.m. the day after. A train would leave Medicine Hat at 6:30 p.m., arrive at Nelson at 11:50 a.m. the following day and reach Vancouver at 10:30 a.m. the day after. This provided for an accelerated service over that provided by the previous conventional train.

It should be mentioned that from October, 1957, the Company had instituted a service to supersede train No. 1 and in anticipation of the proposed R.D.C. service. This was a train consisting of diesel locomotive, baggage car and coach. It ran on the following schedule:

<i>Eastward Daily</i>			<i>Westward Daily</i>	
Lv. (P.T.)	1.50 PM	Vancouver	Arr.	3.40 PM
Arr.	9.20 PM	Penticton	Lv.	8.10 AM
Lv.	9.30 PM		Arr.	8.00 AM
Arr.	6.45 AM	Nelson	Lv.	10.30 PM
Lv.	7.00 AM		Arr.	10.15 PM
Arr.	11.25 AM	Cranbrook	Lv.	5.45 PM
Lv.	11.35 AM		Arr.	5.35 PM (P.T.)
Arr. (M.T.)	8.20 PM	Medicine Hat	Lv.	10.20 AM (M.T.)

The Company considered that the proposed R.D.C. service would place it in a competitive position with highway traffic, particularly with buses, and also in a competitive position to some extent with aeroplane service.

In January and February of 1958, by reason of depredations on the Company's line, the Company informed the Attorney General of British Columbia that it was unable to protect its passengers and employees from such activities without an extra expenditure for protection amounting to some \$125,000 per annum. Further, that if the Province was unable or unwilling to indemnify the Company it would be obliged, in the interest of safety to operate its trains only during daylight hours. Moreover, it would be obliged to do so only five days a week when the track could be protected by its maintenance forces during the ordinary course of their duties.

As the Attorney General did not deem the proposed protective measures any guarantee of safety, he recommended daylight travel for the time being and at the same time advised the Company that intensive investigations were proceeding.

Accordingly, on February 5th, 1958, passenger service between Penticton and Nelson was curtailed to running during daylight hours. At the same time it was limited to two trains in each direction each week between these points, operating westward on Monday and Thursday and eastward on Tuesday and Friday.

By the time, therefore, that the R.D.C. cars had been delivered, the decision had been taken to curtail the service, and the service by the R.D.C. cars has always been a curtailed one.

The dissatisfaction of the present service is set out in the brief submitted by the Nelson Chamber of Commerce. The requests made are:

(1) A fifteen-hour or better daily service between Nelson and Vancouver.

At present the running time between Vancouver and Penticton is 7 hours and 5 minutes and between Penticton and Nelson 8 hours and 15 minutes, or a total running time of 15 hours and 20 minutes. However, due to the stop-over at Penticton eastbound, the total time of the journey is 32 hours and 15 minutes.

(2) Adequate provision on the train for supplying light lunches adequately prepared and served.

(3) An adequate supply of drinking water.

(4) Provision for heating liquids and food for young children.

(5) Installation of equipment to dim lights during the hours of darkness.

In support of the first point, the Chamber of Commerce says that the incidences of bombings are not as numerous as they have been in the past forty years and that they have decreased greatly in the last two years; that if it is safe to run trains two days a week it is safe to run them seven days a week; that freight trains appear to be operating in hours of darkness and presumably that if it is safe to operate freight trains at night it is safe to operate passenger trains at night.

The Chamber of Commerce says that the Company's officials have stated repeatedly that the reason for the curtailment of service has been the refusal of the Government of the Province to provide assistance in patrolling the right of way. If this is so, the Chamber of Commerce asks that the Company and the Government responsible come to an agreement on cost sharing and that patrols be provided. If the patrols are necessary, then the Chamber of Commerce supports the Company in its stand that the cost should be shared by the Government.

The evidence of those requiring daily service is that alternate means of transportation are unreliable. Castlegar airport, which serves Nelson, Trail, Rossland and the West Kootenay generally, is so located that frequently during the winter months planes are unable to land. During the Months of December, 1958, January and February, 1959, Canadian Pacific Airlines were unable to land eighty-nine times in approximately one hundred and fifty scheduled flights. This difficulty at Castlegar Airport exists from the latter part of October to about the end of March.

The residents of the Kootenays are concerned over the difficulty of transporting persons who are ill (particularly persons confined to stretchers) to and from Vancouver.

The rail mileage between Vancouver and Nelson is 513 miles.

The conventional train took 23 hours from Vancouver to Nelson. It is said that this service was not patronized as it was possible to drive to Vancouver or go by way of an American railway in much shorter time.

The Chamber of Commerce is of the opinion that a 15-hour daily rail service between Nelson and Vancouver, with the present service between Nelson and Medicine Hat, would wipe out the present deficit of operation.

Many submissions were made on behalf of other Boards of Trade and Chambers of Commerce represented, including that of the Okanagan and Boundary Associated Boards of Trade, who drew attention to the inconvenience of residents of Carmi, Beaverdell, Westbridge, Rock Creek, Midway, Grand Forks, Castlegar and surrounding areas.

Much has been said in the submissions as to the standard of the amenities provided. This, although important to the travelling public, is of less consequence than the possibility of the resumption of daily service and will be dealt with in a following decision of the Board.

The almost unanimous opinion of those complaining of the present service is that a daily R.D.C. service between Vancouver and Medicine Hat in each direction would meet the demands of the area, provided there were reasonable facilities for refreshments and on the assumption that the travel time from Vancouver to Nelson would be no more than fifteen hours.

In the light of the evidence, I am of the opinion that the need of the residents of the area presently requires a daily service running without interruption in each direction between Vancouver and Nelson. It is desirable only that this be a through service from Vancouver to Medicine Hat.

I would order such service between Vancouver and Nelson if I were satisfied that it would be safe for the Railway Company to comply with such an order.

I am not satisfied that it would be safe.

The Company's evidence is that, beginning in 1923 and up to the present time, there have been a total of 576 recorded depredations in the area. Of the 576, 72 have been directed against the Company's property. 1947 was the worst year when there were 83 recorded depredations, but none in that year were directed against the Company's property. In 1953, the second worst year, there were 57 depredations, 17 of which were directed against the Company's property. In 1954, 1955 and 1956, there were only one, two and three, respectively, directed against the Company's property, but in 1958 the number increased to nine. Those experienced in 1958 were, in the Company's opinion, of a more serious nature than those previously experienced.

Between January 1st, 1923 and December 31st, 1958 the total cost to the Company caused by such depredations, or estimated depredations, was \$663,960. This is the cost of investigations and protective measures and does not include the cost of damage to equipment and installations.

In addition is the cost to the Government of the Province of British Columbia. The cost to the Province of protection of the railway is some \$52,000 to \$53,000 per annum. The foregoing figures include no part of the police costs, and there has been maintained in the area a police force that is in strength many times greater than would normally be required.

A great deal of evidence has been given as to other aspects of the matter, including alternative means of transportation. Being of the opinion that daily through service should be resumed between Vancouver and Nelson, I am not concerned with this and do not propose to deal with it.

It has been contended during the hearing that if the Company can run two trains a week in each direction with safety between Penticton and Nelson it can run a train in each direction every day of the week. This is correct. If, however, it were to run a train in each direction for more than two days a week it would necessitate bringing an additional R.D.C. into service and would entail additional track inspection and therefore additional cost.

However, the Company's reason for limiting the service to two trains a week is that, due to the interrupted service it finds necessary by reason of the depredations, the passenger traffic, anticipated at the time the service was instituted, and experienced since, does not warrant a train between Penticton and Nelson more than two days a week in each direction.

The Company has filed tables showing by months the average number of passengers carried daily on this line for the years 1946 to 1958, inclusive. The daily averages for each year have been taken from these tables to the table reproduced above. However, there follow the daily averages for each of the months of 1957 and 1958 for the line from Vancouver to Nelson:

## DAILY AVERAGES

## WESTBOUND

Year	<i>Nelson</i>	<i>Midway</i>	<i>Penticton</i>	<i>Odlum</i>
	<i>Midway</i>	<i>Penticton</i>	<i>Odlum</i>	<i>Vancouver</i>
1957	<i>Train 1</i>	<i>Train 1</i>	<i>Train 1</i>	<i>Train 1</i>
Jan. ....	25	20	28	34
Feb. ....	25	17	23	30
Mar. ....	22	14	19	26
Apr. ....	21	15	23	30
May ....	23	15	22	29
June ....	26	20	28	34
July ....	36	22	31	40
Aug. ....	38	22	44	50
Sept. ....	23	18	29	35
Oct. ....	22	17	22	7
Nov. ....	20	23	13	27
Dec. ....	33	22	42	46
TOTAL ....	314	225	324	388
AVERAGE ....	26	18	17	32

## EASTBOUND

Year	<i>Vancouver</i>	<i>Odlum</i>	<i>Penticton</i>	<i>Midway</i>
	<i>Odlum</i>	<i>Penticton</i>	<i>Midway</i>	<i>Nelson</i>
1957	<i>Train 1</i>	<i>Train 1</i>	<i>Train 1</i>	<i>Train 1</i>
Jan. ....	34	33	22	28
Feb. ....	26	24	16	22
Mar. ....	25	24	13	19
Apr. ....	30	28	16	22
May ....	38	34	17	23
June ....	41	37	16	25
July ....	51	42	24	37
Aug. ....	55	48	23	35
Sept. ....	38	32	20	27
Oct. ....	10	12	22	17
Nov. ....	27	25	12	18
Dec. ....	45	42	20	26
TOTAL ....	420	381	221	299
AVERAGE ....	35	32	18	24

NOTE: Train # 1—C.P.R. Designation 67-68

## DAILY AVERAGES

## WESTBOUND

Year	<i>Nelson</i>	<i>Midway</i>	<i>Penticton</i>	<i>Odlum</i>
	<i>Midway</i>	<i>Penticton</i>	<i>Odlum</i>	<i>Vancouver</i>
1958	<i>Train</i>	<i>Train</i>	<i>Train</i>	<i>Train</i>
	1-6-3	1-6-3	1-3	1-3
Jan. ....	30	20	34	41
Feb. ....	6	3	21	28
Mar. ....	8	7	16	18
Apr. ....	4	3	22	5
May ....	7	6	21	24
June ....	10	10	25	23
July ....	18	18	37	37
Aug. ....	22	23	44	42
Sept. ....	13	12	25	25
Oct. ....	3	3	23	22
Nov. ....	12	3	22	24
Dec. ....	14	11	31	35
TOTAL .....	147	119	321	324
AVERAGE .....	12	9	26	27

## EASTBOUND

Year	<i>Vancouver</i>	<i>Odlum</i>	<i>Penticton</i>	<i>Midway</i>
	<i>Odlum</i>	<i>Penticton</i>	<i>Midway</i>	<i>Nelson</i>
1958	<i>Train</i>	<i>Train</i>	<i>Train</i>	<i>Train</i>
	1-3	1-3	1-6-3	1-6-3
Jan. ....	33	25	14	21
Feb. ....	21	21	3	6
Mar. ....	18	20	6	8
Apr. ....	6	28	16	22
May ....	23	23	6	7
June ....	27	29	5	8
July ....	39	39	11	12
Aug. ....	40	41	19	16
Sept. ....	23	25	5	8
Oct. ....	19	21	17	27
Nov. ....	15	21	4	7
Dec. ....	33	34	7	11
TOTAL .....	297	327	113	153
AVERAGE .....	24	27	9	11

NOTE: Train # 1—C.P.R. Designation 45-46  
 " # 3— " " 45-46  
 " # 6— " " 45-46

It will be seen from the foregoing that with the institution of the interrupted R.D.C. service in February of 1958 the passenger traffic dropped appreciably (although it appears to have increased somewhat during the summer

months). However, the average number of passengers carried by the conventional train during January of 1958, and by the interrupted R.D.C. service for the remaining eleven months, was as follows:

1958	
EASTBOUND	
Penticton to Midway .....	9
Midway to Nelson .....	11
WESTBOUND	
Nelson to Midway .....	12
Midway to Penticton .....	9

Accordingly, in my opinion, no Order should be made upon the Railway Company at the present time, and in the circumstances now pertaining, to increase the service between Penticton and Nelson.

The estimated cost of providing protection adequate to permit of daily service between Penticton and Nelson is a non-recurring cost of some \$18,600.00, together with an estimated annual cost of wages and supplies of \$140,145.00. These are direct costs. In addition, there is an indirect cost of supervision amounting to some \$25,000 per annum, which last cost the Railway Company is prepared to bear.

On June 24th, at the conclusion of the hearing in Nelson, the Board expressed to the parties, through their Counsel, its interim view which was as follows:

“1. The Board considers that daily service should be re-established by the railway (with adequate announcement) in both directions between Vancouver and Medicine Hat—this to be by R.D.C. cars substantially as originally proposed by the Railway.

2. It is not for the Board to dictate the schedule upon which the railway will operate.

3. It seems clear that the railway considers that the best service is one that will leave Vancouver and arrive in Vancouver at reasonable times, while making connection with the train to Calgary at Fort McLeod and ‘The Canadian’ and other trains at Medicine Hat.

4. To do this, it may be necessary to run through the area Penticton to Nelson in both directions partly during the hours of darkness.

5. The railway considers that, with the assistance of the Provincial Government, it has adequate protection to run trains between Nelson and Castlegar and down to Trail during hours of darkness.

6. The running trades consider this protection adequate.

7. The Board wishes comparable protection afforded on the line Castlegar to Penticton.

8. The Board wishes the assurance that such protection will be instituted on some basis of cost sharing that is satisfactory to the Government of British Columbia and the railway.

9. The Board wishes this protection to be agreed upon in time to institute through service by July 31st, 1959.

10. When this protection is agreed upon, the Board wishes the assurance:

(a) of the Attorney-General that, in the opinion of the Government of the Province, the measures will afford adequate protection to the travelling public;

- (b) of the railway that in its opinion the measures will afford adequate protection to its passengers and employees and to its equipment;
- (c) of the Running Trades that, in the opinion of their representatives, the measures will afford adequate protection to its members.

11. The through service will be maintained until July 31st, 1960, after which time the railway will be free to apply to the Board to vary the order in the light of the patronage given to the daily-through-service generally and in particular between Penticton and Nelson.

12. Upon receiving this assurance, the Board will either treat the matter as settled by agreement until July 31st, 1960—or, if required to do so, make a consent order.

13. Should an incident or incidents occur or any situation arise that requires a variation of this order, the parties or any interested parties may apply for any variation of the order.

14. The other matters of adequate refreshments, the dimming of lights, etc., have been brought to the attention of the railway fairly forcibly during these proceedings. The Board leaves this to the management of the C.P.R. to see that the reasonable requirements of the travelling public are met in accordance with Section 315 of The Railway Act."

The proceedings were resumed on July 2nd in Vancouver to hear from Counsel as to whether their instructions would permit of a conclusion on the above basis.

At the resumed hearing on July 2nd, Counsel for the Attorney-General stated the Provincial Government's position as follows:

Mr. PEARSON: "Well, Mr. Assistant Chief Commissioner, it was not until yesterday morning that the representatives of the railway company and the provincial government were able to get together and confer on this matter.

I regret to report we have not reached an agreement on the matter of cost, sharing the estimated cost of the additional protection. The estimated costs were not available until the day before yesterday and as I said before, yesterday morning was the first opportunity that we had to get together on this.

Actually I cannot say that the government is prepared to share the cost or pay any part of the cost but there has been no indication that they are not prepared to do so. Actually there has been no statement on that point. It is still felt that this is really not a police matter so much as a matter for the army, that is, extending protection to the railway company along its railway tracks.

The R.C.M.P., as I have said before, are doing everything that they can police-wise to extend the protective measures that will enable the company to operate and to prevent these depredations. The provincial government has done everything it can to facilitate and carry out any recommendations that the R.C.M.P. have made in regard to extending protection. They have not been frustrated in any way insofar as the provincial government is concerned.

In regard to the item in the interim memorandum dealing with an assurance that an extension of protection will be adequate to enable the public to travel in safety, I doubt very much whether any such assurance can be given. It is felt that people travelling on that line must take a calculated risk and it is not believed possible to provide protective measures that will eliminate entirely the dangers that the public faces and the railway company employees face in the operation of their railway trains.

I think that is about all I can say."

The ASSISTANT CHIEF: "I take it that the provincial government feels, when you say this is rather a matter for the army, that it is almost such as requires the intervention of the army in aid of a civil body."

Mr. PEARSON: "Yes, I think that is what is meant, although I must say that the Attorney-General didn't elaborate on it. It was his expressed view that this is a matter that goes beyond normal police protection and falls more in the field of the army than normal police protection although as it was indicated in the evidence, the police force in this area has been very greatly strengthened and I think it is correct to say that something far more than normal police protection is being given in that area and every measure known to the police has been taken that they believe is reasonably, reasonable in the circumstances."

The Railway Company's position was stated by Counsel for the Railway Company as follows:

Mr. SPENCE: "Now, our position as explained to the Attorney-General yesterday was that the Canadian Pacific feels that it cannot assume the expense for maintaining law and order within the community. If the government—of course it is not for us to say who is to assume the responsibility, whether it is the provincial government or the Dominion government—but if the cost of policing is assumed insofar as these foot patrols are concerned and these extra non-recurring costs are concerned .....the railway will provide the necessary supervision of the patrolling."

(The next two paragraphs giving some particulars of protective measures are omitted).

Mr. SPENCE: "Now, as to item 9 of the Board's interim memorandum, the Canadian Pacific feels that it cannot agree to institute through service by July 31st for the reason that it may not be possible to secure the necessary foot patrolmen by that time. ....  
 .....  
 .....  
 .....and we cannot be certain at all that we can get the men who will be prepared to undertake that work by the 31st of July.

In Item 10, the Board asks for the assurance that the measures proposed will afford adequate protection. Now really, my only comment is as to the word 'assurance'. We, of course, cannot guarantee it, I don't believe the Board expects us to guarantee that this will prevent all depredations but what we can say is that if this protection is provided the railway company is prepared to institute the daily service, the through daily service that we discontinued in February of last year, recognizing that there may be some risk involved, but it is a risk that we are prepared to take to get the service going again.

Now, item 11 provides that the through service will be maintained until July 31st, 1960, after which time the railway will be free to apply to the Board to vary the order in the light of the patronage given to the daily through service generally and in particular between Penticton and Nelson. It is our feeling that a fixed date of this kind is not desirable. We would like to give this through daily service a very fair trial to see whether it brings back the traffic but I do suggest that we should not be bound to

continue it for a year if every indication is that the traffic is not coming back to us, even though there is good and fairly advertised and fairly operated service given there.

Then as to item 13, this is the last comment that we have on these items, should an incident or incidents occur or any situation arise that requires a variation of this order, the parties or any interested party may apply for any variation of the order. I suggest that if the Board is going to make an order with a term of that kind in it it should not put us in the position that if a situation of danger arises we must go to the Board in Ottawa and get leave before we take our trains off. I think we should be at liberty, if we know something dangerous to be there, to stop our trains immediately. And that is the position as fully as I can state it at the moment unless the Board has some further questions as to the details that they would like me to give."

The ASSISTANT CHIEF: "Now, you have dealt with most of it, Mr. Spence, but item 8."

Mr. SPENCE: "Yes, sir."

The ASSISTANT CHIEF: "Do we proceed on what Mr. Pearson has said that no agreement is possible on that at the present time, but that the railway has offered to pay 25 per cent of the direct costs for protection?"

Mr. SPENCE: "The railway offered to pay—well, it is perhaps not—I think our estimate was that it was about \$25,000. Not 25 per cent, about \$25,000 a year that it would cost us for this supervision and we are prepared to assume that if the foot patrols, the expenses of the foot patrols as shown in this statement, are assumed by the proper police authority."

COMMISSIONER WOODARD: "Well, Mr. Spence, you stated \$25,000 as your share towards supervision. I understood you to say beforehand that you were prepared to handle the cost of supervision separate and apart from this, but you meant by the \$25,000, that would be \$25,000 towards the total of \$138,000?" (Now estimated for the first year of operation at \$158,765.00, including some \$18,600.00 of non-recurring cost).

Mr. SPENCE: "No, sir, the \$25,000 that we are prepared to assume is not shown in this statement at all. That is our own expense. This is the expense that we would expect someone else, presumably the governments, to assume."

COMMISSIONER WOODARD: "I see."

Mr. SPENCE: "And as far as our own expenses are concerned, we will take care of those, but they are not shown in this statement."

The ASSISTANT CHIEF: "So that presumably the governments would bear the non-recurring cost and would bear the annual direct cost, the railway bearing the cost of supervision in an amount of approximately \$25,000 per annum?"

Mr. SPENCE: "Yes, sir."

The ASSISTANT CHIEF: "Now, Mr. Pearson says that the Province of British Columbia cannot see its way clear to do that at the present, feeling that it is affording every protection that can reasonably be expected of it, and that this is a matter rather of the intervention of the army rather than police protection. Am I stating that correctly, Mr. Pearson?"

Mr. PEARSON: "Well, I would say, Mr. Assistant Chief Commissioner, that the Province has not closed the door on this. The Attorney-General feels that we need more time to discuss the matter of costs, but he has not issued any statement as to just what the Province's position is but obviously he is prepared to discuss it further. I think that is the situation, Mr. Spence."

Mr. SPENCE: "Yes, that is my understanding of our meeting yesterday."

Mr. PEARSON: "But in the time available we were not able to reach an agreement."

The position of the Chambers of Commerce and the Joint Running Trades was stated as follows:

The ASSISTANT CHIEF: "Well, Mr. McBride, have you anything to add?"

Mr. McBRIDE: "Well, just as far as the Chambers of Commerce and the running trades are concerned, I would like to express the view that we consider the administration of justice covers the problem of furnishing adequate protection for the railway and that we do consider it comes within the provincial jurisdiction. And further that if the Province does consider that this is a highly unusual matter that should get some further assistance from the Federal Government, we feel that the proper direct appeal has never been made to the Federal Government.

As far as the road protection as well, the Running Trades, as Mr. Towhey testified in Nelson, would be quite prepared to operate the trains 24 hours a day between Castlegar and Penticton provided there was the assistant section men patrolling the road on Saturdays and Sundays."

Mr. SPENCE: "Assistant road master."

Mr. McBRIDE: "Assistant road master, yes, between Cascade and Midway. Actually they are not requiring the protection that Mr. Spence was talking about this morning where it would be down to ....."

The ASSISTANT CHIEF: "But I take it that if the railway and the Government of the Province are able to arrive at some satisfactory arrangement, then item 10(c) does not present any problem as far as the Running Trades are concerned?"

Mr. McBRIDE: "Yes, that is correct."

The matter at that time, therefore, rested as follows:

The ASSISTANT CHIEF: "Mr. Smith (appearing on behalf of the United Mine, Mill and Smelter Workers), have you anything to add?"

Mr. SMITH: "I don't think I could say anything that would be helpful at this time, Mr. Commissioner. My position, I think, is a little different than the other parties."

The ASSISTANT CHIEF: "Yes. Well, just to review what has been said, the matter is still under negotiation, Mr. Pearson?"

Mr. PEARSON: "Yes, that is right."

The ASSISTANT CHIEF: "The only reservation that you have made on behalf of the Provincial Government is that it, if an agreement is reached, may not be prepared to give the assurance referred to in paragraph 10(a)?"

Mr. PEARSON: "Yes, that is correct. It is felt they cannot go that far."

The ASSISTANT CHIEF: "And as far as you are concerned, Mr. Spence, if an agreement is reached, then you would want a variation of paragraph 11 so that you would not be bound by any specified period of time. And as to 13, something I think we can assure you of now, that in the event of any such incident occurring, naturally we would expect the railway to take promptly what measures were necessary and not feel it had to refer to the Board."

Mr. SPENCE: "Yes, sir, I think there is no doubt that we would take those measures."

The ASSISTANT CHIEF: "I am sure you would."

Mr. SPENCE: "But if we had an order of the Board such as this limiting us we would be violating the order of the Board in ceasing to run our trains in the face of danger and of course the Board does not want us to be in that position."

The ASSISTANT CHIEF: "We would not want that. And the only other qualification you have, Mr. Spence, is as to 10(b). The fact of the railway

resuming service would speak for itself, in resuming service it itself was reasonably assured that such reasonable measures had been taken as were reasonably consistent with safety."

Mr. SPENCE: "I think that is a very fair way of putting it, sir. We cannot say it would eliminate all danger but it is the best we can do to eliminate danger so far as we can within reasonable bounds. And we are prepared to operate the trains if this is done and take whatever calculated risk is involved."

The ASSISTANT CHIEF: "Now, what do you think, Mr. Pearson, would be a reasonable time for which this matter should be adjourned to allow a further discussion or discussions to take place?"

Mr. PEARSON: "It is a bit difficult to answer that, but I should think about two weeks anyway."

The ASSISTANT CHIEF: "The only thing is, Mr. Spence, you will be in Toronto for part of that time and be absent all of that time, won't you?"

Mr. SPENCE: "Well, sir, that need not make any difference, I think, because Mr. Dent, our solicitor for British Columbia, is here and he can carry on the negotiations under instructions from our officials here."

The ASSISTANT CHIEF: "I see."

Mr. SPENCE: "And I don't think that would present any obstacle at all. We and all of us in the company are prepared to enter into such negotiations as are necessary at any time."

The ASSISTANT CHIEF: "Right."

Mr. SPENCE: "And we want to assist in this all we can. If we can confer with the Province whenever it is convenient for them to do so, we will be prepared to put ourselves at their service."

The ASSISTANT CHIEF: "Our suggestion is that this matter be adjourned until Monday, the 20th of this month. Now, if, Mr. McBride and Mr. Smith, some arrangement can be come to between the railway and the Government of the Province, we don't want to put you to the expense of, say, coming to Ottawa. If such an arrangement is made, may we take it that it would have your consent if service was resumed on the general understanding set out in the memorandum except that there would be some qualification by the Government of the Province of what is asked of it in paragraph 10(a), there would be a qualification by the railway of 10(b), there would not be a fixed period of time as in paragraph 11, and there would be the liberty of action to the railway that safety requires under item 13."

Mr. McBRIDE: "Well, that would be quite satisfactory as far as the Running Trades are concerned."

The ASSISTANT CHIEF: "And you are speaking now for the Chamber of Commerce?"

Mr. McBRIDE: "And for the Chamber of Commerce."

The ASSISTANT CHIEF: "Mr. Smith?"

Mr. SMITH: "Yes, I think that is satisfactory, Mr. Commissioner."

The matter was then adjourned until July 20.

At the request of Counsel for the Attorney-General, the resumed hearing was adjourned from July 20 to July 30, at which time Counsel appeared for the Attorney-General and for the Railway Company. The Running Trades were represented by their executive officers.

At the hearing a proopsal was made by the Attorney-General of British Columbia, which is best set out in the telegram of instructions to Counsel, which telegram was read into the proceedings.

"Would appreciate your attendance on behalf of the Attorney-General before hearing Transport Board July 30, C.P.R., Kettle Valley. Board had

asked Railway Counsel to explore possibility of Province assisting in provision to guard and inspection of railway line. Informed proposals by Railway indicate Railway wishes Province to assume 93 per cent of maintenance costs involved plus about one-half small capital outlay. Without further opportunity to explore Attorney-General requests you to advise Board that Province prepared to assume one-third of cost Provincial share not to exceed \$50,000 and providing Federal Government and Railway each assume another one-third. Assistance to continue until December 31, 1960 or until service discontinued by Railway whichever earlier, when whole matter to be reviewed."

It should be said at this point that the Railway Company does not admit that it is asking the Province of British Columbia to assume 93 percent, or any like proportion of the proposed cost.

In order to permit of time for the consideration of the above proposal, the hearing was adjourned until September 9th, and later to October 6th.

Shortly before October 6th, the Railway Company received the following telegram from the Deputy Attorney-General of British Columbia:

"Two governments are in consultation over proposals placed before Board. No conclusions reached yet. Would suggest a further adjournment. If you agree please advise Lee Kelley (Counsel in Ottawa for the Attorney General) who will take the necessary steps."

Counsel for the Attorney-General and Counsel for the Railway Company accordingly requested a further adjournment to give time for results to come from such consultation.

The hearing was resumed on December 8th. At that time neither Counsel for the Attorney-General nor Counsel for the Company could report any conclusions in the matter. Counsel for the Attorney-General did state that, although he was not asking for a further adjournment, his instructions were that negotiations between the Government of the Province and the Dominion Government had not terminated but were continuing.

I express no view as to the responsibility in this matter as between Governments. However, the Railway Company has the right, in my opinion, to run its trains through the area without molestation or fear of molestation. The travelling public has the right to the same expectation.

The Board can no longer defer its Judgment in this matter.

In my opinion, no Order should be made at this time upon the Railway Company in respect of its present service between Vancouver and Medicine Hat.

However, at such time as

- (a) a sufficient time has elapsed without depredations occurring in the area as to remove, beyond reasonable doubt, the threat to the travelling public and to the Railway, or
- (b) such protective measures have been taken as are, in the opinion of the police forces administering such measures, sufficient to protect the travelling public and the Railway,

then, if the Railway Company has not, of its own accord, resumed a service which in the then existing circumstances meets the reasonable needs of the area, an application may be made to this Board to require it to do so.

H. H. GRIFFIN.

Jan. 4, 1960.

I concur:

L. J. KNOWLES  
J. M. WOODARD.

## CIRCULAR NO. 281

OTTAWA, January 4, 1960

*Applications made by Railway Companies for permission to remove Station Agents, Caretaker-Agents or Caretakers, under Sections 181 and 182 of The Railway Act.*

File: 4205.7

In order to permit more expeditious consideration of applications received from the Railway Companies for permission to remove Station Agents, Caretaker-Agents or Caretakers, the following procedure is suggested:

The application to be submitted in duplicate and supported by a statement showing particulars of the earnings by months for two complete years immediately prior to the application. These earnings to be segregated as follows:

1. The earnings at the station proper to be reported separately from the earnings at flag stations under the jurisdiction of the Agent concerned.
2. *Freight Revenue*: Statement shall show the number of l.c.1. consignments received and forwarded in addition to the revenue in each case; carload shipments to be tabulated in the same manner.
3. *Passenger Revenue*: The statement shall include the number of tickets sold, together with the revenue from ticket sales.
4. *Express Revenue*: The statement shall show the number of inbound and outbound express shipments in addition to the revenue in each case.
5. *Telegrams*: The statement shall show the number of messages received and forwarded with accrued revenue.
6. Each submission shall be supported by a summary showing the total revenue derived from all sources for each year at the station concerned, including subsidiary or flag station revenue.

The following additional data shall also be submitted with the application:

- a. Particulars of the population of the communities served by the station.
- b. A description of the Municipality, whether an incorporated Village, Town, or Farming District, etc.
- c. Particulars of the industries served by the Railway through the station facilities.
- d. Distance to the nearest open stations by rail and highway.
- e. Particulars in respect to other forms of transportation available, specifically bus and truck services.

The information required in Paragraphs a. to e., inclusive, may be modified in respect of applications where such information is not pertinent.

A notice to be posted at the station affected at the time the application is submitted to the Board, reading as follows:

"Application for authority (to remove the Station Agent, Caretaker-Agent, Caretaker or replace the Agent with a Caretaker) has been filed with the Board of Transport Commissioners.

For further information consult..... (name and address of authority or authorities with whom application has been filed in accordance with requirements of General Order No. 119)".

A copy of the above notice shall be forwarded to the Director of Operation of the Board of Transport Commissioners at Ottawa.

Circular No. 270, dated February 28th, 1952, is hereby rescinded.

By Order of the Board,

C. W. RUMP,  
Secretary.

## CIRCULAR No. 282

OTTAWA, January 7, 1960

*Maritime Freight Rates Act—Import Traffic.*

File No. 34822

It has been alleged that certain importers of goods from countries outside of Canada obtain the benefits of the statutorily reduced rates under the provisions of the Maritime Freight Rates Act, Chapter 174, R.S. 1952, for the transportation by rail from ports of entry in the Maritime Provinces, such as West Saint John, N.B., Saint John, N.B., and Halifax, N.S., notwithstanding the provisions of subsection 5(c) of the Act, which reads:

“5. For greater clearness, but without intending to enlarge by any omission the scope of Section 4, it is declared that the following are not preferred movements:

- (c) import traffic to Canada, originating at points overseas; for example, Liverpool to Moncton or to Toronto;”

It has been alleged that import traffic, upon reaching the Canadian sea-board, is cleared from customs and subsequently tendered to the railway as domestic shipments without any indication of importation appearing on the shipping documents.

It has been also alleged that arrangements of this kind are made with the full knowledge of the railway companies involved in the inland transportation and in some cases with their assistance.

The Board has been asked to rule upon the legality of this alleged practice, and in the event of its illegality, to take steps to terminate the practice.

The Board has decided to afford an opportunity to interest parties to make submissions respecting the allegations and the application of the said Act to traffic imported through ports in the Maritime Provinces, and will, if it deems it necessary, hold a public hearing in that respect.

Interested parties are accordingly invited to file submissions and therein to indicate, with examples, what rail movements of goods subsequent to their importation at the said ports are preferred movements within the meaning of the said Act, and what rail movements of such goods are not preferred movements.

Without limiting the scope of the preceding paragraph, interested parties are invited to answer the following questions:

(1) When and in what circumstances does import traffic to Canada, originating at points overseas, imported through Halifax, become domestic traffic qualifying as a preferred movement?

(2) If an importer located at Moncton takes delivery at Halifax, by himself or by an agent, of goods shipped from England consigned to him at Halifax, clears from customs there and thereupon ships them by rail consigned to himself at Moncton, is the rail movement a preferred movement?

(3) If an importer located at Toronto takes delivery at Halifax, by himself or by an agent, of goods shipped from England consigned to him at Halifax, clears from customs there and thereupon ships them by rail, consigned to himself at Toronto, is the rail movement a preferred movement?

(4) If the importer located at Toronto arranges that the goods be shipped from England, consigned to a freight forwarder at Halifax who will accept delivery at Halifax and pay the customs duty and then ship

the goods by rail to Toronto consigned either to the Toronto importer, or to himself for subsequent delivery to the importer, is the rail movement a preferred movement?

(5) If a manufacturer in England sells goods for delivery at Halifax, do the goods cease to be "import traffic to Canada" within the meaning of Section 5(c) upon delivery at Halifax to the consignee?

The railways serving the said ports are requested to file their submissions and to state therein the practice they follow in soliciting or accepting shipments of imported goods at those ports for carriage by rail; and the enquiry they make and the nature of the evidence or information they obtain in order to enable them to ensure that the shipments they carry at rates directed or authorized by the said Act are shipments entitled to be carried at such rates.

The said railways and each other party that files submissions are requested to file ten copies with the Secretary of the Board of Transport Commissioners for Canada, Union Station Building, Ottawa, not later than February 8, 1960, and concurrently mail one copy to each of the parties listed hereunder:

J. W. G. Macdougall, Esq., Q.C.,  
Commission Counsel,  
Canadian National Railways,  
Montreal, P.Q.

K. D. M. Spence, Esq., Q.C.,  
Commission Counsel,  
Canadian Pacific Railway Company,  
Montreal, P.Q.

Honourable R. L. Kellock, Q.C.,  
c/o Blake, Cassels & Graydon,  
Canadian Bank of Commerce Building,  
Toronto 1, Ont.

Lep Transport (Canada) Limited,  
417 St. Peter Street,  
Montreal 1, P.Q.

The Maritimes Transportation Commission,  
Moncton, N.B.

National Harbours Board,  
Ottawa, Ont.

The Canadian Industrial Traffic League,  
20 Bloor Street West,  
Toronto 5, Ont.

Canadian Manufacturers Association,  
67 Yonge Street,  
Toronto, Ont.

Lorne Tracey, Esq.,  
Executive Secretary,  
Dominion Chartered Customs House Brokers,  
Board of Trade Building,  
Montreal, P.Q.

Walter Sparks, Esq.,  
General Traffic Manager,  
The T. Eaton Co. Limited,  
Toronto, Ont.

Charles LaFerle, Esq.,  
General Traffic Manager,  
Robert Simpson Company Limited,  
Toronto, Ont.

Canadian Importers and Traders Association,  
c/o Charles LaFerle, Esq.,  
General Traffic Manager,  
Robert Simpson Company Limited,  
Toronto, Ont.

Canadian Retail Federation,  
c/o Charles LaFerle, Esq.,  
General Traffic Manager,  
Robert Simpson Company Limited,  
Toronto, Ont.

Halifax Board of Trade,  
Halifax, N.S.

Saint John Board of Trade,  
Saint John, N.B.

Moncton Board of Trade,  
Moncton, N.B.

By Order of the Board,

C. W. RUMP,  
*Secretary.*

## ORDER No. 100066

*In the matter of the joint application of Canadian National Railways and Canadian Pacific Railway Company for an Order amending Order No. 97269, dated March 3, 1959, respecting signboards and the markings of such signboards with reflective material, at certain highway crossings:*

File No. 27214.43

TUESDAY, the 29th day of December, A.D. 1959

ROD KERR, Q.C., *Chief Commissioner.*

J. M. WOODARD, *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

The said Order No. 97269, dated March 3, 1959, is amended—

- (a) by striking out in paragraph numbered one the words and figures "31st day of December, 1959" and substituting therefor the words and figures "30th day of April, 1960";
- (b) by striking out in paragraphs numbered one and two the word "Appendix "A"" and substituting therefor the words "Appendix "A" Amended".

ROD KERR,  
*Chief Commissioner.*

## Appendix "A", amended, to Order No. 97269

## LIST OF UNPROTECTED CROSSINGS AT WHICH REFLECTIVE MATERIAL IS TO BE PLACED ON RAILWAY CROSSING SIGNS

## CANADIAN NATIONAL RAILWAYS

<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of Newfoundland</i>					
Bishop Falls	276.28	Montague	.65	Sydney	46.17
	278.19				52.08
	280.28	Vernon	2.20		63.55
	294.30				93.61
	399.36	<i>Province of Nova Scotia</i>			99.22
					102.01
Eonavista	.82	Chester	17.70		
	18.06		22.74	Yarmouth	
			59.81		1.16
Carbonear	11.20		64.30		2.60
	24.00		71.82		12.42
			80.15		50.70
Clarenville	213.52				133.36
	230.35	Bedford	53.57		
	255.37		59.68	Yarmouth Spur	.82
Port Basque	407.79	Dartmouth	32.07		
	453.80			<i>Province of</i>	
	523.19	Hopewell	3.04	<i>New Brunswick</i>	
	546.06		20.61	Albert	21.81
			73.76		
St. Johns	.3	Inverness	39.70	Bathurst	71.97
	.44		55.22		78.10
	2.91				82.29
	3.37	Middleton	1.83		106.31
	17.44		15.04		
	23.69		52.80	Caraquet	1.81
	49.76		66.42		72.95
<i>Province of P.E.I.</i>					
Borden	.25	Mulgrave	43.66	Connor	12.72
	2.30		73.76		
	7.42		121.10	Centreville	7.20
	10.89				69.80
		Oxford	32.85		101.70
Kensington	10.34		41.68		148.70
	12.71		45.94		
	35.60		47.48	Chester	80.15
	38.81		49.01		
	47.08			Dalhousie	2.60
		Pictou	5.63		
Murray Harbor	7.24			Franklin	.50
	20.15	Pugwash	2.43		
	45.34			Grand Falls	75.22
		Scotia	6.22		96.88
Souris	8.59				
		Springhill	.41	Harcourt	13.38
Tignish	.38		1.35		61.82
	.62		23.02		70.05
	.75		33.27		
	52.42		42.53	Havelock	11.94

<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of New Brunswick (Cont'd)</i>		<i>Province of Quebec (Cont'd)</i>		<i>Province of Quebec (Cont'd)</i>	
Loggieville	11.67	Cascapedia	11.68	Hemmingford	19.43
Nashwaak	16.48		24.18	Jonquiere	70.08
	31.68		44.69		109.00
	109.18		51.73		110.45
	108.10	Chandler	89.49		114.10
Point Chene	8.59		3.69		114.54
Springhill	124.72		11.07		114.70
Sussex	6.44		47.49		114.80
	12.06	Cornwall	52.81		115.00
	13.11		57.48		115.29
	20.77		11.30	Jonquiere Spur	.3
	84.20		12.74	Lachine Spur	.36
St. Quentin	.9		23.90	L'Assomption	1.15
	3.53	Danville	29.20		1.50
	36.77		43.64		4.14
	43.71		27.72		20.36
	63.84		46.35	La Tuque	29.76
	102.67		49.25		73.60
	105.39		78.29		121.60
Temiscouata	81.08	Deschailions	87.04		122.29
Tormentine	19.87		10.40		
	19.62	Dobell Ave. Spur	1.19	Lemoyne	.12
		Drummondville	8.69		.67
			33.65	Longue Pte.	.65
			58.92		2.63
			64.03		5.08
			72.03		5.92
			75.64		6.62
			84.95		8.83
			91.77		8.87
			102.72		8.93
			118.70		8.98
		Glendyne	116.55		
				Macamic	25.88
Armagh	43.93				40.27
	54.60	Granby	15.80	Massena	10.94
	79.49		21.55		18.52
	82.15		31.29		17.29
	97.93		45.69		35.62
			46.23		56.61
			47.09		
Ashton	.40	Grande Mere	.14		
	30.94		21.83	Matapedia	45.54
Alexandria	35.76		24.35		75.93
	46.86		25.38		
	50.45		63.47	Montfort	20.27
	52.78				31.17
	56.69				35.36
	61.63				40.37
Beachburg	59.30				54.94
Beauharnois	.13	Harlaka	66.82		
Batiscan	2.30		66.82		
	5.22	112.38	78.06		
	8.40		86.92		
	22.75		95.70		

<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of Quebec</i> (Cont'd)		<i>Province of Quebec</i> (Cont'd)		<i>Province of Ontario</i> (Cont'd)	
Montmagny	16.34	St. Hyacinthe	7.33	Alliston	37.50
	35.08		14.43		38.60
	71.57		22.10		39.30
	83.01		22.38		
			28.25		
Montmorency	4.15		36.14	Alvinston	10.57
	9.53		38.53		
	17.01		43.97	Bala	19.46
	20.52		47.40		23.65
			59.03		32.94
Murray Bay	28.94		59.36		33.80
	48.96				35.44
	59.62	St. Judes	8.15		41.06
	59.85				45.18
		St. Stanislas	15.22		54.63
Oskelaneo	137.60		9.50		62.85
					63.84
Rawdon	9.06	Temiscouata	42.81		72.40
			60.25		78.50
					81.50
Rimouski	41.12	Val d'Or	53.30		
	47.77		100.49	Beach	1.63
	56.39				2.03
	69.76	West Shefford	28.36		6.15
Roberval	43.90	Yamaska	5.53	Beachburg	3.34
	44.80		9.75		3.60
	57.43		11.47		4.33
			15.44		5.54
			32.14		11.40
Rouses Point	22.58		32.39		13.70
	31.77				73.20
	38.05				76.60
	39.84	<i>Montreal &amp; Southern</i>			78.85
	41.48	<i>Counties</i>			88.80
		Granby	7.95		
Rouyn	24.53		15.80	Burford	.42
			21.55		.69
			23.10		1.12
Sherbrooke	24.99		31.29		1.22
	37.17		35.95		1.64
	43.95		45.43		5.42
	70.45		45.69		6.09
	70.67		46.31		10.47
			46.55		33.11
Sorel	.96		47.09		
	2.25				
	2.43			Brampton	11.07
	2.55				20.64
	2.62	<i>Province of Ontario</i>			21.38
	2.79	Alderdale	76.99		24.06
	2.84		97.80		33.54
	8.83		102.83		49.09
	14.44		144.30		50.24
	43.69	Alexandria	79.34		71.53
	44.43		104.61		72.50
	45.45		106.30		87.95

<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of Ontario</i>		<i>Province of Ontario</i>		<i>Province of Ontario</i>	
<i>(Cont'd)</i>		<i>(Cont'd)</i>		<i>(Cont'd)</i>	
Campbellford	2.45	Dunnville	8.88	Grimsby	1.85
	2.80		18.84		9.24
	3.35		18.99		12.83
	4.53		19.11		16.65
	16.83		19.35		18.65
	32.25		19.38		
	62.50		21.90	Ft. William	29.35
	62.80		26.97		
	62.85		37.77	Loop Line	31.67
	63.03		38.09	0.84	34.29
	63.10		47.78	1.25	34.84
	63.17		61.52		35.87
	64.49		63.05		36.97
	76.70		67.68		44.24
	76.86		74.51		
Cayuga	5.60	Drumbo	7.29	James St.	46.53
	11.58		15.76	Spur	46.71
	32.94	Durham	3.25	0.38	47.01
	74.27		5.07	0.52	47.35
	84.44			Mission spur	
	105.65	Exeter	12.37	0.56	
	118.46		23.86	1.37	
	118.87		27.04	1.60	
	118.99		37.84		
	91.95	Fergus	14.92	Gananoque	137.19
Chaudiere	1.24		15.02		168.21
			15.53		175.90
Branch	2.42		16.14		178.07
			18.28		180.11
Chatham	12.15		18.58		184.01
	22.01		19.56		198.62
	60.37		30.45		204.27
	79.61		30.48		218.18
	73.97		30.75	Goderich	.64
	79.61		30.63		.69
	84.50		46.46		.91
	88.81		49.99		6.94
	95.83		58.05		14.57
	98.42		62.81		18.39
			69.10		
Coboconk	1.27	Forest	9.39	Grenville	31.60
	23.70		22.44		
			25.99	Hagersville	7.98
Cornwall	11.40		38.76		17.19
	23.90		46.76		28.47
	29.20		56.71		
	43.64		68.48	Haliburton	.17
	116.57				.30
					.45
Cross Mission	.56	Ft. Frances	47.43		.95
			90.05		1.10
Dorion	20.10		109.06		7.33
	20.80		115.98		17.70
			123.46		
Dundas	42.27		128.76		
	59.51		117.06	Hamilton Yard	2.00

<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of Ontario</i> (Cont'd)		<i>Province of Ontario</i> (Cont'd)		<i>Province of Ontario</i> (Cont'd)	
Hickson	1.17	Meaford	12.10	Oshawa	221.14
	1.26		13.50		224.08
	2.11		16.20		230.64
			19.40		231.57
Humberstone	.07		31.43		263.25
	4.31		35.30		264.41
	3.03		44.11		270.03
			45.70		299.32
Huntsville	.15		52.11		314.11
	30.10	Midland	.10		320.41
	43.40		.40		323.10
	54.80			Owen Sound	17.94
	71.25		37.25		29.64
	88.01		39.30		32.16
			43.30		32.32
Kapuskasing	17.47		56.24		35.97
	68.44		74.35		37.48
	127.40				49.48
		Milton	31.00		54.37
Kashabowie	2.77		40.03		57.56
	2.81		41.81		59.60
	3.00		58.72		62.01
	4.41		82.28		68.01
	4.48				
	4.51	Newmarket	10.37		
	5.25		12.91	Pagwa	.91
	5.38		15.50		
	12.36		19.38	Picton	19.10
	33.67		37.78		25.96
			37.97		30.38
			38.43		
Kincardine	1.49		39.33	Pt. Edward	2.01
	21.72		39.66		2.04
	29.70		40.93		2.40
	30.07		51.89		4.08
	49.59		55.46		
			64.00	Quibell	12.50
Lakefield	.04		66.20		74.62
	11.89		70.50		
	12.55		86.92	Renfrew	37.71
	13.95		93.76		37.85
	14.60		96.52		38.40
	14.94		101.16		49.70
	22.90				74.96
					76.43
		Newton	.60		78.52
Locksley	.42		18.24		93.29
	14.29		26.40		93.40
	17.34		27.05		97.45
			29.38		107.75
Longwood	11.39		36.52		
Maynooth	.40	Oakville	26.98	Simcoe	1.33
	.97		28.25		6.82
	24.46		29.53		6.95
	22.80		33.02		7.26
	79.08		33.31		7.51
	85.65				7.64
	101.96	Oba	147.50		7.72

<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of Ontario (Cont'd)</i>		<i>Province of Ontario (Cont'd)</i>		<i>Province of Manitoba (Cont'd)</i>	
Smiths Falls	3.28	Welland	4.02	Flin Flon	83.45
(2 crossings)	34.84		10.48	Gladstone	25.08
(2 crossings)	35.11				30.56
Southampton	9.99	<i>Niagara, St. Catharines and Toronto Railway</i>			31.09
	23.05				41.80
	29.67	Grantham	4.54		45.94
	37.97		3.29		92.21
	48.97				92.28
Strathroy	19.50	Welland	.29		105.32
	50.97		.35		106.35
			.43		145.95
Sudbury	5.42		.69		156.41
	116.00		1.62		176.96
	123.30		2.08	Hartney	22.89
	124.40		5.40		30.02
	128.51		5.57		31.10
Sudbury Term.	6.02		9.77		91.23
Garson Branch	6.03		11.87	Harte	2.90
0.65	6.07		11.90		30.90
1.20			12.33		45.50
4.33			13.62		51.70
			15.01		67.10
Thorndale	.29		17.24		70.10
	.41		19.12		135.50
	.45		21.67	Inwood	7.94
	1.33		22.46		57.67
	4.97	<i>Oshawa Railway</i>			
	8.01				
	24.18	Main Line	.19	Letellier	.46
	28.96		.36		1.65
	29.27		.69		3.76
			.99		6.31
Thousand Isl.	4.28		2.06		12.40
			2.16		20.40
Uxbridge	.90		3.18		37.41
	7.50		4.26		42.95
	11.32	Oshawa	2.06	Minaki	119.47
	13.25				120.99
	22.55	<i>Province of Manitoba</i>		Neepawa	62.55
	28.10			Oakland	33.70
	38.94	Carberry	8.35		38.80
	44.96			Oak Point	1.68
	51.50	Carman	58.84		86.05
	54.43		102.76		86.20
	55.15				111.15
Vankleek	13.77	Craik	2.35		119.03
	18.12			Pleasant Pt.	8.61
Waterloo Elm	1.23	Cromer	.45		79.03
	1.40		.80		
			.98		
Walkley Line	1.91	Erwood	9.58		
	4.54		13.16		

<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of Manitoba</i> (Cont'd)		<i>Province of Saskatchewan</i>		<i>Province of Saskatchewan</i> (Cont'd)	
Preeceville	19.10	Aberdeen	18.50	Cromer	115.59
Rapid City	.45		39.60	Dodsland	47.10
	12.10		52.50		82.40
Ridgeville	51.75	Arborfield	1.50	Duck Lake	84.05
	71.78		19.30		84.30
Rosburn	19.20	Asquith	.90		84.62
	20.01		13.00		84.80
	78.37		20.80		85.05
	65.44		50.60	Elrose	113.30
	86.94		58.20	Erwood	74.71
			59.30	Glen Avon	54.30
Sprague	48.56		98.80		
Old Low Freight	68.68		104.00		
Line	128.50	Assiniboine	105.00		
1.16	149.91		1.05	Regina Term.	
	151.28		6.98	0.68	
			24.01	1.00	
St. Boniface Spur	.28		31.85	1.90	
			39.58		
			44.58	Govel Loop	0.56
St. Rose	37.30	Avonlea	87.90	Govel West	0.05
			88.20		0.98
Togo	.54				1.15
	.59	Blackfoot	34.70		1.92
	5.15		82.20		
	19.92			Gravelbourg	75.80
Transfer Rly.	29.13	Blaine Lake	.20		
0.53	29.47		.27	Matherley	.70
1.12	29.58		.60		
	31.82		73.40	Lampman	29.80
	62.45		95.30		36.70
	62.61	Bolney	4.20		84.20
Turnberry	87.82				85.30
		Brooksby	23.10		93.00
Victoria Beach	4.74			Langham	.30
	7.35	Craik	12.20		38.50
	18.50	Saskatoon Term.	45.20		46.90
	23.79	1.34	62.30		80.50
	31.88	1.26	160.01		
	55.68	Conquest	22.60	Lewvan	115.40
			33.40		116.00
Wakopa	33.08		39.69	Margo	21.66
	55.87				23.78
		Cudworth	66.10		33.43
			86.60		38.44
Wanwanesa	4.20		105.40		51.96
	32.21				77.03
		Chelan	29.65		120.42
Wekuske	0.10		60.00		139.19

<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of Saskatchewan</i> (Cont'd)		<i>Province of Saskatchewan</i> (Cont'd)		<i>Province of Alberta</i> (Cont'd)	
Miniota	62.10	Tonkin	73.55	Camrose	2.28
	80.90				4.32
	111.30	Touchwood	18.50		8.70
	113.50		34.30		11.92
	123.40		47.40		17.42
			48.30		24.42
Meskinaw	55.70		49.10		42.62
	56.25		58.20		44.96
			82.40		47.16
Northgate	19.20		93.85		48.09
			106.00	Coronado	2.65
Oyen	.90				15.54
	22.40	Turtleford	55.50		29.27
					29.51
Paddockwood	7.40	Unity	16.36		79.94
			18.49		85.77
Preeceville	26.41		35.74		89.58
	38.27		36.44		120.67
	39.62				121.43
	45.71	Weyburn	11.10		123.45
	55.91		38.10		136.57
	58.09				139.69
	79.05				
	99.75	Yorkton	20.45	Drumheller	.70
			25.76		40.37
Qu'Appelle	46.50		35.16		
	62.00		42.28	Edmonton Term.	49.84
	91.30		53.72	"B" Line 3.12	50.29
	93.00			2.33	51.17
				106th Ave.	52.06
Rhein	21.67	<i>Province of Alberta</i>		1.67	52.31
				4.34	131.47
Robinhood	22.50	Alliance	13.67	1.78	
	69.75		54.17	"C" Line 0.50	
				1.45	
Rosetown	.80	Athabaska	72.62	"Z" Line 5.32	
	31.30		92.88	6.13	
	48.50				
	51.70	Brule	94.48	Endiang	27.78
	57.70				51.81
					70.49
		Blackfoot	34.73		
Tisdale	38.05		99.88	Kingman	.50
	41.10		82.20		
	72.60			Oyen	0.91
	84.80	Bonnyville	17.81		22.36
	98.20		18.82		50.71
	100.70		23.00		
	128.80			Red Deer	8.86
	136.10	Brazeau	18.46		
	140.20		50.58	Sangudo	12.72
	160.50		51.90		18.29
			57.43		30.64
Togo	94.46		61.68		36.22
	99.98		98.84		64.77



LIST OF UNPROTECTED CROSSINGS AT WHICH REFLECTIVE  
MATERIAL IS TO BE PLACED ON RAILWAY CROSSING SIGNS

CANADIAN PACIFIC RAILWAYS					
<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of Nova Scotia</i>		<i>Province of New Brunswick (Cont'd)</i>		<i>Province of Quebec (Cont'd)</i>	
<i>Dominion-Atlantic Railway</i>		Shore Line	1.49	Lachute	20.30
Halifax	23.29		23.45		22.38
	44.23		36.63		23.82
	56.59		43.35		24.50
					27.42
Kentville	.40	Shogomoc	21.93		32.48
	5.22		33.03		44.52
	23.64		42.20		45.11
	34.39		50.04		47.50
			77.62		48.65
Kingsport	4.78		91.77		56.74
					58.82
Truro	55.19	Tobique	19.58		59.03
	56.97				63.39
					66.67
Weston	12.18	W. Saint John	.10		74.89
			.20		90.46
			2.33		100.48
Yarmouth	14.92				111.40
	20.26				114.46
	20.33				
	51.42	<i>Province of Quebec</i>		LaSalle Loop	.42
	85.55	Adirondack	5.05		4.31
			6.35	Maniwaki	22.92
			6.39		28.85
			6.88		57.89
			12.68	Megantic	.28
<i>Province of New Brunswick</i>			16.32		.82
Edmundston	18.60		19.88		14.82
	18.78		19.95		24.68
	56.20		20.05		41.63
			20.17		54.76
Fredericton	20.69		21.97		55.33
			25.13		60.22
Gibson	58.37		34.58	Montreal-Ottawa	6.35
					18.89
Minto	33.10	Cap Madeleine	2.18	Newport	4.88
	33.44				5.78
	40.78	Drummondville	.30		14.77
	45.26		16.03		18.82
	51.65		16.30		19.18
	70.10		16.43		
St. Stephen	33.33		28.51	Park Avenue	11.00
			35.91		13.78
Saint John	2.09		41.57	Piles	20.94
	9.94		41.67		
	11.04		58.29	Quebec	125.07
	18.22		58.37		129.52
	34.13		58.58		158.48
	70.97				

<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of Quebec</i> (Cont'd)		<i>Province of Quebec</i> (Cont'd)		<i>Province of Ontario</i> (Cont'd)	
Roundhouse Lead	.33	Quebec Central Railway		Cartier	.93
	.48				1.09
	.63	Chaudiere	50.50		1.82
					23.20
Sherbrooke	74.00	Quebec	26.24		23.46
	75.18		36.87		23.82
	77.70		44.89		29.51
	79.00		63.57		33.70
	86.82	Beaver Spur	0.46		74.31
	88.24				77.25
					79.07
South Bank Br.	.40	Ind. Yard Spur	2.38		83.82
			73.31		87.91
Ste. Agathe	1.99		74.57		90.94
	16.03		76.35		96.97
	33.80		82.06		105.21
	42.12		84.52		
	44.36		90.48	Chalk River	7.09
	57.10		129.58		17.70
	137.70				18.48
	138.05	Levis	17.16		28.58
					36.63
Ste. Gabriel	11.51	Megantic	31.42		40.91
	15.15				41.10
					41.22
St. Guillaume	1.04	Newport	34.91		46.07
	24.93				
	46.87				51.05
					55.86
					57.76
St. Lin	14.90				59.05
		Brockville	1.56		61.44
St. Maur. Valley	1.70		21.17		67.73
			26.55		79.35
Timiskaming	97.10				93.59
	106.34	Belleville	1.43		94.88
			11.72		99.96
Trois Rivieres	1.78		19.32		101.39
	14.78		79.24		105.00
	36.30		82.54		
	44.52		83.83	Cornwall	12.81
	72.59		88.79		26.87
			91.71		
Trois Riv. Loop	.84		91.51	Elora	4.66
			91.96		27.04
Waltham	7.29		100.30	Galt	14.73
	66.70				19.25
	77.50	Bobcaygeon	18.00		27.57
			19.24		28.43
			26.86		31.85
Winchester	5.95				32.81
	16.62				33.47
	30.02	Canpa	0.91		55.17
	36.51				57.10
		Carleton Place	.1		73.75
Wolf Cove Br.	0.22		.32		80.70
			.57		81.32
St. Therese St.			6.25		83.66

<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of Ontario</i>		<i>Province of Ontario</i>		<i>Province of Ontario</i>	
<i>(Cont'd)</i>		<i>(Cont'd)</i>		<i>(Cont'd)</i>	
Galt (Cont'd)	86.48	Montreal-Ottawa	28.13	Peterboro	5.94
	81.89		36.44		11.16
	87.99		46.17		14.66
	88.05		52.34		18.72
	93.12		54.30		23.59
	95.66		64.45		24.50
	100.44		74.97		24.62
	101.31				25.40
	102.17	MacTier	9.54		26.65
	108.26		31.31		31.11
	110.62		45.84		33.80
	111.39		56.03		37.80
			77.30		75.84
			88.50		
Goderich	7.63		91.43	Port Burwell	.26
	21.18		93.42		5.88
	30.74		114.47		10.19
	30.81				11.13
	30.91	Nickel	1.08		15.37
	33.49				17.09
	37.81	Nipigon	85.12		19.29
	50.23		102.00		21.90
	59.85		127.06		
	66.55		127.30	Port McNicholl	.30
	67.84		128.02		
	69.22		128.80	Prescott	1.10
	74.98		129.82		5.60
	87.66				20.86
	107.48	North Bay	22.51		28.93
			98.37		29.16
Havelock	32.87		113.36		42.50
	60.48				49.73
	79.03	Orangeville	7.81		
	81.72		30.08	St. Thomas	8.75
	90.70		30.91		18.88
	93.10		32.16		
Ignace	49.75	Oshawa	10.31	Sussex St.	2.39
	78.32		30.50		3.55
	85.03		55.59		4.74
	144.84		73.12		5.64
			75.79		
Kaministiquia	2.85		96.67	Teeswater	8.09
	81.80				35.44
	104.57	Owen Sound	.40		44.98
	117.03		7.38		
			27.21	Thessalon	101.13
Keewatin	.1		29.15		112.27
	3.85		39.25		116.13
	4.00		68.21		128.24
			68.78		129.71
Kingston	11.42		70.49		130.90
	96.90		71.28		131.68
	98.38		71.63		132.04
	102.05		72.43		132.70
					132.86
Little Current	2.36				132.97
	9.89	Parry Sound	107.31		133.06

<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of Ontario</i>		<i>Province of Ontario</i>		<i>Province of Manitoba</i>	
<i>Cont'd</i>		<i>(Cont'd)</i>		<i>(Cont'd)</i>	
Walkerton	16.60	Waterloo (Cont'd)	12.02	Carberry (Cont'd)	79.28
	26.80		12.30		85.00
	28.28		12.57		105.36
			14.10		105.67
Webbwood	2.65	<i>Lake Erie &amp; Northern</i>		Carman	11.16
	29.46	<i>Railway</i>			13.80
	32.86				37.49
Winchester	62.25	Main Line	1.05		
	63.77		16.45	Emerson	31.20
	65.27		19.40		38.03
	77.00		20.26		61.85
	83.42		20.33		
	89.48		22.17	Estevan	24.30
	91.26		38.29		58.60
	93.55		45.55		62.90
	114.80		46.63		
	118.90		48.07	Glenboro	12.50
			50.04		30.70
Windsor	.17				41.50
	12.09	<i>Province of Manitoba</i>			42.10
	25.74				50.50
	37.25	Arborg	12.49		57.52
	46.70		27.86		60.59
	50.15		32.70		64.69
	59.31		74.20		67.80
	62.09				82.00
	71.44	Arcola	13.50		103.30
	73.76		31.96		135.70
	79.57			Keewatin	69.31
	79.84				72.50
	83.64	Bredenbury	9.60		106.60
	101.03		18.30		108.20
	101.23		27.28		112.37
	102.38		36.20		114.47
	106.31		51.35		116.57
			65.50		119.75
			74.10		122.51
		Broadview	2.50	Lac Du Bonnet	.60
<i>Grand River Railway</i>			47.50		40.30
			48.00		49.40
Hespeler	1.34		50.50		35.10
	2.50		55.20		37.10
			64.00		60.80
			71.20		61.90
Waterloo	.01				63.40
	.82				63.90
	3.25	Carberry	4.74		
	3.42		22.42	Lariviere	3.65
	3.66		29.04		21.93
	3.90		37.14		59.39
	7.64		41.03		74.79
	9.50		44.27		78.88
	10.09		44.77		79.91
	10.72		55.80		
	11.01		77.23		
	11.40		77.73	Lyleton	1.35

<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of Manitoba</i>		<i>Province of Saskatchewan</i>		<i>Province of Saskatchewan</i>	
<i>(Cont'd)</i>		<i>(Cont'd)</i>		<i>(Cont'd)</i>	
Minnedosa	.60	Bredenbury	101.80	Macklin	.91
	9.30		111.10	Maple Creek	1.72
	17.00	Broadview	78.10		7.18
	61.50		86.20		24.68
	70.31		93.51		27.10
	71.82		102.49		35.62
	78.10		110.20		44.26
	78.53		116.53		84.30
Neudorf	0.96		117.30		84.83
	4.79		121.70	Meadow Lake	34.22
	5.37		129.80	Melfort	9.23
	13.75	Bulyea	24.60		71.29
Rapid City	14.49	Empress	8.50		60.85
	30.42		23.17		96.03
Russell	11.20		50.50	Neudorf	82.41
			63.63		89.56
Winnipeg Beach	.32		68.10		107.70
	.68	Estevan	12.06		108.80
	.84		81.65	Outlook	60.32
	1.09		97.22		107.08
	1.43		107.33		117.99
	1.56		114.80	Prince Albert	27.25
	1.72		121.46		38.87
	1.82		148.03		44.42
	2.22	Expanse	25.89		49.46
	2.92	Furness	2.95	Reford	25.52
	9.30			Shamrock	31.78
	13.90	Hardisty	20.95		70.31
	14.80		35.65	Stewart Valley	19.56
	21.08	Indian Head	17.50	Sutherland	65.33
	22.50		31.20		70.04
	36.94		39.60		77.98
	42.50		80.51		104.56
	46.90		82.51		109.78
	57.08		84.60	Shaunavon	8.89
	59.11		101.10		28.21
<i>Province of Saskatchewan</i>			103.80	Swift Current	3.10
			109.30		7.82
Altawan	.70	Kerrobert	9.61		10.84
	49.34		27.76		25.94
Arcola	59.80		29.68		45.04
	60.15		44.02		99.00
	96.70		45.01		104.18
			96.37		109.82
Asquith	32.95	Kisbey	23.80		
Assiniboia	16.10	Lanigan	2.00		
	36.35		56.50		
	38.30		62.55		
	66.50		90.16		

<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of Saskatchewan</i>		<i>Province of Alberta</i>		<i>Province of Alberta</i>	
<i>(Cont'd)</i>		<i>(Cont'd)</i>		<i>(Cont'd)</i>	
Tisdale	53.93	Crowsnest	33.02	MacLeod	1.10
Tyvan	86.60		54.76		3.32
Vanguard	71.82		74.85		7.88
White Fox	8.64		84.46		32.05
	9.57		87.88		38.82
Wilkie	.14		88.18		51.64
	.20	Hardisty	89.17		51.78
	.38		91.56		56.92
	.98				71.63
	1.18		76.03		80.72
	2.40		76.50		91.82
	28.27		111.75	Maple Creek	125.90
	34.25	Hoadley	16.90	Red Deer	1.45
Wynyard	26.1		31.10		13.50
	14.10		101.50		25.88
	18.27	Lacombe	.30		28.05
	22.29		94.30		29.12
	25.67				39.18
	34.17	Laggan	1.47		39.52
	68.78		22.63		46.22
	91.66		82.04		46.50
	113.45				70.81
		Langdon	18.30		72.86
			58.07		75.37
			85.63		84.26
			92.16	Stirling	100.76
<i>Province of Alberta</i>				Strathmore	34.91
Alberta Central	18.10	Leduc	.35	Taber	55.69
	45.57		.60		76.72
Aldersyde	19.80		3.30		76.90
	29.45		11.40		77.77
	50.84		35.06		81.99
	79.89		57.02		84.05
Bassano	64.40		66.76		87.09
	88.22		75.90		98.54
Brooks	3.10		78.80		107.27
	5.45		79.03		
	9.60		82.08		
	24.55		84.18	Turin	18.72
	53.60		85.20		
	63.40		86.20	Willington	20.60
	74.02		92.50		
	116.22		95.00		37.30
	145.60		97.09		87.70
	172.10		97.17		103.80
Cardston	6.44		97.41		106.00
	16.35		97.54		141.00
Coutts	.59		97.60		162.55
	4.99		97.66		169.75
	23.23		99.30		172.73
	45.22				

<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of Alberta</i> (Cont'd)		<i>Province of British Columbia</i> (Cont'd)		<i>Province of British Columbia</i> (Cont'd)	
Wetaskiwin	11.50	Kimberley	18.80	Thompson	.10
	43.70				2.10
	53.41	Laggan	124.52	<i>Esquimalt &amp; Nanaimo Railway</i>	
	70.28	Lake Windermere	64.12	Lake Cowichan	2.70
	72.30	Merritt	29.10		17.50
	73.30				17.70
	94.80	Mission City	6.04	Port Alberni	.10
<i>Province of British Columbia</i>		Nelson	41.05		37.40
Boundary	93.40		66.84		37.90
	95.28		69.43	Victoria	2.53
			73.80		8.54
Cascade	26.80	New Westminster	.40		38.00
	26.90		1.50		41.70
	82.40		6.45		44.30
	93.90		5.87		46.90
	99.70		8.41		48.80
	101.40		8.87		50.00
	105.32				58.80
	109.42	Okanagan	22.71		67.00
	112.20		32.05		72.20
	115.40		34.95		72.24
	126.85		43.70		72.30
	127.70		46.00		72.60
	128.0		46.47		72.70
Coquihalla	54.25	Osoyoos	30.60		72.80
	55.15				76.56
Cranbrook	15.20	Rossland	6.00	<i>Vancouver &amp; Lulu Island Railway</i>	
	99.05		29.20	Marpole	2.00
Carmi	11.95	Shuswap	.07		2.80
	129.39		38.58		4.80
	132.90		63.80	Steveston	2.67
	133.08		93.43		
	133.60		124.96		

LIST OF UNPROTECTED CROSSINGS AT WHICH REFLECTIVE  
MATERIAL IS TO BE PLACED ON RAILWAY CROSSING SIGNS

<i>Railway</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Railway</i>	<i>Subdivision</i>	<i>Mileage</i>
<i>Province of Nova Scotia</i>			<i>Province of Ontario (Cont'd)</i>		
Sydney and Louisburg	Main Line	.02 .75 8.00 12.75 16.00	Toronto, Hamilton and Buffalo (Cont'd)	Belt Line  Well-Waterford	7.93  8.07 14.20 22.39 22.76 25.51 32.52 62.20 62.57 63.29
	Waterford	6.00 6.50			64.02 72.87 76.30 79.90
<i>Province of Quebec</i>					
New York Central	St. Lawrence	16.59 18.61 20.80 24.73 28.82 43.36 46.70 50.90 53.78	New York Central	Fort Erie  Leamington	3.02 13.29 13.79
Nipissing Central	Kirkland Lake	41.80		Main Line	.01 15.91 16.77 25.11 37.64 55.50 84.57 87.31 113.11 117.33 142.80 161.39 163.11 173.15 179.55 184.61 191.08 212.23 213.71
	Main Line	53.40 56.30			
Napierville Junction	Main Line	.01 2.30			
<i>Province of Ontario</i>					
Algoma Central	Main Line	3.31 5.39 5.66 7.83 23.14 30.90 31.42 293.88			
London and Port Stanley	Main Line	.60 1.00 1.10 1.20 1.30 10.70 15.10 16.40		Niagara	12.72 25.52
				Petrolia	4.73
Toronto, Hamilton and Buffalo	Beach	1.01	Essex Terminal	Main Line	.08 .22 .23 .28

<i>Railway</i>	<i>Subdivision</i>	<i>Mileage</i>	<i>Railway</i>	<i>Subdivision</i>	<i>Mileage</i>				
<i>Province of Ontario (Cont'd)</i>									
Chesapeake and Ohio	Canadian	10.90	<i>Province of Alberta (Cont'd)</i>						
		13.90							
		17.50							
		18.30							
		31.00							
		50.50							
		56.40							
		64.50							
		125.80							
		Sarnia-Erieau				17.40	Northern	Lac La Biche	32.40
						17.50	Alberta		45.80
						25.50	(Cont'd)		69.60
						41.70			112.80
42.10			Peace River	97.70					
49.20			Slave Lake	177.20					
52.50				195.40					
59.00				234.00					
61.50				235.30					
70.90			Smoky	267.00					
			270.10						
			298.50						
			310.40						
			335.50						
<i>Province of British Columbia</i>									
Nippissing Central	Main Line	.30	Northern Alberta	Grande Prairie	132.40				
		33.50							
<i>Province of Manitoba</i>					136.60				
					137.10				
Midland Railway of Manitoba	Main Line								
		Erin St. Winnipeg							
		Isabel St., Winnipeg							
		Kingsway Ave., Winnipeg							
					138.70				
					1.53				
					.10				
					2.40				
					4.45				
					7.59				
<i>Province of Alberta</i>									
Northern Alberta	Barrhead	.10							
	Edmonton	7.20							
		17.30							
		130.50							
	Grande Prairie	2.60							
		13.00							
		15.70							
49.30									
50.10									
52.00									
135.20									
					119.70				
					130.90				
					144.03				
					144.50				
					153.30				
					.19				
					.21				
					.23				
					.25				
					.27				

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 100007 Dec. 18—Approving flammable liquid storage facilities of British American Oil Company Limited at Fuast, Alta., N.A.R. Railways Co.
- 100008 Dec. 18—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 100009 Dec. 18—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 100010 Dec. 21—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and the highway at Blackville, N.B., Mileage 31.68 Nashwaak Subd.
- 100011 Dec. 21—Approving revised Appendix to Traffic Agreement between The Bell Telephone Company of Canada and the Westport Telephone Company Limited.
- 100012 Dec. 21—Authorizing the Gypsum Lime & Alabastine Limited to construct a tunnel under the C.N.R. at Mileage 56.06 Dundas Subd., Ont.
- 100013 Dec. 21—Authorizing the C.N.R. to construct an industrial track near Armour, Sask., Mileage 5.59 Lanigan Subd.
- 100014 Dec. 22—Approving flammable liquid storage facilities of Imperial Oil Limited at Deloraine, Man., C.P.R.
- 100015 Dec. 22—Approving flammable liquid storage facilities of Imperial Oil Limited at Minnedosa, Man., C.P.R.
- 100016 Dec. 22—Approving flammable liquid storage facilities of the British American Oil Company Limited at Wasketenau, Alta., Mileage 50.1 Coronado Subd., C.N.R.
- 100017 Dec. 22—Approving flammable liquid storage facilities of the Standard Oil Company of B.C., at Terrace, B.C., Mileage 131.73 Bulkley Subd., C.N.R.
- 100018 Dec. 22—Approving flammable liquid storage facilities of the Shell Oil Company of Canada Limited at Pembroke, Ont., Mileage 20.4 Locksley Subd., C.N.R.
- 100019 Dec. 22—Approving tariffs filed by Canadian National Telegraphs.
- 100020 Dec. 22—Amending Order No. 95640, re apportionment of cost of installing improved protection at the crossing of the C.N.R. and Wallace Ave., Toronto, Ont.
- 100021 Dec. 22—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. in Waterloo, Ont., Mileage 59.99 Granby Subd.
- 100022 Dec. 22—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Norwood, Ont., Mileage 5.94 Peterboro Subd.
- 100023 Dec. 22—Approving flammable liquid storage facilities of Imperial Oil Limited at Elkhorn, Man., Broadview Subd., C.P.R.
- 100024 Dec. 22—Rescinding Order No. 68631 which approved the location of facilities of Canadian Oil Companies, Limited, near the C.N.R. at Thorold, Ont.
- 100025 Dec. 22—Approving the installation of automatic protection at crossing of the C.N.R. and Innisfil St. (originally Baldwin St.) in Barrie, Ont., Mileage 0.32 Meaford Subd.
- 100026 Dec. 22—Requiring the C.N.R. to install two flashing light signals in lieu of the existing protection at the crossing of their railway and St. Jacques St., in St-Jean, P.Q., Mileage 25.5 Rouses Point Subd.
- 100027 Dec. 22—Requiring the C.N.R. to install automatic protection at the crossing of the C.N.R. and Highway No. 11 near Driftwood, Ont., Mileage 17.47 Kapuskasing Subd.
- 100028 Dec. 22—Requiring the C.N.R. to install two flashing light signals in lieu of the existing protection at the crossing of their railway and Bouthillier St., in Saint-Jean, P.Q., Mileage 25.68 Rouses Point Subd.
- 100029 Dec. 22—Authorizing the C.N.R. to operate over the bridge across the Quisibis River, at Mileage 96.1 Grand Falls Subd., N.B.

- 100030 Dec. 22—Authorizing the Niagara Gas Transmission Limited to open, for the transportation of natural gas, that portion of its pipe line from a point in the City of Ottawa, Ont., to a point in the Village of Gatineau Point, P.Q.
- 100031 Dec. 23—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Birchton, P.Q., Mileage 52.35 Megantic Subd.
- 100032 Dec. 23—Approving refinery facilities of Wainwright Producers and Refiners Limited at Wainwright, Alta., Mileage 0.81 Viking Subd., C.N.R.
- 100033 Dec. 23—Authorizing Wainwright Producers and Refiners Limited to construct thirty-five pipe crossings under the C.N.R. to serve their plant at Wainwright, Alta., Mileage 0.81 Viking Subd.
- 100034 Dec. 23—Relieving the C.N.R. from erecting right of way fencing on the south side of their railway on the Bengough Subd., between Mileages 22.49 and 23.26, Sask.
- 100035 Dec. 23—Authorizing the C.P.R. to construct an extension of its siding across the road allowance between Lots 28 and 29, Twp. of Darlington, Ont., Mileage 66.31 Oshawa Subd.
- 100036 Dec. 23—Authorizing the removal of the speed limitation at the crossing of Boveri St. and the C.N.R. at St. Johns, P.Q., Mileage 25.59 Rouses Point Subd.
- 100037 Dec. 23—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and the highway in Bathurst, Ont., Mileage 8.07 Havelock Subd.
- 100038 Dec. 23—Authorizing the Nova Scotia Department of Highways to construct the highway across the C.N.R. at Mileage 53.03 Yarmouth Subd.
- 100039 Dec. 23—Authorizing the C.N.R. to make changes in the approach circuits for the automatic protection at the crossing of their railway and Highway 61, west of Amos, P.Q., Amos Subd.
- 100040 Dec. 23—Amending Order No. 95395, re apportionment of cost of improving the protection at the crossing of the highway and the C.N.R. in Burlington, Ont., Mileage 29.53 Oakville Subd.
- 100041 Dec. 23—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Young's Cove Road (Route No. 9) at Mileage 64.65 Minto Subd., N.B.
- 100042 Dec. 23—Amending Order No. 99169, in the matter of protection at the crossing of the C.N.R. and Main St., in Parkhill, Ont., Mileage 29.83 Forest Subd.
- 100043 Dec. 23—Authorizing the C.N.R. to make changes in the approach circuits of the automatic protection at crossing of their railway and Highway No. 45 at Barraute, P.Q., Mileage 18.53 Amos Subd.
- 100044 Dec. 23—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Highway No. 2 at Norton, N.B., Mileage 89.63 Minto Subd.
- 100045 Dec. 23—Authorizing the C.N.R. to remove the caretaker at Prince, Sask.
- 100046 Dec. 24—Approving proposed temporary crude oil unloading facilities of Gibson Petroleum Company Limited at Carbondale, Alta., N.A.R. Co.
- 100047 Dec. 24—Approving proposed flammable liquid storage facilities of Rama Co-Operative Assoc. Limited, at Rama, Sask., Mileage 49.6 Margo Subd., C.N.R.
- 100048 Dec. 24—Approving proposed temporary crude oil loading facilities of Gibson Petroleum Company Limited at Pouce Coupe, B.C., Grande Prairie Subd., N.A.R.
- 100049 Dec. 28—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 66.75 Oxford Subd., N.S.
- 100050 Dec. 28—Authorizing the Munic. of Metropolitan Toronto to reconstruct the overhead bridge at the crossing of Lawrence Ave. East and the C.N.R. at Mileage 9.6 Bala Subd., Ont.
- 100051 Dec. 28—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Town Line, at Mileage 231.6 Oshawa Subd., Ont.

- 100052 Dec. 28—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Montgomery Road in Islington, Ont., Mileage 8.35 Galt Subd.
- 100053 Dec. 28—Amending Order No. 93108, re apportionment of cost of widening Lakefield Ave. where it crosses the C.N.R. in the Town of Montreal East, P.Q., Mileage 4.77 Longue Pointe Subd.
- 100054 Dec. 28—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Newbury St., in Belleville, Ont., Mileage 91.61 Belleville Subd.
- 100055 Dec. 28—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 100056 Dec. 29—Relieving the C.N.R. from maintaining a ten m.p.h. speed over the the crossing of Montreal Road and their railway in Windsor, Ont., between 11.00 p.m. and 7.00 a.m. daily.
- 100057 Dec. 29—Authorizing the C.P.R. to construct a private siding across the unnamed road allowance and Whyte Ave. at Lambton Park, Alta., Mileage 169.6 Willingdon Subd., to serve Dymer Plastics Limited.
- 100058 Dec. 29—Approving flammable liquid storage facilities of Canadian Oil Companies Limited at Riviere du Loup, P.Q., Mileage 83.44 Rimouski Subd., C.N.R.
- 100059 Dec. 29—Authorizing the Department of Public Works of Manitoba to widen Highway No. 34 where it crosses the C.P.R. at Mileage 8.54 Varcoe Subd.
- 100060 Dec. 29—Requiring the C.N.R. to install automatic protection at the crossing of their railway and the highway at Gowanstown, Ont., Mileage 31.06 Newton Subd.
- 100061 Dec. 29—Approving proposed flammable liquid storage facilities of Bangor Co-Operative Association, Limited at Bangor, Sask., Mileage 114.99 Miniota Subd., C.N.R.
- 100062 Dec. 29—Amending Order No. 96471, re apportionment of cost of installing automatic protection at the crossing of the C.N.R. and Onslow Road, N.S., Mileage 2.47 Springhill Subd.
- 100063 Dec. 29—Approving flammable liquid storage facilities of North Star Oil Limited at Port Arthur, Ont., Mileage 2.76 Kashabowie Subd., C.N.R.
- 100064 Dec. 29—Approving flammable liquid storage facilities of Shell Oil Company of Canada Limited, at Terrace, B.C., Mileage 0.63 Skeena Subd., C.N.R.
- 100065 Dec. 29—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Isabella Ave., in Dominion City, Man., Mileage 53.8 Emerson Subd.
- 100066 Dec. 29—Amending Order No. 97269 in the matter of signboards and the markings of such signboards with reflective material at certain highway crossings, C.N.R. and C.P.R.
- 100067 Dec. 29—Authorizing the City of Pointe Claire, P.Q., to construct Delmar Ave. across the industrial track of the C.N.R., in Pointe Claire, P.Q.
- 100068 Dec. 29—Amending Order No. 42618 re apportionment of cost of maintenance of the bridge over the C.N.R. in Windsor, Ont.
- 100069 Dec. 30—Authorizing the C.N.R. to make changes in the approach circuits of the protection at the crossing of their railway and Highway No. 45, at Mileage 33.82 Amos Subd.
- 100070 Dec. 30—Authorizing the Manitoba Department of Public Works to relocate and widen its access highway across the C.N.R. at Mileage 15.26 Wawanesa Subd.
- 100071 Dec. 30—Approving flammable liquid storage facilities of Imperial Oil Limited at Clifford, Ont., Mileage 6.3 Southampton Subd., C.N.R.
- 100072 Dec. 30—Approving revisions to tariffs filed by the Canadian National Telegraphs.
- 100073 Dec. 30—Approving revisions to tariffs filed by British Columbia Telephone Company.

- 100074 Dec. 30—In the matter of Orders 95340 and 95958 re overhead bridge crossing C.P.R. at Kenora, Ont., and temporary crossing mileages 1.95 and 1.75 Keewatin Subd.
- 100075 Dec. 30—Extending the time within which the C.P.R. is required to install automatic protection at the crossing of its railway and Main St. in Moosomin, Sask., Mileage 86.3 Broadview Subd.
- 100076 Dec. 30—Authorizing the C.N.R. to operate through the interlocker at Paris Junction, Ont.
- 100077 Dec. 30—Authorizing the Ontario Department of Highways to construct Highway No. 401 across and under the C.N.R. at certain locations in the Twp. of Richmond, Ont.
- 100078 Dec. 30—Authorizing the City of Montreal to construct Darlington Ave. across the C.P.R. at Mileage 48.63 Adirondack Subd., and Canora Road (Wilderton Ave.) at Mileage 48.81 Adirondack Subd. all in Montreal.
- 100079 Dec. 30—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Grand Forks, British Columbia, C.P.R.
- 100080 Dec. 30—Authorizing the removal of the speed limitation at the crossing of St. Michel St. and the C.N.R. at La Tuque Station, P.Q., Mileage 122.62 La Tuque Subd.
- 100081 Dec. 30—Approving Agreement between The Bell Telephone Company of Canada and The Chesapeake and Ohio Rly. Co.
- 100082 Dec. 30—Authorizing the removal of the speed limitation at the crossing of Birchmount Road and the C.P.R. in Agincourt, Ont., Mileage 97.96 Oshawa Subd.
- 100083 Dec. 30—Approving flammable liquid storage facilities of British American Oil Company Limited, at Corner Brook, Nfld., Mileage 407.31 Port aux Basques Subd.
- 100084 Dec. 30—Approving flammable liquid storage facilities of Shell Oil Company of Canada Limited, at Maniwaki, P.Q., Mileage 80.44 Maniwaki Subd.
- 100085 Dec. 30—Rescinding Order No. 83140 which approved the location of facilities of Sturdie Propane Limited, for the handling and storage of flammable liquids near the C.P.R. at Calgary, Alta.
- 100086 Dec. 30—Approving proposed flammable liquid storage facilities of Naicam Co-Operative Association Limited, at Naicam, Sask., Melfort Subd., C.P.R.
- 100087 Dec. 30—Approving proposed flammable liquid storage facilities of Prince Albert Co-Operative Association, Limited, at Paddockwood, Sask., Mileage 23.88 Paddockwood Subd., C.N.R.
- 100088 Dec. 31—Authorizing the City of Vancouver to construct First Avenue across the B.C. Electric Railway Company Ltd., operating the Vancouver and Lulu Island Rly. (Marpole and South Shore Branches) in Vancouver, B.C.
- 100089 Dec. 31—Authorizing the C.N.R. to make changes in the approach circuits of the protection at crossing of their railway and Highway No. 45, east of Taschereau, P.Q., Mileage 69.02 Amos Subd.
- 100090 Dec. 31—Approving flammable liquid storage facilities of Imperial Oil Limited at Lipton, Sask., C.P.R.
- 100091 Dec. 31—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Viceroy, Sask., C.P.R.
- 100092 Dec. 31—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and W. R. Caldwell.
- 100093 Jan. 4—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under Sections 3 and 8 of the Maritime Freight Rates Act.
- 100094 Jan. 4—Approving operation of the C.N.R. over the private siding serving Church Sawmills Limited at Mileage 98.36 Fraser Subd., B.C.
- 100095 Jan. 4—In the matter of Orders 97223 and 75097, authorizing the construction of a siding across Moffat Street at Birch River, Man.

- 100096 Jan. 4—Authorizing the Manitoba Department of Public Works to widen Highway No. 23 where it crosses the C.N.R. at Mileage 22.48 Miami Subd.
- 100097 Jan. 4—Authorizing the C.N.R. to install improved protection at the crossing of their railway and Fourth Range Road, west of St. Cyrille, P.Q., Mileage 93.7 Drummondville Subd.
- 100098 Jan. 4—Amending Order No. 97813, re apportionment of cost of removing and relocating public utilities in connection with the construction of William St. across the C.N.R. and C.P.R. in the Town of Brockville, Ont.
- 100099 Jan. 4—Approving Alternate Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Le Telephone Somerset Limitee.
- 100100 Jan. 4—Dismissing application of the C.N.R. for authority to remove the station agent at Wayne, Alta., Mileage 60.4 Drumheller Subd.
- 100101 Jan. 4—Approving revised Appendix A to Traffic Agreement between The Bell Telephone Company of Canada and Le Syndicat Cooperative de Daveluyville.
- 100102 Jan. 4—Authorizing the Ontario Dept. of Highways to construct an overhead bridge across the C.N.R. at Mileage 307.29 Oshawa Subd.
- 100103 Jan. 4—Authorizing the C.N.R. to install signals on their Caramet and Kokash Subdivisions.
- 100104 Jan. 4—Authorizing the N.A.R. Co. to remove the station agent at Newbrook, Alta.
- 100105 Jan. 5—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. in Fleming, Sask., Mileage 77.6 Broadview Subd.
- 100106 Jan. 5—Approving Connecting Agreement between The Bonaventure and Gaspé Telephone Co. Ltd., and the New Brunswick Telephone Company Limited.
- 100107 Jan. 5—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Notre Dame St. in the Village of Ste. Thecle, P.Q., Mileage 25.42 Grand'Mere Subd.
- 100108 Jan. 5—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 100109 Jan. 5—Amending Order No. 99932, re apportionment of cost of improving the approach grades at the crossing of the township road and the C.N.R. in the Township of Ekfrid, Ont., Mileage 15.78 Chatham Subd.
- 100110 Jan. 5—Authorizing the C.N.R. to operate over the siding serving Scotia Marine Products Limited, at Lower Wood Harbour, N.S., Mileage 94.61 Yarmouth Subd.
- 100111 Jan. 5—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and the South Diagonal Telephone Company Limited.
- 100112 Jan. 5—Approving Service Station Contract between The Bell Telephone Company of Canada and the Ontario Northland Communications.
- 100113 Jan. 5—Approving tariffs filed by the British Columbia Telephone Company.
- 100114 Jan. 5—Approving Plan and Book of Reference submitted by Mid-Continent Pipelines Limited, showing the location of its company pipe line at certain locations in the Provinces of Alberta and Saskatchewan.
- 100115 Jan. 5—Requiring the C.N.R. to install improved protection at the crossing of their railway and Hume St. in the Town of Collingwood, Ont., Mileage 30.9 Meaford Subd.
- 100116 Jan. 5—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and The Howland Municipal Telephone System.
- 100117 Jan. 5—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and The People's Telephone Company of Forest.

- 100118 Jan. 6—Authorizing the Rural Munic. of Pembina, Man., to remove the guide fences at crossing of the highway and the C.P.R. at Mileage 91.95 LaRiviere Subd.
- 100119 Jan. 6—Approving flammable liquid storage facilities of Imperial Oil Limited at Swift Current, Sask., C.P.R.
- 100120 Jan. 6—Authorizing the Rural Munic. of Pembina, Man., to remove the guide fences on the approaches to the public crossing of the highway and the C.P.R. at Mileage 98.38 LaRiviere Subd.
- 100121 Jan. 6—Approving flammable liquid storage facilities of Imperial Oil Limited at Fawcett, Alta., Edmonton Subd., N.A.R.
- 100122 Jan. 6—Requiring the C.P.R. to install automatic protection at the crossing of its railway and the private road of the Thurso Pulp and Paper Company, in the Town of Thurso, P.Q., Mileage 91.05 Lachute Subd.
- 100123 Jan. 7—Authorizing the C.N.R. and the C.P.R. to operate their trains through the interlocking at the crossing of their railways at Mileage 47.7 Camrose Subd. of the C.N.R., Alta.
- 100124 Jan. 7—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and the Fifth Line Telephone Company Limited.
- 100125 Jan. 7—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and The Glen Eden Telephone Company Limited.
- 100126 Jan. 7—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. east of the station at Dryden, Ont., Mileage 62.5 Ignace Subd.
- 100127 Jan. 7—Approving tolls published in tariffs filed by the Canada and Gulf Terminal Railway Company under Section 8 of the Maritime Freight Rates Act.
- 100128 Jan. 7—Approving proposed flammable liquid storage facilities of Withington Fuel and Lumber Company, Ltd., at St. Thomas, Ont., Main Line and Fort Erie Subd., N.Y.C. Railroad Co.
- 100129 Jan. 7—Authorizing the N.S. Department of Highways to relocate the crossing of East Sable Road and the C.N.R. at Mileage 28.05 Yarmouth Subd.
- 100130 Jan. 7—Authorizing the removal of the speed limitation at the crossing of Provincial Hwy. No. 2 and the C.N.R. at Mileage 188.06 Clareville Subd., Nfld.
- 100131 Jan. 7—Dismissing application of the C.N.R. for authority to transfer the station agent from Libau Station, Man., to East Selkirk, Man.
- 100132 Jan. 7—Authorizing the C.P.R. to remove the ticket agent and operator at Hemlo, Ont.
- 100133 Jan. 7—Authorizing The Bell Telephone Company of Canada to construct its lines of telephone under and along the C.N.R. in the Parish of Godmanchester, Co. of Chateauguay, P.Q.
- 100134 Jan. 7—Authorizing the C.N.R. to remove the station agent at Rosedale, Alta.
- 100135 Jan. 7—Authorizing The Bell Telephone Company of Canada to construct its lines of telephone under and along the C.N.R. in the Parish of Godmanchester, Co. of Chateauguay, P.Q.
- 100136 Jan. 7—Authorizing the removal of the speed limitation at the crossing of Highway No. 6 and the C.N.R. north of Varney Stn., Ont., Mileage 22.84 Durham Subd.
- 100137 Jan. 7—Authorizing the C.P.R. to construct a private siding to serve W. J. Gage Company and Grant, Atkinson and Blair, across Wellington Ave., in St. James, Man.
- 100138 Jan. 7—Authorizing the removal of the speed limitation at the crossing of Highway No. 7 and the C.N.R. west of Stratford, Ont., Mileage 0.80 Thorndale Subd.
- 100139 Jan. 7—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. north of Ripley, Ont., Mileage 49.59 Kincardine Subd.

- 100140 Jan. 7—Authorizing the removal of the speed limitation at the crossing of Sir Wilfrid Laurier Hwy. and the C.N.R. south of Bussiere Stn., P.Q., Mileage 12.39 Aston Subd.
- 100141 Jan. 7—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Boveri Blvd. in St. Johns, P.Q., Mileage 25.59 Rouses Point Subd.
- 100142 Jan. 7—Authorizing the removal of the speed limitation at the crossing of Norwich Ave. and the C.N.R. in Woodstock, Ont., Mileage 49 Dundas Subd.
- 100143 Jan. 7—Authorizing the C.P.R. to make changes in the signals at the crossing of their railway and Regent St. in Sudbury, Ont., Mileage 0.95 Webbwood Subd.
- 100144 Jan. 8—Approving tariffs filed by The British Columbia Telephone Company.
- 100145 Jan. 8—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and the Bognor Telephone Company Limited.
- 100146 Jan. 8—Authorizing the removal of the speed limitation at crossing of the highway and the C.N.R. at Mileage 137.2 Gananoque Subd., Ont.
- 100147 Jan. 8—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. in Petawawa, Ont., Mileage 103.81 Chalk River Subd.
- 100148 Jan. 8—Authorizing the City of Lethbridge to realign the existing Highway No. 3 and construct a new roadway across and under the bridge of the C.P.R. in Lethbridge, Alta.
- 100149 Jan. 8—Authorizing the City of Fort William, Ont., to relocate Cameron St. where it crosses the C.N.R., Mileage 3.60 Kashabowie Subd.
- 100150 Jan. 8—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. in St. Basile le Grand, P.Q., Mileage 59.36 St. Hyacinthe Subd.
- 100151 Jan. 8—Approving tolls published in tariffs filed by the Dominion Atlantic Railway Company under sections 3 and 8 of the Maritime Freight Rates Act.
- 100152 Jan. 8—Authorizing the removal of the speed limitation at the crossing of Prov. Highway No. 9 and the C.N.R. at Mileage 3.25 Durham Subd., Ont.
- 100153 Jan. 8—Approving the protection as installed at crossing of the C.N.R. and Montrose Road at Stamford, Ont., Mileage 3.32 Welland Subd.
- 100154 Jan. 8—Approving changes in the protection at the crossing of the C.N.R. and Kennedy Road in the Munic. of Metropolitan Toronto, Ont., Mileage 52.82 Uxbridge Subd.
- 100155 Jan. 8—Authorizing the C.P.R. to close Delair Road and to construct a diversion, being a junction of Riverside Road and the old Trans Canada Highway at Mileage 7.87 Mission Subd., B.C.
- 100156 Jan. 8—Authorizing the Manitoba Dept. of Public Works to widen the highway where it crosses the C.P.R. at Mileage 15.32 Snowflake Subd.
- 100157 Jan. 11—Approving connecting agreement between The Bell Telephone Company of Canada and the Department of National Defence for telephone service at Kingston Military Hospital, Kingston, Ont.
- 100158 Jan. 11—Approving connecting agreement between The Bell Telephone Company of Canada and the Department of National Defence for telephone service at the R.C.A.F. camp at Falconbridge, Ont.
- 100159 Jan. 11—Approving connecting agreement between The Bell Telephone Company of Canada and the Department of National Defence for telephone service at the R.C.A.F. camp at Edgar, Ont.
- 100160 Jan. 11—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and The Balaclava Telephone Company Limited.

- 100161 Jan. 11—Authorizing the C.N.R. to close as an agency their station at Wanstead, Ont.
- 100162 Jan. 11—Authorizing the Manitoba Dept. of Public Works to widen Highway No. 23 where it crosses the C.P.R. in the Town of Morris, Man., Mileage 40.87 LaRiviere Subd.
- 100163 Jan. 11—Approving flammable liquid storage facilities of Imperial Oil Ltd., at Mankota, Sask., Wood Mountain Subd., C.P.R.
- 100164 Jan. 11—Approving flammable liquid storage facilities of Texaco Canada, Limited, at Guelph, Ont., Mileage 30.42 Goderich Subd., C.P.R.
- 100165 Jan. 11—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and the Desboro Telephone Company.
- 100166 Jan. 11—Approving proposed flammable liquid storage facilities of Oxbow Co-operative Assoc. Ltd., at Oxbow, Sask., Estevan Subd., C.P.R.
- 100167 Jan. 11—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at first public crossing south of Beeton, Ont., Mileage 58.72 Milton Subd.
- 100168 Jan. 8—Authorizing the removal of the speed limitation at the crossing of the highway and Quebec Central Rly. south of Thetford Mines, P.Q., Mileage 68.93 Quebec Subd.
- 100169 Jan. 11—Amending Order No. 100074, re apportionment of cost of reconstructing the overhead bridge over the C.P.R. in Kenora, Ont., Mileage 1.95 Keewatin Subd., and constructing a temporary crossing at Mileage 1.75 Keewatin Subd.
- 100170 Jan. 11—Authorizing the removal of the speed limitation at the crossing of Second St. and the C.N.R. in The Pas, Man., Mileage 0.23 Wekusko Subd.

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The Board of

# Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

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*In the matter of the application of The New York Central Railroad Company, dated March 24, 1959, for an Order under Section 168 of the Railway Act granting leave to abandon the operation of its St. Clair Branch from St. Clair Junction to Courtright, Ontario, which branch includes the segment between Petrolia and Petrolia Junction, and the segment between Oil City and Eddy's Station.*

File No. 40892.2

*Before:*

ROD. KERR, Q.C., *Chief Commissioner,*  
A. SYLVESTRE, Q.C., *Deputy Chief Commissioner,*  
J. M. WOODARD, *Commissioner.*

*Appearances:*

S. S. MILLS, Q.C.,  
GRAY NELSON and  
T. S. MILLS, } for The New York Central Railroad Company.

R. D. STEELE, Q.C., for the Town of Petrolia; Villages of: Oil Springs, Brigden, Inwood, Alvinston; Townships of: Dawn, Moore, Enniskillen, Sombra, Brooke; County of Lambton.

ERNEST J. CAMPBELL, M.P., Lambton-Kent.

N. B. LINDSAY, Eddy's Mills, in person.

W. D. METCALFE, Oil Springs, in person.

## J U D G M E N T

KERR, C.C.:

The St. Clair Branch line, in respect of which the above mentioned application was filed and heard, comprises 73.38 miles single track and 4.22 miles side tracks located in Ontario between St. Clair Junction and Courtright, including the segment between Petrolia and Petrolia Junction and the segment between Oil City and Eddy's Station.

The line is generally in poor condition, due principally to lack of maintenance and repairs. The line serves a moderately prosperous farming territory. It has 11 stations, 4 of which are open stations, namely, Inwood, Oil Springs, Petrolia and Bridgen. The agent at Bridgen handles Kimballs and Courtright. The agent at Oil Springs handles Eddy's; other points, namely, Muncey, Melbourne, Alvinston and Oil City are taken care of by a travelling agent who accompanies the freight train.

Melbourne is on Provincial Highway No. 2; Alvinston is on Highway No. 79, Oil City, Oil Springs, Eddy's and Petrolia are on Provincial Highway No. 21, Courtright is on Provincial Highway No. 40.

The distance between industries on the St. Clair Branch and nearest stations on Canadian National, Chesapeake and Ohio and New York Central lines are as follows:

<i>Station</i>	<i>Distance to nearest station on other lines</i>
Muncey .....	8.9 miles—N.Y.C. at Shedden
Melbourne .....	2.9 miles—C.N.R. at Longwood
Alvinston .....	0.6 miles—C.N.R. at Alvinston
Inwood .....	8.3 miles—C.N.R. at Alvinston
Oil City .....	6.1 miles—C.N.R. at Petrolia
Oil Springs .....	8.5 miles—C.N.R. at Petrolia
Eddy's .....	11.0 miles—C.N.R. at Petrolia
Petrolia .....	—C.N.R. at Petrolia
Bridgen .....	10.7 miles—C. & O. at Courtright
Kimballs .....	7.1 miles—C. & O. at Courtright
Courtright .....	—C. & O. at Courtright

The train service consists of a freight train operating westbound from St. Thomas to Courtright on Mondays, Wednesdays and Fridays and returning on Tuesdays, Thursdays and Saturdays.

The line has 27 bridges, all in good condition. Buildings are few and in fair state of repair. Industrial sidings are in usable condition. There are four diamond crossings (interlockers) with other railways. There are interchanges with the Canadian National Railways at Petrolia and the Chesapeake and Ohio Railway at Courtright.

Highways in the area are generally of improved gravel construction. County Road No. 4 closely parallels the line between Alvinston and Courtright. This is a development road that is being reconstructed by the Department of Highways of Ontario.

There are approximately 85 level crossings on the line, none of which has automatic protection devices. There is one subway and one overhead bridge. Sight lines at nearly all the crossings are poor because of growth of trees, brush and vegetation.

The Ontario Department of Highways informed the Board by letters that it supported the application for leave to abandon operation of the line and stated that the saving that the Department might conceivably realize as the result of the abandonment of the line would amount to approximately \$337,000.

At the hearing the Board enquired of the Company why the line had been allowed to deteriorate. The Company explained in a letter received subsequent to the hearing that, in the light of the small amount of traffic handled on the Branch and the losses from operation, it would have been uneconomic and wasteful for the Company to have performed more than the minimum required for the safe operation of the line; also, that the deferred maintenance is not responsible for the decreased business on the line; rather, the depreciated financial result of the line is the reason for deferring maintenance; and that the line has deteriorated to the point where it either must be abandoned or rehabilitated.

The Company filed a statement of estimated rehabilitation cost and an estimate of the maintenance cost (Exhibit 6). The net total rehabilitation cost was estimated at \$977,620, the major items of which were \$705,675 for track material and \$226,110 for track labour. The Company estimated maintenance-of-way cost for the years 1960 to 1964 inclusive at \$195,749 per year and 1965 and subsequent years at \$113,734. The rehabilitation cost was based on a 25-mile per hour operation.

The Company also filed Exhibit 7 showing estimated salvage credit upon abandonment, showing a net retirement credit of \$795,388, the major item of which was salvage of track and bridges amounting to \$950,300, against which was an expense of \$193,005 for salvaging and retiring the line.

The Company gave evidence indicating that the area served by the line is also served by numerous highway transport services.

System revenues respecting the Branch for the years 1956, 1957 and 1958 were shown in the Company's Exhibits 11 and 12, detailed by stations and months and indicating commodities and carloads. The totals shown were as follows:

Year	SYSTEM REVENUES			CARLOAD TRAFFIC		
	Freight	Express	Misc.	Total	Cars In	Cars Out
	\$	\$	\$	\$		
1956 .....	141,120.	653.	2,404.	144,177.	1,576.	391.
1957 .....	158,929.	488.	2,416.	161,833.	1,602.	334.
1958 .....	120,541.	523.	1,785.	122,849.	1,357.	310.

The branch and system revenues and expenses were shown in Exhibit 9, reproduced next hereafter (with net losses underlined).

THE NEW YORK CENTRAL RAILROAD COMPANY  
ST. CLAIR SUBDIVISION PROPOSED ABANDONMENT  
STATEMENT SHOWING

OPERATING ANALYSIS YEARS 1956, 1957, 1958

System & Branch Revenues	1956			1957			1958		
	System		System	System		System	System		System
	Branch	Rev.	Rev.	Branch	Rev.	Rev.	Branch	Rev.	Rev.
	Rev.	Can.	U.S.	Rev.	Can.	U.S.	Rev.	Can.	U.S.
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Freight	78,833.	58,651.	3,636.	83,146.	71,910.	3,873.	67,188.	51,226.	2,127.
Express		653.			488.			523.	
Misc.	2,404.			2,416.			1,785.		
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	81,237.	59,304.	3,636.	85,562.	72,398.	3,873.	68,973.	51,749.	2,127.
<i>Expenses:</i>									
Branch— (out-of- pocket)	201,049.			208,710.			239,560.		
System— Can. 50% Freight									
Oper. Ratio	29,652.			36,199.			25,975.		
System— U.S. 50% Freight									
Oper. Ratio			1,818.			1,936.			1,063.
	\$	\$	\$	\$	\$	\$	\$	\$	\$
	201,049.	29,652.	1,818.	208,710.	36,199.	1,936.	239,560.	25,875.	1,063.
Net									
Earnings or Loss	\$	\$	\$	\$	\$	\$	\$	\$	\$
	<u>119,812.</u>	29,652.	1,818.	<u>123,148.</u>	36,199.	1,937.	<u>170,587.</u>	25,874.	1,064.
System		\$			\$			\$	
Loss:		<u>88,342.</u>			<u>85,012.</u>			<u>143,649.</u>	

Exhibit 10, reproduced next, shows operating expenses for the branch.

*THE NEW YORK CENTRAL RAILROAD COMPANY  
ST. CLAIR SUBDIVISION PROPOSED ABANDONMENT  
STATEMENT SHOWING  
OPERATING EXPENSES YEARS 1956, 1957, 1958*

	1956	1957	1958
Maintenance of Way & Structures .....	\$ 55,223.	\$ 73,575.	\$ 105,685.
Maintenance of Equipment:			
*Locomotive Fuel .....	22,715.	11,067.	5,898.
*Locomotive Repairs .....	29,929.	15,971.	9,867.
Freight Car Repairs .....	728.	741.	741.
Passenger Car Repairs .....	487.	499.	499.
Depr. Value one DRS 4 unit .....	....	3,776.	4,122.
Payment to Canada Customs acct. DES Unit .....	....	....	319.
	\$ 53,859.	\$ 32,054.	\$ 21,446.
Transportation:			
Road Expense .....	42,011.	44,800.	49,557.
Station Expense .....	28,824.	30,229.	33,009.
	\$ 70,835.	\$ 75,029.	\$ 82,566.
Miscellaneous:			
**Car Rentals .....	17,292.	24,046.	25,536.
Taxes .....	3,840.	4,006.	4,327.
	\$ 21,132.	\$ 28,052.	\$ 29,863.
<b>Total Operating Expense:</b> .....	<b>\$201,049.</b>	<b>\$208,710.</b>	<b>\$239,560.</b>

\*In April, 1957, steam locomotive power was replaced with diesel locomotive power.

\*\*Item made up as follows:

Car Rental on Foreign Cars .....	\$ 5,214.	\$ 7,167.	\$ 4,419.
Car Rental on System Cars .....	12,078.	16,879.	21,117.

Exhibit 11 next shows a summary of revenues and expenses and indicates a System Loss of \$88,342 in 1956, \$85,012 in 1957, and \$143,649 in 1958.

*THE NEW YORK CENTRAL RAILROAD COMPANY  
ST. CLAIR SUBDIVISION PROPOSED ABANDONMENT  
STATEMENT SHOWING*

*SUMMARY OF REVENUES AND EXPENSES FOR YEARS 1956, 1957, 1958*

	1956	1957	1958
<i>System &amp; Branch Revenues:</i>			
Passenger .....	Nil	Nil	Nil
Freight .....	\$141,120.	\$158,929.	\$120,541.
Express .....	653.	488.	523.
Miscellaneous .....	2,404.	2,416.	1,785.
Total Revenues .....	\$144,177.	\$161,833.	\$122,849.
<i>Expenses (Out-of-Pocket):</i>			
Branch Line .....	\$201,049.	\$208,710.	\$239,560.
Off-Line Expense (50% Freight Oper. Ratio) ....	31,470.	38,135.	26,938.
Total Expenses .....	\$232,519.	\$246,845.	\$266,498.
<b>System Loss:</b> .....	<b>\$ 88,342.</b>	<b>\$ 85,012.</b>	<b>\$143,649.</b>

The system freight revenues were calculated from the records of the company from the bills and interline settlements with other railways, that is, the actual revenues that accrued to New York Central. These revenues were then separated to show the portion in the United States and the portion in Canada on an actual division of rate basis. The branch revenues were then obtained by taking the total Canadian revenues and dividing them between the branch and the rest of the New York Central system in Canada, on a mileage basis. For example, if a carload of goods was carried 100 miles, 50 miles on the branch and 50 on the system in Canada, the branch is credited with 50 per cent of the revenues.

The branch line expenses shown above are out-of-pocket expenses of the branch and do not include expenses of operation beyond the branch. The off-line expenses are calculated on the basis of 50% of the system revenue on the traffic moving to or from the branch. The Company's evidence was that the cost to the Company of moving cars on the system varies from year to year from 70% to about 77% of the revenues from such movements but for the purposes of calculating off-line expenses for this application the Company included only 50% of the revenue of the Canada system beyond the branch and 50% of the system revenue in the United States. For example, in 1956 the off-line expenses are calculated at \$31,470, consisting of \$29,652, System Canada and \$1,818 System United States; and similarly in 1957 and 1958, as shown in Exhibit 9 as follows respectively, 1957—\$36,199 and \$1,936; 1958—\$25,875 and \$1,063.

The explanation given for the higher expenses for Maintenance-of-Way and Structures in 1958 than in 1957 and 1956 was that the line was resurfaced in 1958 and an additional labour force and machinery were employed for that purpose in 1958.

Exhibit 13, reproduced next, shows cars handled by commodities. The figures show that most of the freight carried "In" to the branch was crushed stone and petroleum products, and most of the freight "Out" was grain, soya beans, wheat and crude oil.

THE NEW YORK CENTRAL RAILROAD COMPANY  
ST. CLAIR SUBDIVISION

Cars Handled—By Commodities

	1956			1957			1958		
	Cars		%	Cars		%	Cars		%
	In	Out	of Total Cars	In	Out	of Total Cars	In	Out	of Total Cars
Crushed Stone .....	945	..	48.0	917	..	47.3	795	..	47.7
Petroleum Products ..	406	..	20.6	388	17	20.9	437	..	26.2
Empty Drums .....	47	..	2.4	46	4	2.6	43	..	2.6
Coal .....	45	..	2.3	32	..	1.6	33	..	2.0
Cement .....	35	..	1.8	4	..	0.2	..	..	..
Grain Products .....	24	..	1.2	9	..	0.5	8	..	0.5
Grain .....	19	142	8.2	19	36	2.8	13	78	5.5
Lumber .....	21	..	1.0	16	1	0.9	16	..	0.9
Ammonia .....	3	..	0.2	1	..	0.1	..	..	..
Oyster Shells .....	5	..	0.2	4	..	0.2	4	..	0.2
Cattle .....	2	..	0.1	9	..	0.4	1	..	0.1
Poles .....	3	..	0.2	4	..	0.2	3	..	0.2
Foundry Coke .....	5	..	0.3	1	..	0.1	..	..	..
Limestone .....	2	..	0.1	..	..	..	..	..	..
Gypsum Board .....	3	..	0.2	..	..	..	..	..	..
Wall Plaster .....	1	..	0.1	..	..	..	..	..	..
Plaster Board .....	1	..	0.1	10	..	0.5	..	..	..
Misc. Freight .....	9	2	0.6	..	..	..	2	..	0.1
Fertilizer .....	..	..	..	1	..	0.1	..	..	..
Agri. Implements .....	..	..	..	4	..	0.2	2	..	0.1
Pipe .....	..	2	..	102	..	5.3	..	..	..
Pipeline Coating .....	..	..	..	13	..	0.7	..	..	..
Road Equipment .....	..	..	..	2	..	0.1	..	..	..
Contractor Equipment ..	..	..	..	10	..	0.5	..	..	..
Tractors .....	..	..	..	2	..	0.1	..	..	..
Machinery .....	..	..	..	1	..	0.1	..	..	..
Building Material .....	..	..	..	4	..	0.2	..	..	..
Twine .....	..	..	..	2	..	0.1	..	..	..
Combines .....	..	..	..	1	..	0.1	..	..	..
Soya Beans .....	..	81	4.1	..	95	4.9	..	95	5.7
Wheat .....	..	24	1.2	..	16	0.8	..	14	0.8
Insulation .....	..	..	..	..	..	..	..	1	0.1
Crude Oil .....	..	121	6.1	..	121	6.2	..	122	7.3
Livestock .....	..	13	0.7	..	..	..	..	..	..
Wheat Straw .....	..	6	0.3	..	..	..	..	..	..
Insulation .....	..	..	..	..	43	2.2	..	..	..
Empty Reels .....	..	..	..	..	1	0.1	..	..	..
Total .....	1576	391		1602	334		1357	310	
Grand Total .....	1967		100.0	1936		100.0	1667		100.0

There was extensive, pertinent and thorough cross-examination of the railway's witnesses by Mr. Steele.

Evidence in opposition to the application was given by Ernest J. Campbell, M.P., elected representatives and officers of the municipalities concerned, highway superintendents and other persons, as to the prospective industrial development of the area; the need of shippers for rail service; highway construction programme in the area and the additional expenses that the municipalities will have to bear if the line is abandoned, with consequent increased carriage of stone and road construction material by means of trucks; and, in general, evidence designed to show the need of the area for the line and the losses and inconvenience that would result to shippers and communities from its abandonment.

There was also evidence of the by-laws passed by several municipalities in the 1870's and 1880's authorizing money grants, the largest of which was \$25,000, to assist construction of the line. The amounts that were actually paid was not established, but for the purpose of determining this application I am assuming that the grants were paid in full.

As to highway construction costs, there was evidence that the Province of Ontario assists the municipalities in meeting such costs by payments of up to 50% of the costs.

#### ARGUMENT BY COUNSEL

Mr. Mills, for the railway, submitted that a clear case has been made for granting the application; that the municipalities are substantially compensated by the Province of Ontario for highway construction work; that there are good highways through the area, with good trucking service; that there is access to other railway lines within a reasonable distance; and that the Department of Highways of Ontario would benefit, as shown by its letters, if the line were abandoned. He also referred to the following extract from the Report of the Royal Commission on Transportation, 1951:

"Up to the present, line and service abandonments by railways have not been looked upon with favour in Canada. It is time now for all concerned to reconsider their attitude in this regard. If the American railways had not been allowed to meet by abandonment, sometimes partial and sometimes total, the difficulties created by highway competition, by the cessation or relocation of industry, by the exhaustion of natural resources, etc. they would undoubtedly have been in a much more unfavourable position than they are today. Our railways should be allowed to practice similar economies in cases where operations are shown to have become substantially unnecessary or to be definitely unprofitable, especially, of course, when it is shown that reasonable service can be assured by other agencies."

Mr. Steele, for the Municipalities, referred to the fact that some railway employees would lose their employment if the line were abandoned; that the railway's estimates of maintenance and rehabilitation expenses are weighted considerably by 25 years of neglect or failure to repair or maintain and that the figures include something for depreciation and overhead; that the municipalities made grants towards construction of the line; that the company has its head office and main operations in the United States and should maintain the branch line as part of the payment for operating in Ontario, perhaps longer than might be justified economically; that the area may develop industrially and railway patronage increase; that shipments of material for constructing municipal roads will increase and the line should remain for five years more for that purpose; that parts of the area are not well served by transportation facilities; that if the line had been kept in better condition and more interest shown by the company in attracting traffic, it might have been profitable. He urged that operation continue during the next four or five years.

#### FINDINGS AND DETERMINATION

Section 168 of the Railway Act is as follows:

"168. The company may abandon the operation of any line of railway with the approval of the Board, and no company shall abandon the operation of any line of railway without such approval."

Abandonment is also provided for by section 2(3) of the Canadian National-Canadian Pacific Act, R.S.C. 1952, c. 39 as follows:

“(3) Notwithstanding anything in this Act or in any other Act any railway company may abandon the operation of any line of railway with the approval of the Board of Transport Commissioners for Canada, and no railway company shall abandon the operation of any line of railway without such approval.”

The Railway Act lays down no principle upon which the Board should act in granting or withholding approval in such applications for abandonment of operation of railway lines. The principle adopted in numerous cases by the Board is set forth in *Vancouver, Victoria and Eastern Ry. v. Princeton*, 45 C.R.C. 197, decided in 1936, as follows:

“. . . The issue in each case where abandonment is sought resolves itself into a question of ‘whether the loss or inconvenience to the public consequent upon the abandonment outweigh the burden that continued operation of the railway line involved would impose upon the railway company.’ This was the decision pronounced by the Board in the recent case of *C.N.R. v. Tweed* (1935), 44 C.R.C. 53. In my opinion this decision constitutes a guiding principle for the determination of cases similar to that now under consideration.”

In applications for authority to abandon operation of a line the Board looks at all pertinent factors, including the following: (1) revenues and expenses of the line concerned and of the system allocatable to the line, for the previous three years, (2) existing train services, volume and type of traffic, length of line, and railway facilities on the line, (3) alternative railway and other transportation services; (4) estimated annual savings to the railway company by abandonment and the burden to the company of continued operation, (5) nature of the area served, productivity, future prospects, (6) subsidies granted to the company in respect of the line and any agreement to provide service and (7) the convenience and transportation needs of the public concerned.

In applications for abandonment of operation of a line, it is the practice for the Board's District Inspectors to examine the situation in the area concerned and make a complete report to the Board, and that practice was followed in this instance.

Where abandonment of operation of a line takes place there inevitably is some inconvenience and loss to those using the line. The present case is no exception in that respect.

It is also a fact that continued operation of the line will be a serious burden to the railway company. Even if the Board were to reduce the company's estimates of its expenses and its losses from the operation of the line, where they are susceptible of reduction, the remaining expenses and losses would still be heavy.

In my opinion the expenses and losses that the company will have to incur and bear if the line continues to be operated, and the burden thereof to the company, outweigh the loss and inconvenience to the public consequent upon abandonment, to such an extent as to justify abandonment, it would not be proper for the Board to refuse to allow abandonment in the circumstances.

The evidence does not make it appear probable that patronage will return to the line or increase to an extent that will appreciably reduce the level of present losses, or that the present and future needs of the area for transportation services will not be adequately taken care of by other continuing rail services and the ever increasing highway services.

It is also a fact that although the company might continue present operation of the line for a limited time without extensive rehabilitation, it could not do so for long safely—and meanwhile operating losses would continue. It appears to me that the situation may just as well be faced by all parties now as next year or in the next few years.

Of course there are factors and considerations against abandonment—and they were forcefully presented by Mr. Steele, Mr. Campbell and others who opposed the application—but on balance a good case has been made for abandonment, as I appreciate the situation, and I would grant the application.

However, having regard to the time of year I feel that the company should continue to operate the line for the remainder of this winter and I have no doubt would be willing to do so, in order that those who are using the line will have that period in which to make arrangements for alternative transportation of their goods next spring and thereafter and will not be deprived of the services of the line in the middle of the present winter.

The company will be authorized to abandon operation of the line not earlier than April 30, 1960, on not less than 30 days' prior notice filed with the Board and posted in the stations on the line for the information of the public.

An Order will be issued accordingly.

ROD. KERR

*I concur:*

A. SYLVESTRE.

*I concur:*

J. M. WOODARD.

JANUARY, 15, 1960.

## ORDER No. 100227

*In the matter of the application of The New York Central Railroad Company, dated March 24, 1959, for an Order under Section 168 of the Railway Act granting leave to abandon the operation of its St. Clair Branch from St. Clair Junction to Courtright, Ontario, which branch includes the segment between Petrolia and Petrolia Junction, and the segment between Oil City and Eddy's Station.*

File No. 40892.2

FRIDAY, the 15th day of January, A.D. 1960

ROD. KERR, Q.C., *Chief Commissioner.*A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*J. M. WOODARD, *Commissioner.*

Upon hearing the said application at a sittings of the Board held at St. Thomas on October 5, 1959, in the presence of Counsel and persons whose names are set forth in the Judgment herein dated January 15, 1960, and pursuant to the said Judgment—

*It is hereby ordered as follows:*

The New York Central Railroad Company is authorized to abandon operation of its St. Clair Branch from St. Clair Junction to Courtright, Ontario, including the segment between Petrolia and Petrolia Junction and the segment between Oil City and Eddy's Station, not earlier than April 30, 1960, on not less than thirty days' prior notice filed with the Board and posted in the stations on the line for the information of the public.

ROD. KERR,  
*Chief Commissioner.*

*In the matter of the application of the New York Central Railroad Company, dated March 25, 1959, for an Order under Section 168 of the Railway Act granting leave to abandon the operation of the most northerly portion of its Niagara Branch being 10.46 miles in length between the level crossing of Church's Lane on the south and its terminus in the Town of Niagara-on-the-Lake.*

File No. 40892.1

Before:

ROD. KERR, Q.C., *Chief Commissioner.*  
 A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
 J. M. WOODARD, *Commissioner.*

Appearances:

S. S. MILLS, Q.C.,  
 GRAY NELSON and } for the New York Central Railroad Company.  
 T. S. MILLS,  
 H. M. ROGERS, Q.C., for the Town of Niagara and County of Lincoln.  
 A. R. DICK, for the Ontario Department of Highways.

Heard at Niagara Falls, Ontario, October 8, 1959.

#### J U D G M E N T

KERR, C.C.:

The branch line that is the subject of the above mentioned application consists of the most northerly portion of New York Central's Niagara Branch, being about 10.46 miles of single track line from a point near the Village of Stamford to the end of the line at the Town of Niagara or Niagara-on-the-Lake.

The condition of the line is poor. It is overgrown with brush, weeds and grass. Fencing is absent or deteriorated. Drainage is bad. The rails are mostly 80 pound rails laid in 1900 and now in fair condition. Ties are deteriorated and will require almost complete replacement if the line continues long in operation. The only buildings are two small station shelters at St. Davids and the Town of Niagara, neither of which is an open station.

There is no passenger service and no regular scheduled freight service. The line is incorporated in the yard switching limits of Montrose Yard and is served, as required, by yard switch engines.

The area served by the line is rural and for the most part a farming and fruit growing district.

The company presented evidence respecting costs of rehabilitation and maintenance of the line. I need not outline such cost for the purposes of this Judgment except to state that the company's estimates are \$143,065 for rehabilitation and \$28,613 for maintenance for each of the years 1960 to 1964 inclusive if the line continues to be operated. The company gave evidence that the net system earnings in respect of the line were \$3,947 profit in 1956 but a net loss of \$8,430 in 1957 and \$8,482 in 1958. System and branch revenues and expenses were shown in detail in Exhibits 5 and 6 and summarized in Exhibit 7 reproduced next hereafter. Where a system loss is shown, the figures are underlined.

THE NEW YORK CENTRAL RAILROAD COMPANY  
 NIAGARA SUBDIVISION PROPOSED ABANDONMENT  
 STATEMENT SHOWING

SUMMARY OF REVENUES AND EXPENSES FOR YEARS 1956, 1957, 1958

<i>System &amp; Branch Revenues:</i>	1956	1957	1958
Passenger .....	Nil	Nil	Nil
Freight .....	\$ 48,557.	\$ 25,023.	\$ 20,669.
Express .....	Nil	Nil	Nil
Miscellaneous .....	261.	217.	203.
Total Revenues .....	\$ 48,818.	\$ 25,240.	\$ 20,902.
<i>Expenses (Out-of-Pocket)</i>			
Branch Line .....	\$ 24,769.	\$ 23,645.	\$ 22,290.
Off Line Expenses (50% Freight Oper. Ratio) ...	20,102.	10,025.	7,094.
Total Expenses .....	\$ 44,871.	\$ 33,670.	\$ 29,384.
<i>System Loss:</i> .....	\$ 3,947.	\$ 8,430.	\$ 8,482.

Operating expenses for the years 1956, 1957 and 1958 were shown in Exhibit 6, reproduced next, for the Branch.

THE NEW YORK CENTRAL RAILROAD COMPANY  
 NIAGARA SUBDIVISION PROPOSED ABANDONMENT  
 STATEMENT SHOWING

OPERATING EXPENSES YEARS 1956, 1957, 1958

	1956	1957	1958
Maintenance of Way & Structures .....	\$ 2,240.	\$ 3,582.	\$ 2,576.
<i>Maintenance of Equipment:</i>			
*Locomotive Repairs .....	4,751.	2,470.	1,753.
Freight Car Repairs .....	216.	216.	227.
Passenger Car Repairs .....	....	....	....
	\$ 4,967.	\$ 2,686.	\$ 1,980.
<i>Transportation:</i>			
Road Expense .....	\$ 6,755.	\$ 7,115.	\$ 7,864.
Station Expense .....	5,803.	5,947.	5,615.
	\$ 12,558.	\$ 13,062.	\$ 13,479.
<i>Miscellaneous:</i>			
**Car Rentals .....	\$ 4,051.	\$ 3,270.	\$ 3,211.
Taxes .....	953.	1,045.	1,044.
	\$ 5,004.	\$ 4,315.	\$ 4,255.
<b>Total Operating Expenses .....</b>	<b>\$ 24,769.</b>	<b>\$ 23,645.</b>	<b>\$ 22,290.</b>

\*In April, 1957, steam locomotive power was replaced with diesel locomotive power.

\*\*Item made up as follows:

Car Rental on Foreign Cars .....	\$ 3,168.	\$ 2,296.	\$ 2,054.
Car Rental on System Cars .....	883.	974.	1,157.

Exhibit 8 shows the following carloads handled:

	<i>In</i>	<i>Out</i>
1956 .....	204	117
1957 .....	137	66
1958 .....	95	141

Carloads outbound were mostly canned goods shipped by Canadian Cannery Limited, which filed objection to the application but withdrew its objection on the eve of the hearing after making arrangements with New York Central for satisfactory shipping facilities elsewhere at Church's Lane.

The Board requested the railway to file a statement showing freight handled during the first nine months of 1959. The company filed a statement showing 79 carloads "In" and 86 carloads "Out" as compared with 77 carloads "In" and 97 carloads "Out" during the same months of 1958; and that all but four of the 103 cars handled at St. Davids in 1959 were consigned to or shipped by Canadian Cannery Limited which, as indicated above, has agreed to take its rail service at Church's Lane.

Letters were filed with the Board and evidence was given, on behalf of the Department of Highways of Ontario, in support of the railway's application. The Department is planning a new Provincial highway that will run from the Queen Elizabeth Way to a new international bridge to be constructed between Queenston and Lewistown, and the location of the highway will depend to some extent on whether the railway line is abandoned. According to the Department of Highways the cost of the highway will be increased by an estimated \$500,000 if the railway line is not abandoned.

Evidence and submissions by those who appeared in opposition to the application were that there is a lack of first class highways within the area; that the annual losses of the line are not great and should be absorbed by the company; that alternative transportation services are not adequate; that the railway is somewhat to blame for lack of traffic; that the population and industrial activity in the area are increasing, that the area needs the line and that it should continue to be operated for at least a further period during which a study of the potentialities of the area may be made.

Counsel for the Town of Niagara and the County of Lincoln informed the Board by letter following the hearing that the Department of Highways proposes to provide a new first class Queen's Highway to the Town of Niagara within the next few years, that a survey for the purpose is under way and the Department has advised that the matter will receive serious consideration in 1960.

A letter from the Minister of Labour of Ontario also referred to the survey mentioned in Mr. Rogers' letter and suggested that the delay in abandonment proposed by the Niagara Regional Development Association would not be unreasonable.

#### FINDINGS AND DETERMINATION

The evidence presented by the company shows that operation of its Niagara Branch was profitable in 1956, and presumably was also profitable in some previous years, but was unprofitable in 1957 and 1958; and the traffic handled during the first nine months of 1959 does not indicate any trend of improvement in revenues.

If the burden to the railway company of operating the line does not lessen appreciably and current losses continue year after year, that burden on the company would outweigh the loss and inconvenience to the public consequent upon abandonment of the line.

It is also my view that the Board would not be justified in refusing leave to abandon operation if in addition to the burden of losses above mentioned the cost to the province of Ontario of constructing the highway to the proposed new international bridge would be upwards of \$500,000 greater with the line continuing in operation than it would be if the line were abandoned. However, there is no certainty that construction of the highway will be well advanced in 1960.

There is a certain finality to actual abandonment of operation of a line of railway, with the approval of the Board required therefor, for the line and the service provided by it cease and thereafter the Board has no power to order reinstatement or rebuilding of the line or resumption of operation or train service.

I feel that there is merit in the submissions that operation should continue for a further period. As already stated, the line was profitable as recently as 1956, and I am not satisfied that the losses in the comparatively short period since then are sufficient in themselves to warrant abandonment of operation immediately. I think that the actual results for 1959 and a portion of 1960 should be awaited, but if that experience shows no better results than those of 1957 and 1958 and no trend towards improvement, the case for abandonment would then be stronger than it is at present. I consider that the application should not be granted now, but that the Board should stay seized of it with liberty to the applicant to supplement the evidence already given with further evidence of actual results for the whole year 1959 and the first six months of 1960, by which date also the present uncertainty as to future highway construction in the area may also have been resolved. Other interested parties may also furnish supplementary evidence and submissions. However, if meanwhile the Department of Highways decides to construct the highway to the proposed new international bridge and its cost would be appreciably increased by continuance of the line, I would authorize the company to abandon operation at a time that will not interfere with the highway project, unless other changes in conditions occur meanwhile sufficient to warrant continuation of operation. The Department may keep the Board informed respecting the highway.

An Order is not necessary at this time.

ROD. KERR

*I concur:*

A. SYLVESTRE

*I concur:*

J. M. WOODARD

OTTAWA, January 15, 1960.

*In the matter of the application of the City of Kitchener, Ontario, dated April 18, 1958, for the reconstruction of the overhead bridge at the intersection of Wellington Street, Kitchener, Ontario, and the Canadian National Railways' tracks at mileage 0.22, Bridgeport Spur, and for a grant from the Railway Grade Crossing Fund*

and

*In the matter of the apportionment of cost of construction and maintenance thereof.*

File No. 48716

Heard at Kitchener, Ontario, December 14 and 15, 1959.

Before:

H. H. GRIFFIN, *Assistant Chief Commissioner.*

J. M. WOODARD, *Commissioner.*

W. R. IRWIN, *Commissioner.*

Appearances:

G. M. BRAY, Q.C., for the City of Kitchener.

H. J. G. PYE, for the Canadian National Railways.

#### J U D G M E N T

WOODARD, Commissioner:

This is an application of the City of Kitchener, Ontario, for an Order authorizing the reconstruction of the overhead railway bridge at the intersection of Wellington Street, Kitchener, Ontario, and the Canadian National Railways' tracks at mileage 0.22, Bridgeport Spur, and for a grant from the Railway Grade Crossing Fund, and the apportionment of cost of construction and maintenance thereof.

Wellington Street was formerly known as Spring Street and has been an established highway since before the turn of the century. In 1903, the predecessor of the Canadian National Railways, the Grand Trunk Railway Company of Canada, applied to the Railway Committee of the Privy Council of Canada for permission to establish a spur line from the main line running from Toronto to Sarnia, through Kitchener, and obtained two Orders from the Railway Committee of the Privy Council of Canada. These two Orders were filed as exhibits, and read as follows:

#### "ORDER

The Grand Trunk Railway Company of Canada, having applied, pursuant to the Railway Act, to the Railway Committee of the Privy Council of Canada, to sanction the building of a branch or siding from its tracks at a point near Lancaster Street in the Town of Berlin to the premises of the Ontario Sugar Company and also to Peter Shirk's Mill, Bridgeport, and for approval of map or plan, profile and book of reference of the said branch or siding under File No. 10845, duplicates of which are shown to have been deposited in the Registry Office for the County of Waterloo, and of which application due public notice appears to have been given.

The said Committee, after due consideration, deems it expedient to grant the same and accordingly sanctions the building of the said branch or siding, and approves of the map or plan, profile and book of reference thereof under File No. 10845, the said branch or siding to be completed

within two years from the date hereof; and the said Committee authorizes the expropriation of the necessary land for the purposes of the said branch or siding, under the compulsory powers vested in the said Railway Company, so soon as the said Railway Company shall have complied with the provisions of Section 125 of the Railway Act.

ANDREW G. BLAIR  
*Chairman.*

OTTAWA, April 14, 1903."

"ORDER

The Grand Trunk Railway Company of Canada, having applied, pursuant to the Railway Act, to the Railway Committee of the Privy Council of Canada, for approval of plan and profile of its proposed highway crossings by its proposed branch or siding from its tracks at a point near Lancaster Street in the Town of Berlin to the premises of the Ontario Sugar Company and also to Peter Shirk's Mill at Bridgeport, the said highway crossings being as follows, viz: Spring Street, Union Street, Arnold Street and Lancaster Street.

The said Committee, after due consideration, hereby approves of the said plan and profile and orders accordingly.

ANDREW G. BLAIR,  
*Chairman.*

OTTAWA, April 14, 1903."

The first Order was an Order to sanction the building of a branch or siding from its tracks from a point at Lancaster Street in the Town of Berlin, presently Kitchener, to the premises of the Ontario Sugar Company, and also to Peter Shirk's Mill, Bridgeport, and for approval of map or plan, profile and book of reference of the said branch or siding.

The second Order deals with the crossings of the highway concerned, the said highway crossings being as follows:

Spring Street  
Union Street  
Arnold Street  
Lancaster Street.

It is interesting to note that the Grand Trunk Railway System Handbook of Bridges and Buildings 1907, shows the overhead bridge having been constructed in 1902, consisting of three spans 15 feet long, one span 10 feet long and one span 19 feet long, with the total length of the construction 77 feet. It was a pile trestle construction with wooden stringers, height at rail above river bed 14 feet. This appears to have resulted in a clear headway of approximately 11'6", and a clear opening at highway level of approximately 12 feet in width.

In 1928 the Canadian National Railways replaced the stringers over the roadway with a steel span measuring 25'6" in length which resulted in a widening of the clear opening at highway level to approximately 17 feet with double bents applied at each end of the steel span, but also resulting in a lessening of the clear headway by approximately 6 inches. It appears also that from the application of oil surfacing to the roadway over the years from 1917 to the present, the roadway had been raised approximately 3½ inches, resulting in the present overhead clearance of only 10 feet 8½ inches.

It may be mentioned here that the replacement of the wooden bridge structure by the steel span, which I would consider reconstruction, was carried out by the Railway Company without having secured authority from the Board for said reconstruction. Had the Railway Company applied and been granted authority for such reconstruction, it is most probable the applicant would have at that time been required to construct to conform with the requirements of Sections of the Railway Act then in force.

Wellington Street runs approximately west to east and is crossed by the railway spur track running in a northerly direction from the main track of the Canadian National Railways, intersecting at an angle of 68°. Wellington Street at present terminates  $\frac{1}{2}$  mile east of the bridge, but with the opening up of an extensive industrial area slightly further to the east by several industries, namely, H. Boehmer & Co. (a ready-mix and fuel oil business), Dominion Electrohome, Burns Company, Kitchener Meat Packers, Dohmer Sheet Metals, and a Humane Society shelter, having already established, the City of Kitchener is very anxious to provide the best possible means of access to this industrial area.

Because of grade problems on other access roads leading to this area, and the inadequate capacities of the River Road Bridge (a bridge over the main track south of Wellington Street), it is felt by the City's Engineering Department that the Wellington Street route, providing the bridge clearances, both as to height and width are brought up to at least present day minimum standards, is the most logical. Accordingly, they have drawn plans for road improvements into and in the industrial area on the basis of Wellington Street being the main artery to and from the area.

Thus the City of Kitchener is convinced of the fact that the bridge should be reconstructed, and adduced evidence to show the necessity. The position of the Railways, as expressed by Counsel, is that they have no objection to the reconstruction and are prepared to go along with the City as to the necessity, but that their only quarrel is with the apportionment of costs.

The Railways filed with the Board a set of plans and an estimate for construction of the new bridge as proposed by the City. The new structure would consist of a 60' 0 to 0 steel T.P.G. span supported on concrete abutments to provide a 40' clear roadway at centre line of road, together with two 5' clear sidewalks, and a minimum clearance of 14'6" from paved surface of the road. The estimated cost of such structure would run to \$110,000. The estimate carried on it the following footnote:

"This estimate is prepared without the benefit of final detailed working drawings, and does not include foundation piling, if required, roadway grading and paving, concrete sidewalks and curbs, property damage, if any, and provision for public utilities."

The evidence amply indicates that reconstruction of the present bridge is necessary for the protection, safety, and convenience of the public, and thus may qualify for a grant from the Railway Grade Crossing Fund. I would therefore authorize the construction of the new proposed bridge being the reconstruction of the present bridge.

I would authorize the payment from the Railway Grade Crossing Fund of 50% of the cost of the proposed work, not to exceed the sum of \$55,000. There therefore remains the matter of apportionment of the remaining cost, and the cost of maintenance.

Counsel for the City of Kitchener contended in argument that neither Order of the Railway Committee of the Privy Council, both dated April 14, 1903, authorized the construction of a bridge over Wellington Street, and that the pile trestle was constructed without authority. He further contended that

in 1928, when the original pile trestle was replaced in part by a steel centre span, this work also was done without authority of the Board. He contended also that the trestle bridge when built was not built to conform to head clearance specifications of that time, which prior to 1904 were 12 feet. It was his view that from the plan of the proposed spur track, as submitted by the Grand Trunk Railway Company to the Railway Committee of the Privy Council in 1903, accompanying their application, that the clear headway from subgrade to track level was 13 feet. When the thickness of the stringers of the trestle bridge—18 inches—is subtracted from this height, a headway of 11'6" remained, and with the installation of the steel span in 1928, this was still reduced by 6" to 11'. Then conceding a buildup of the road grade of 3½" due to oil surfacing, the headway was reduced to the present 10'8½".

To sum up the position of the City of Kitchener as briefly as possible, it would appear to be as follows:

1. The City is convinced of the practicality and the necessity of the new bridge on this site, both from a safety standpoint and for the convenience of the public.

2. It is of the opinion that the Railways constructed the bridge in 1902 without authority, and reconstructed it in 1928 again without authority, and without due regard at either time to the standards of such structures as prescribed by the Acts in effect.

3. As Wellington Street was an established road prior to the construction of the spur line and the railway crossing, the Railways must be considered junior thereto.

Therefore, the City feels that some obligation must be assumed by the Railways to share in the cost of the new grade separation constructed to the specifications as now filed with the Board.

Counsel for the City had proposed in a letter to the Board dated August 5, 1959, and again before the Board during the course of the hearing, that assuming that a grant is obtained from the Railway Grade Crossing Fund, the City should pay half the cost of construction and maintenance, and the Railways should pay the other half.

In argument Counsel for the Railways was of the opinion that as records show the trestle bridge to have been constructed in 1902, the two Orders of the Privy Council of 1903, which approved the construction of the spur line, and the crossings of the various streets, were issued after the grade separation was in existence. Assuming all parties had knowledge that the grade separation did exist at Spring Street (presently Wellington Street), he further argues that in effect what the Railway Committee of the Privy Council was doing was approving a constructed work, which it would not have done had the bridge not been properly constructed within the legal requirements of that time.

I cannot agree with the opinion of the Railways' Counsel on this point because firstly, neither Order of the Railway Committee of the Privy Council refer to the bridge in question, they merely approve construction of a spur line and the crossing of certain streets therein mentioned. Secondly, Section 185 of the Railway Act of 1888 does not give the Committee the power to approve or authorize clearances less than the minimum provided for in that Section.

Counsel for the Railways further contended that as the bridge must have been built to conform to at least minimum overhead clearance, at time of construction 12 feet, subsequently reduction in overhead clearance was due entirely to a building up of the road surface through gravel and oil surfacing.

In short, Counsel submitted that the Railways had provided proper clearances at the time of construction and had done nothing in the intervening years to reduce the clearances beyond the requirements as of that time.

Referring to the matter of the steel span in 1928, while not denying that there was a requirement on the Railways to apply to the Board for authority to do such work, he was of the opinion that this had been largely an oversight on the part of local railway officers who had gone ahead and performed this work without Board authority, but no doubt with the knowledge and sanction of the City authority. Such knowledge by the City, he submitted, amounted to tacit admission that the bridge prior to and subsequent to changes made in 1928, was satisfactory for the purposes of traffic in the area. It was not until such time as further industrial development was in the offing, and the need for improvements in access roads presented itself, that the City made its application to the Board.

To sum up the position of the Railways:

1. The trestle bridge of 1902 must be considered as approved by the Orders of the Railway Committee of the Privy Council in 1903.

2. The standards in effect at that time were met by the bridge at the time of construction. Any lessening of clear headway was brought about by road improvements.

3. In the absence of any objections by the City up to the time of the present application, the bridge must be assumed to have been satisfactory to the area.

4. To apply the principle of the benefit theory to this application, the City will be the one party to benefit from this reconstruction. The bridge at present is entirely adequate for the needs of the Railway, as the rail traffic is light, grades are nominal, and speed requirements low. The City, on the other hand, requires this reconstruction because of the increase or anticipated increase in highway traffic, both commercial and private vehicles, which will flow from the new industrial development, which without doubt will be of great benefit to the City.

5. Since the time of construction, the Railway has paid all maintenance costs on the bridge, as well as the entire cost of construction. However, the Railway is prepared to pay towards the cost of construction the amount of \$8,500, providing the City assumes all future maintenance. The sum of \$8,500 is arrived at as being the capitalized cost of maintenance of the present structure.

I do not feel that the position of Counsel for the City that the bridge was originally constructed without authority is very relevant to the present application. It suffices to say that the bridge was constructed and was sufficient for the needs of the Railways and the City until recently. Whether the structure was originally built with required head clearance, also is an arguable point, and evidence thereto is inconclusive, as is the evidence as to which party was responsible for the restriction of head clearance to the present 10' 8½". From submissions made I can only conclude that this responsibility must be borne by both Railway and City to some degree.

To quote Statutes of Canada, 51 Victoria, Chapter 29, Section 185:

"The span of the arch of every bridge erected for carrying the railway over or across any highway shall, at all times, be and be continued of the open and clear breadth and space, under such arch, of not less than 20 feet and of a height from the surface of such highway to the centre of such arch of not less than 12 feet."

From the above it is evident that the bridge could not have been constructed in conformity with the statutory width requirements (20 feet), as the longest span in the original trestle bridge was only 19 feet. While not suggesting any deliberate evasion of the Act in the reconstruction of 1928, I do feel that the Railway was remiss in failing to apply for authority to do this work, as prescribed by Section 254, Subsection 1, of the Railway Act, and further remiss in failing to apply for authority to use the reconstructed bridge, as prescribed by Section 254, Subsection 5.

I am of the opinion that the City stands to benefit to a great degree by the proposed new structure, which will allow unrestricted traffic flow to and from the new industrial sites. I am equally convinced that the present bridge is not sufficient to afford safe and adequate facilities for all traffic passing under it.

At this point I might mention an accident which occurred at this site in 1952, when a truck was badly damaged while attempting to pass under the bridge. This was the only instance given to the Board of an accident due to insufficient clearance. However, the clearances (height and width) of the clear roadway are extremely limited, and in my opinion, insufficient for present day traffic.

Counsel for the City mentioned the concern of the City that it should not be committed to construct this overhead crossing until it knew what the apportionment of cost would be. The Order of the Board is to be interpreted as permissive, not mandatory. However, Counsel for the City has assured the Board that the City will inform the Board within six months of the date of the Judgment as to whether it intends to proceed with the construction. If it does not intend to proceed, the Board will rescind the Order.

From evidence submitted, and correspondence on file, there will be no relocation of the Bell Telephone Company's circuits, or any cost of raising the Public Utility Commission's power line.

I would allot the cost of construction as follows:

I would, as already stated, authorize the payment from the Railway Grade Crossing Fund of 50% of the cost of the proposed work, not to exceed the sum of \$55,000.

I would assess against the Canadian National Railways, the amount of \$15,000.

I would assess against the City of Kitchener, the remaining cost.

The cost of maintenance of substructure and superstructure will be borne by the Railway.

The remaining cost of maintenance will be borne by the City of Kitchener. An Order will issue.

J. M. WOODARD

*I concur:*

H. H. GRIFFIN

*I concur:*

W. R. IRWIN

OTTAWA, January 20, 1960.

## ORDER No. 100279

*In the matter of the application of the City of Kitchener, Ontario, hereinafter called the "Applicant", dated April 18, 1958, for the reconstruction of the subway at the intersection of Wellington Street, Kitchener, Ontario, and the Canadian National Railways' tracks at mileage 0.22 Bridgeport Spur, and for a grant from The Railway Grade Crossing Fund:*

*And in the matter of the apportionment of cost of construction and maintenance of the said subway:*

File No. 48716

THURSDAY, the 21st day of January, A.D. 1960

H. H. GRIFFIN, *Assistant Chief Commissioner.*

J. M. WOODARD, *Commissioner.*

W. R. IRWIN, *Commissioner.*

*Upon hearing the application at a sittings of the Board held in Kitchener, Ontario, on December 14 and 15, 1959, in the presence of Counsel for the City of Kitchener and the Canadian National Railways—*

*It is hereby ordered as follows:*

1. The Applicant is authorized to reconstruct the said subway at the intersection of Wellington Street and the Canadian National Railways' tracks in the City of Kitchener, Province of Ontario, mileage 0.22 Bridgeport Spur, as shown on plan No. C-18244, dated September 18, 1958, on file with the Board under file No. 48716.

2. The said subway shall be reconstructed in accordance with the requirements of General Order No. 848, and detailed plans showing the layout thereof shall be submitted for the approval of an Engineer of the Board before reconstruction is commenced.

3. Fifty per cent of the cost of reconstruction of the said subway, or the sum of \$55,000.00, whichever is the lesser, shall be paid out of The Railway Grade Crossing Fund, \$15,000.00 shall be paid by the Canadian National Railways, and the balance of the said cost shall be borne and paid by the Applicant.

4. The cost of maintenance of the substructure and superstructure of the said subway shall be paid by the Canadian National Railways.

5. All other costs of maintenance of the said subway shall be borne and paid by the Applicant.

6. The leave herein granted is conditional upon the Applicant informing the Board and the Canadian National Railways within six months from the date of this Order of its intention to proceed with the work authorized, and should the Applicant fail to give such notification within the specified period of time this Order shall be null and void.

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

## ORDER No. 100228

*In the matter of the application of Canadian Pacific Railway Company for a licence under section 10 of the Transport Act:*

File No. 42076.24

FRIDAY, the 15th day of January, A.D. 1960

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

Upon reading the submissions filed—

*It is hereby ordered as follows:*

Licence No. C.T.C. (W.T.) 363 is issued to the Canadian Pacific Railway Company for a period of one year commencing on the 15th day of January, 1960, licensing the following ships, namely:

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Assiniboia .....	125984	3,925
Keewatin .....	125985	3,856

to transport passengers and/or goods by water between all ports or places in Canada on Lakes Huron (including Georgian Bay) and Superior, and their connecting waters.

A. SYLVESTRE,  
*Deputy Chief Commissioner.*

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
NOVEMBER, 1959.

Railway Accidents .....	156	Killed	13	Injured	170
Level Crossing Accidents ....	67	Killed	14	Injured	77
Total .....	223		27		247

		<i>Killed</i>	<i>Injured</i>
Passengers .....	—	—	35
Employees .....	5	5	128
Others .....	22	22	84
Total .....	27	27	247

DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

PRINCE EDWARD ISLAND

- 2 Automobile ran into side of train. Licence not given.

NOVA SCOTIA

- 1 Auto truck ran into side of R.D. car. Licence: N.S. C-47189.  
— 1 Automobile ran into side of R.C. car. Licence: Ont. 170-393.

NEW BRUNSWICK

- 2 Auto truck struck by train. Licence: N.B. C-13995.  
— 2 Automobile struck by train. Licence: N.B. 100-889.

QUEBEC

- 1 Pedestrian struck by train.  
— 1 Automobile struck by train. Licence: Que. 250-696.  
— 2 Automobile struck by train. Licence: Que. 327-212.  
— 4 Automobile struck by train. Licence: Que. 451-002.  
— 1 Automobile ran into side of train. Licence: Que. 687-183.  
— 1 Auto truck struck by train. Licence: Que. N-27203.  
— 5 Auto truck struck by train. Licence: Que. FA-7462.  
— 1 Auto truck struck by train. Licence: Que. FH-334.  
— 1 Auto truck struck by R.D. car. Licence: Que. FM-1099.  
— 1 Automobile ran into side of train. Licence: Que. 419-991.

ONTARIO

- 1 — Pedestrian struck by train.  
— 2 Automobile ran into side of backing engine. Licence: Ont. P-34165.  
— 1 Auto truck struck by train. Licence: Ont. 78552.  
2 — Automobile ran into side of train. Licence: Ont. 43344.  
1 — Pedestrian struck by train.  
— 1 Automobile ran into side of train. Licence: Ont. L-41637.  
— 1 Automobile struck by train. Licence: Ont. 54-670-X.  
— 1 Auto truck struck by train. Licence: Ont. 44566-D.  
— 1 Automobile struck by train. Licence: Ont. 53605-X.  
— 1 Automobile ran into side of train. Licence: Ont. 44601.

## ONTARIO (Continued)

- 1 Automobile struck by train. Licence: Ont. C-16597.
- 2 Automobile struck by train. Licence: Ont. C-87592.
- 1 Auto truck ran into side of R.D. car. Licence: Ont. 76-243-C.
- 1 Auto truck struck by train. Licence: Ont. 63-224.C.
- 4 — Automobile struck by train. Licence: Ont. J-9918.
- 1 Automobile struck by train. Licence: Ont. L-54412.
- 1 — Automobile struck by train. Licence: Ont. 35-596.
- 1 — Automobile ran into side of train. Licence: Ont. 141-176.
- 1 Automobile struck by train. Licence: Ont. 689-594.
- 1 Automobile struck by train. Licence: Ont. 300-557.
- 1 Automobile struck by train. Licence: Ont. 792-036.
- 1 Automobile struck by train. Licence: Ont. J-39967.
- 1 Automobile ran into side of train. Licence: Ont. J-37892.
- 1 Tractor trailer struck by train. Licence not given.
- 3 Automobile struck by train. Licence: Ont. C-80135.
- 2 — Automobile struck by train. Licence: Ont. C-83669.
- 1 — Automobile ran into side of train. Licence: Ont. C-84242.
- 1 Auto truck struck by train. Licence: Ont. 585-100.
- 1 Automobile struck by train. Licence: Ont. L-86241.
- 1 Automobile struck by train. Licence: Ont. 655-206.
- 1 Automobile struck by train. Licence: Ont. 661-096.
- 1 Auto truck struck by train. Licence: Ont. 13026-A.
- 1 Auto truck ran into side of train. Licence: Ont. 37446-B.
- 1 Automobile ran into side of train. Licence: Ont. 675-163.
- 3 Auto truck struck by train. Licence not given.
- 1 Auto transport struck by train. Licence: Ont. 9388-C.

## MANITOBA

- 1 Automobile struck by train. Licence: Man. 6-E-624.
- 1 Automobile ran into side of train. Licence: Taxi Lic. 623.
- 1 Auto truck ran into side of train. Licence: Man. T-18742.
- 2 Automobile ran into side of train. Licence: Man. 21-F-26.
- 1 Automobile ran into side of train. Licence: Man. 55-A-27.

## SASKATCHEWAN

- 1 Automobile ran into side of train. Licence: Sask. 76120.
- 1 — Automobile struck by train. Licence: Sask. 87-715.
- 1 Automobile struck by train. Licence: Sask. 154-721.
- 1 Automobile struck by train. Licence: Sask. UL-168.

## ALBERTA

- 1 Automobile ran into side of train. Licence: Alta. AT-312.

## BRITISH COLUMBIA

- 1 Auto truck struck by train. Licence: B.C. C-20353.
- 1 Caterpillar struck by train.
- 2 Auto truck struck by train. Licence: B.C. C-89581.
- 1 Automobile struck by track motor car. Licence not given.
- 1 Automobile ran into side of train. Licence: B.C. 319-062.
- 1 Automobile ran into side of train. Licence: B.C. 84412.

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Of the 67 accidents at Highway Crossings, 51 occurred at unprotected crossings, 16 at protected crossings, 41 occurred after sunrise and 26 after sunset.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 100171 Jan. 11—Amending Order No. 99931 which authorized the Alberta Department of Highways to construct Highway No. 43.83 across the N.A.R. at Mileage 81.84 Edmonton Subd.
- 100172 Jan. 11—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Rabastaliere St. in St. Bruno de Montarville, P.Q., Mileage 62.33 St. Hyacinthe Subd.
- 100173 Jan. 11—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 20.1 Lloydminster Subd., Sask.
- 100174 Jan. 11—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. east of station at Grandview, Man.
- 100175 Jan. 11—Authorizing the C.N.R. to construct a private siding across Barrington St. in Halifax, N.S., Mileage 0.50 Deepwater Branch of Bedford Subd.
- 100176 Jan. 11—Extending the time within which the C.N.R. are required to install improved protection at the crossing of their railway and Raglan St., Renfrew, Ont., Mileage 53.9 Renfrew Subd.
- 100177 Jan. 11—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Highway No. 4 at Brysonville, P.Q., Mileage 42.54 Massena Subd.
- 100178 Jan. 11—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Mercier St. in St. Johns, P.Q., Mileage 24.76 Rouses Point Subd.
- 100179 Jan. 11—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Cousins St. in St. Johns, P.Q., Mileage 24.47 Rouses Point Subd.
- 100180 Jan. 11—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Highway No. 32 at Upton, P.Q., Mileage 26.34 St. Hyacinthe Subd.
- 100181 Jan. 11—Requiring the C.N.R. to install automatic protection at the crossing of their railway and the highway east of Longlac, Ont., Mileage 100.27 Caramat Subd.
- 100182 Jan. 11—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Laurier St., in St. Jean, P.Q., Mileage 24.85 Rouses Point Subd.
- 100183 Jan. 11—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Highway 24, Mileage 20.52 and at the crossing of its railway and Howland Ridge Road, Mileage 20.54 Gibson Subd., at Millville, N.B.
- 100184 Jan. 11—Approving operation of the C.P.R. over the private siding serving the Consolidated Fruit Company Limited in Lethbridge, Alta.
- 100185 Jan. 11—Authorizing the Manitoba Dept. of Public Works to widen Napinka Access Road where it crosses the C.P.R. at certain locations in the Prov. of Manitoba.
- 100186 Jan. 11—Authorizing the removal of the speed limitation at the crossing of Avenue N. and the C.P.R. in Saskatoon, Sask., Mileage .98 Wilkie Subd.
- 100187 Jan. 11—Authorizing the removal of the speed limitation at the crossing of Seventh St. and the C.N.R. in The Pas, Man., Mileage 87.77 Turnberry Subd.
- 100187 Jan. 11—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. east of the station at Biggar, Sask., Mileage 117.64 Asquith Subd.
- 100189 Jan. 11—Authorizing the C.P.R. to operate over the private siding serving Sutherland Supply Limited, in Winnipeg, Man., Mileage 125.13 Keewatin Subd.

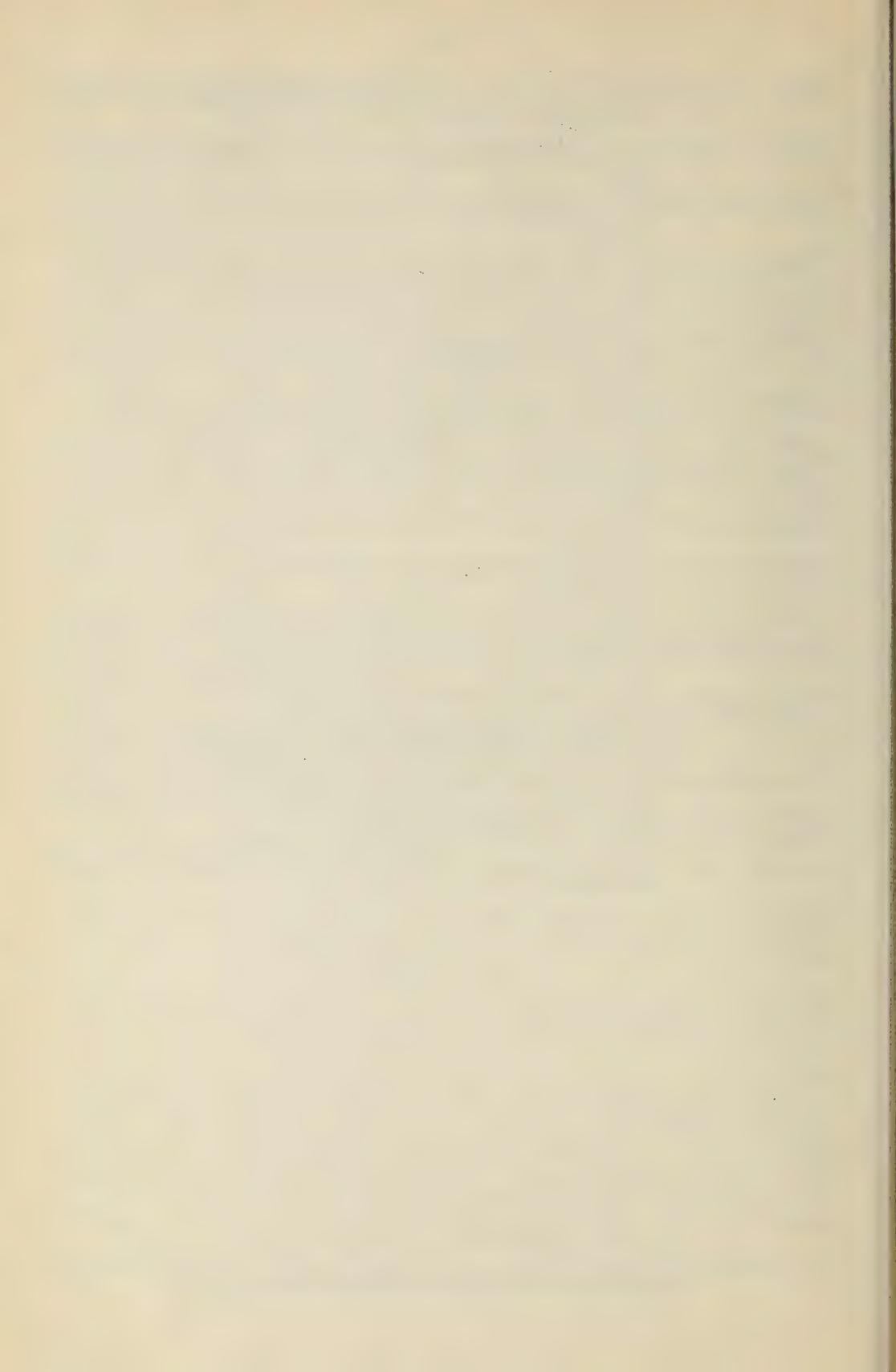
- 100190 Jan. 12—Requiring the C.N.R. to install automatic protection in lieu of the existing protection at the crossing of their railway and Highway 2-C east of Allenby, P.Q., (formerly Petite Riviere), Mileage 4.80 Lairt Subd.
- 100191 Jan. 12—Authorizing the Manitoba Dept. of Public Works to relocate and widen Highway No. 18 where it crosses the C.N.R. between the northeast and northwest quarters of Sec. 7, Twp. 7, Rge. 16, WP.M., Man.
- 100192 Jan. 12—Approving tariffs filed by The Nipissing Central Railway Company.
- 100193 Jan. 12—Approving proposed liquefied petroleum gas storage facilities of Superior Propane Limited at Sault Ste. Marie, Ont., Soo Subd.
- 100194 Jan. 12—Approving flammable liquid storage facilities of Choiceland Co-operative Association Limited at Choiceland, Sask., Whitefox Subd.
- 100195 Jan. 12—Approving flammable liquid storage facilities of Stewart Davis Oils Limited at Lethbridge, Alta., Taber Subd., C.P.R.
- 100196 Jan. 12—Authorizing the Quebec Department of Roads to divert Highway No. 51 to permit the elimination of existing crossing of the highway and the C.N.R. at Mileages 27.63 and 28.72 Glendyne Subd., Parish of St. Marc du Lac Long, Co. Temiscouata, P.Q.
- 100197 Jan. 12—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. west of Alderdale, Ont., Mileage 43.52 Alderdale Subd.
- 100198 Jan. 12—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Highway No. 2 at Catarqui, Ont., Mileage 176.29 Gananoque Subd.
- 100199 Jan. 12—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Leduc Boulevard, Town of Montreal North, P.Q., Mileage 33.00 l'Assomption Subd.
- 100200 Jan. 12—Approving flammable liquid storage facilities of Great West Distributors Limited at Tilley, Alberta.
- 100201 Jan. 13—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and The Montague Centre Rural Telephone Company Limited.
- 100202 Jan. 13—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Frontenac St., St. Johns, P.Q., Mileage 25.00 Rouses Point Subd.
- 100203 Jan. 13—Approving the protection as installed at crossing of the C.N.R. and the Sudbury-Garson Road, Ont., Mileage 115.7 Sudbury Subd.
- 100204 Jan. 13—Approving the protection as installed at the crossing of the C.N.R. and Highway No. 16 (Petite Society Road) in Jonquiere, P.Q.
- 100205 Jan. 13—Authorizing the Quebec Dept. of Roads to construct a subway at the crossing of Highway No. 9 and the main line of the C.N.R. at Mileage 40.3 St. Hyacinthe Subd., and Mileage 126.7 Drummondville Subd.
- 100206 Jan. 13—Extending the time within which the Sydney and Louisburg Rly. Co. is required to install flashing light signals at crossing of its railway and Maddens Crossing, west of station at New Waterford, N.S.
- 100207 Jan. 13—Approving plan submitted by the C.N.R. showing the protection as installed at crossing of their railway and St. Leger St., Kitchener, Ont., Mileage 62.26 Brampton Subd.
- 100208 Jan. 13—Requiring the C.N.R. to install automatic protection at crossing of their railway and Dundas St., in Tansley, Ont., Mileage 5.34 Milton Subd.
- 100209 Jan. 13—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.

- 100210 Jan. 13—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 100211 Jan. 14—Approving proposed facilities of the Meacham Co-Operative Association for the handling of flammable liquids at Meacham, Sask., Mileage 23.97 Cudworth Subd., C.N.R.
- 100212 Jan. 14—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. east of Gogama, Ont., Mileage 86.54 Ruel Subd.
- 100213 Jan. 14—Approving flammable liquid storage facilities of Rochester and Pittsburgh Coal Company at Welland, Ont., Main Line and Fort Erie Subd.
- 100214 Jan. 14—Authorizing the County of Welland, Ont., to widen County Road No. 9 (Broadway Avenue) where it crosses the N.Y.C. Railroad Co. in the Twp. of Crowland, Ont., Mileage 15.1 Main Line Subd.
- 100215 Jan. 14—Amending Order No. 95695, which authorized the installation of protection at the crossing of Brookdale Avenue (Highway No. 2) and the C.N.R. in the City of Cornwall, Ont., Mileage 68.53 Cornwall Subd.
- 100216 Jan. 14—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Highway No. 10 in Chipman, N.B., Mileage 45.26 Minto Subd.
- 100217 Jan. 14—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 5.2 Rapid City Subd., Man.
- 100218 Jan. 14—Approving proposed flammable liquid storage facilities of Canadian Oil Companies Limited at Ste. Anne de la Pocatiere, P.Q., Mileage 41.09 Montmagny Subd.
- 100219 Jan. 14—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 27.84 Three Hills Subd., Alta.
- 100220 Jan. 14—Approving flammable liquid storage facilities of Imperial Oil Limited at Bluffton, Alta., Hoadley Subd.
- 100221 Jan. 14—Approving proposed flammable liquid storage facilities of the British American Oil Company Limited at Assiniboia, Sask., C.P.R.
- 100222 Jan. 14—Approving proposed flammable liquid storage facilities of Diamond Mills Limited at Avola, B.C., C.N.R.
- 100223 Jan. 14—Approving flammable liquid storage facilities of Canadian Oil Companies Limited at Chapleau, Ont., Mileage 0.00 White River Subd., C.P.R.
- 100224 Jan. 14—Requiring the C.N.R. to install flashing light signals and bell in lieu of the existing signals at crossing of their railway and Highway No. 2 east of Deschambault, P.Q., Mileage 32.34 La Tuque Subd.
- 100225 Jan. 15—Amending Order No. 100078, which authorized the City of Montreal, P.Q., to construct Darlington Ave. and Canora Road (Wilderton Ave.) across the C.P.R. at Mileages 48.63 and 48.81 respectively, Adirondack Subd.
- 100226 Jan. 15—Authorizing the C.N.R. to remove the two flashing light signals at the crossing of their railway and Mara St. in Beaverton East, Ont., Mileage 22.64 Midland Subd.
- 100227 Jan. 15—Authorizing the N.Y.C. Railroad Co. to abandon operation of its St. Clair Branch from St. Clair Junction to Courtright, Ont., including the segment between Petrolia and Petrolia Jct., and between Oil City and Eddy's Station.
- 100228 Jan. 15—Authorizing the issuance of a licence to the C.P.R. under Section 10 of the Transport Act.
- 100229 Jan. 15—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Watts, Alta., Mileage 7.42 Drumheller Subd.

- 100230 Jan. 15—Authorizing the C.N.R. to install signals on their Alexandria Subd., except the interlocked territory at De Beaujeau Crossing of the C.P.R.
- 100231 Jan. 15—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. east of Yamachiche, P.Q., Mileage 67.43 Trois Rivieres Subd.
- 100232 Jan. 18—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 100233 Jan. 18—Approving proposed flammable liquid storage facilities of Wadena Co-Operative Association Limited, at Wadena, Sask., Mileage 86.7 Margo Subd., C.N.R.
- 100234 Jan. 18—Authorizing the C.P.R. to remove the Caretaker-Agent at St. Simon, P.Q.
- 100235 Jan. 18—Authorizing the Esquimalt and Nanaimo Rly. Co. (C.P.R.) to remove the Express Agent at Wellington Station, B.C.
- 100236 Jan. 18—Approving clearances on the tracks of the Shawinigan Falls Terminal Rly. serving the Consolidated Paper Corporation Limited, P.Q., at Mileages 20.43 and 20.48 St. Maurice Valley Subd., C.P.R.
- 100237 Jan. 18—Authorizing the Quebec North Shore and Labrador Rly. Co. to install signal changes between certain mileages on its Wacouna and Menihek Subds., Nfld.
- 100238 Jan. 18—Authorizing the Alberta Dept. of Highways to widen the highway where it crosses the Northern Alberta Railways Co. at Mileage 12.98 Grande Prairie Subd.
- 100239 Jan. 18—Approving flammable liquid storage facilities of the British American Oil Company Limited at Drumheller Alta., C.N.R.
- 100240 Jan. 18—Authorizing the removal of the speed limitation at the crossing of Provincial Hwy. No. 2 and the C.P.R. at Mileage 16.7 Estevan Subd., Man.
- 100241 Jan. 18—Approving flammable liquid storage facilities of Imperial Oil Limited at Oak Lake, Man., C.P.R.
- 100242 Jan. 19—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 100243 Jan. 19—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Howick, P.Q., C.N.R.
- 100244 Jan. 19—Approving flammable liquid storage facilities of Imperial Oil Limited at Golden, B.C., C.P.R.
- 100245 Jan. 19—Approving flammable liquid storage facilities of Imperial Oil Limited at Neepawa, Man., C.N.R.
- 100246 Jan. 19—Approving flammable liquid storage facilities of the Wilton Co-operative Association Limited, at Lashburn, Sask., C.N.R.
- 100247 Jan. 19—Approving changes in the approach track circuits of the protection at crossing of the C.N.R. and Main St. in Amos, P.Q.
- 100248 Jan. 19—Authorizing the Ontario Dept. of Highways to construct Highway No. 69 across the C.N.R. by means of an overhead bridge in the Twp. of MacDougall, north of Parry Sound, Mileage 4.66 Sudbury Subd.
- 100249 Jan. 20—Amending Order No. 99862 in the matter of changes in rate groupings of certain telephone exchanges of the British Columbia Telephone Company.
- 100250 Jan. 20—Rescinding Order No. 63894 which approved facilities of Canadian Oil Companies Limited for the handling and storage of flammable liquids near the right of way of the Niagara, St. Catharines and Toronto Rly. Co. in St. Catharines, Ont.
- 100251 Jan. 20—Approving revisions to tariffs filed by the Algoma Central and Hudson Bay Rly. Co.
- 100252 Jan. 20—Dismissing application of the C.N.R. for authority to close their agency station at Delmas, Sask.

- 100253 Jan. 20—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and County Road No. 23, at Bainsville, Ont., Mileage 48.71 Cornwall Subd.
- 100254 Jan. 20—Approving the protection as installed at crossing of the C.N.R. and Notre Dame St., in St. Felicien, P.Q., Mileage 29.40 Roberval Subd.
- 100255 Jan. 20—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and St. Leon St., in Drummondville, P.Q., Mileage 98.72 Drummondville Subd.
- 100256 Jan. 20—Approving tolls published in tariffs filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 100257 Jan. 20—Authorizing the Manitoba Dept. of Public Works to widen Highway No. 34 where it crosses the C.N.R. at Mileage 3.37 Neepawa Subd.
- 100258 Jan. 20—Authorizing the Ontario Dept. of Highways to construct Highway No. 401 across the Chesapeake and Ohio Railway Company by means of an overhead bridge at Mileage 13.98 No. 2 Subd.
- 100259 Jan. 20—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 27.31 Orangeville Subd., near Caledon, Ont.
- 100260 Jan. 20—Authorizing the C.N.R. to operate over the subway at Greenwood Ave. in the City of Toronto, Ont., Mileage 330.27 Oshawa Subd.
- 100261 Jan. 20—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Avenue N. in Saskatoon, Sask., Mileage 0.98 Wilkie Subd.
- 100262 Jan. 20—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and Highway No. 4, Mileage 82.88 Shaunavon Subd., Sask.
- 100263 Jan. 20—Authorizing the removal of the speed limitation at crossing of the C.P.R. and Martindale Road in Sudbury, Ont., Mileage 1.56 Webbwood Subd.
- 100264 Jan. 20—Extending the time within which the C.N.R. are required to install automatic protection at crossing of their railway and Highway No. 4 in Gladstone, Man., Mileage 90.97 Gladstone Subd.
- 100265 Jan. 20—Authorizing the C.P.R. to construct a private siding to serve Canada Safeway Limited across King Edward St. in St. James, Man.
- 100266 Jan. 20—Authorizing the removal of the speed limitation at the crossing of Range No. 7 and the C.N.R. east of the station at St. Germain, P.Q., Mileage 102.72 Drumheller Subd.
- 100267 Jan. 20—Approving tolls published in tariffs filed by the C.P.R. under Section 8 of the Maritime Freight Rates Act.
- 100268 Jan. 20—Amending Order No. 97617, re apportionment of cost of improving the approach grade on the north side of the crossing of the highway between the Twps. of Asphodel and Otonabee and the C.N.R., Mileage 48.57 Campbellford Subd.
- 100269 Jan. 20—Requiring the N.Y.C. Railroad Company to install flashing light signals, short arm gates and bell in lieu of the existing signals at crossing of their railway and Middle Road, Highway No. 73, about two miles north of Aylmer, Ont.
- 100270 Jan. 20—Approving flammable liquid storage facilities of Imperial Oil Limited at Vibank, Sask., Mileage 61.9 Glenavon Subd., C.N.R.
- 100271 Jan. 20—Approving proposed flammable liquid storage facilities of the C.N.R. at Longue Pointe, P.Q., Longue Pointe Subd.
- 100272 Jan. 20—Approving flammable liquid storage facilities of Tank Car Service Station at London, Ont., Mileage 113.56 Galt Subd., C.P.R.
- 100273 Jan. 20—Approving flammable liquid storage facilities of Shell Oil Company of Canada, Limited, at Princeton, B.C., C.P.R.
- 100274 Jan. 20—Approving flammable liquid storage facilities of Imperial Oil Limited at Stettler, Alta., Lacombe Subd., C.P.R.

- 100275 Jan. 20—Authorizing the removal of the speed limitation at the crossing of Highway No. 15 and the C.N.R. west of La Malbaie, P.Q., Mileage 87.10 Murray Bay Subd.
- 100276 Jan. 20—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. in Hurkett, Ont., Mileage 80.38 Nipigon Subd.
- 100277 Jan. 21—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Riverside Drive, Ottawa, Ont., Mileage 133.75 Alexandria Subd.
- 100278 Jan. 21—Authorizing the C.N.R. to remove the two flashing light signals and bell at crossing of their railway and Highway No. 12 near Uptergrove, Ont., Mileage 37.9 Midland Subd.
- 100279 Jan. 21—Authorizing the City of Kitchener to reconstruct the subway at the intersection of Wellington St., and the C.N.R. in Kitchener, Ont., Mileage 0.22 Bridgeport Spur.
- 100280 Jan. 21—Approving flammable liquid storage facilities of Imperial Oil Limited at Leask, Sask., Mileage 49.52 Blaine Lake Subd.
- 100281 Jan. 21—Authorizing the City of St. Hyacinthe, P.Q., to construct Bourassa St. across the C.N.R., at Mileage 0.28 St. Judes Subd.
- 100282 Jan. 21—Authorizing the C.P.R. to remove the Caretaker at Wolfe Station, Sask.
- 100283 Jan. 21—Authorizing the C.P.R. to close as an agency their station at Rush Lake, Sask.
- 100284 Jan. 21—Authorizing the N.A.R. Co. to remove the station agent at Clairmont, Alta.
- 100285 Jan. 21—Authorizing Mid-Continent Pipelines Limited to open for the transportation of natural gas a portion of its company pipe line in Sask.
- 100286 Jan. 21—Authorizing the removal of the speed limitation at the crossing of Provincial Highway No. 55 and the C.N.R. north of Chambord Station, P.Q., Mileage 68.65 Jonquiere Subd.
- 100287 Jan. 21—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and County Road No. 2, County of Halton, Ont., Mileage 25.67 Oakville Subd.
- 100288 Jan. 21—Approving revised Appendix to Supplements to Traffic Agreement between The Bell Telephone Company of Canada and The Corp. of the Township of Maidstone.
- 100289 Jan. 21—Authorizing the Municipal District of Sturgeon River No. 90 to construct the highway across the C.N.R. at Mileage 14.8 Sangudo Subd., Alta.



The Board of  
**Transport Commissioners for Canada**

**Judgments, Orders, Regulations and Rulings**

Vol. XLIX

OTTAWA, MARCH 1, 1960

No. 23

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*In the matter of the application of the Canadian National Railways dated December 15, 1958, for an Order approving the extension of a track circuit and the installation of short arm gates to provide for full automatic operation of the protection and to eliminate the manual control at the Main Street crossing, Palmerston, Ontario, mileage 0.20, Owen Sound Subdivision.*

File No. 6854

Heard at Palmerston, Ontario, December 16, 1959.

*Before:*

H. H. GRIFFIN, *Assistant Chief Commissioner.*  
J. M. WOODARD, *Commissioner.*  
W. R. IRWIN, *Commissioner.*

*Appearances:*

H. J. G. PYE, for the Canadian National Railways.  
H. M. HOWE, M.P., Wellington-Huron.  
GEORGE A. WRIGHT, Mayor, Palmerston.  
H. LATSCH, }  
R. G. BRIDGE, } Councillors, Palmerston.  
G. THUELL, }

J U D G M E N T

IRWIN, *Commissioner.*

The Canadian National Railways, leaving Palmerston on the Owen Sound Subdivision, runs in a northerly direction. At mileage 0.20, it crosses Main Street, which is on Highway No. 23 which runs approximately east and west. There are three tracks at the crossing, a main track and two side tracks east of the main track: a switch lead track and a shed lead track. The view to the north of Main Street is obstructed by buildings close to Main Street and only thirty feet from the tracks in the east quadrant and fifty feet from the tracks

in the west quadrant. The view to the south or station side of the crossing is good. Evidence submitted by Canadian National Railways indicated that a 48-hour traffic count made on two week days during November 1957 showed approximately 4,000 vehicular and 1,000 pedestrian crossings. On an average week day there would be 26 train movements and 20 to 35 switching movements over the crossing.

The main business section of Palmerston is on Main Street west of the crossing and the west residential section is divided by Main Street. East of the railway is largely residential. There are two schools in the southeast quadrant, a Public School about 850 feet from Main Street and a High School a block further east and a block closer to Main Street.

There is an overhead pedestrian crossing 850 feet from Main Street, near the station. This bridge was built in accordance with Board Order 14164 dated June 24, 1911. The Canadian National Railways paid for the construction with the exception of a grant of 20% of the cost from The Railway Grade Crossing Fund. It is maintained and kept free of snow and ice by the Canadian National Railways. It is in excellent condition. From statements at the Hearing, and from observation by Board Members during the noon recess on the day of the Hearing, it would appear that the majority of the High School students and about half the Public School pupils use the Main Street crossing.

By Board Order 27768, October 9, 1918, provision was made for a watchman to protect the crossing between the hours of 7.30 a.m. to 9.30 p.m. At present this period has been extended to 10.30 p.m. By Board Order 65195 of August 29, 1944, further protection of two flashing lights and a bell were added at the crossing. Costs of installation and of maintenance and operation were apportioned equally between the Town and the Canadian National Railways. The cost of the watchmen, \$6,700 annually, is borne by the Canadian National Railways.

Under the present system the flashing lights and bell are manually controlled while the watchman is on duty. When he is off duty the protection is made automatic by throwing a switch. There are 250 foot track circuits on the main line and short ones of a few feet on the side tracks to give automatic protection. There is no advance warning as far as side track operation is concerned until the train has proceeded onto the crossing. All trains are under a speed restriction of five miles per hour.

The watchman, depending on visual warning, stands on either the east or west side of the tracks, and controls traffic over the crossing on Main Street by use of the manually operated signals and by a flag by day and a lantern at night. He operates from a small building just west of the main tracks. While a train is passing, the watchman's view of traffic approaching on the opposite side of the tracks is usually completely obstructed.

On December 15, 1958, Canadian National Railways applied to the Board of Transport Commissioners proposing:

1. To eliminate the crossing watchman from the operation of the protection on the side tracks as well as the main line.
2. To lengthen the track circuits on the side tracks to 50 feet from the edge of the roadway on each side of the crossing.
3. Trains on the side tracks would be required to stop before reaching the crossing.
4. The speed restriction of five miles an hour, at present in effect on the main line, to be maintained.

The Board's Engineers, after inspecting the crossing, recommended the following additions:

1. To add short arm gates on each side of the crossing supplementary to the existing flashing lights and bell.
2. Side track protection to be operated from the track circuits or from a push button located near the 50 ft. mark on each side of the crossing. Through the push button control the gates may be raised or lowered by a member of the train crew.
3. Train crews to be instructed that the train must not enter the crossing until the gates are actually down.

Canadian National Railways have agreed to include these recommendations.

Canadian National Railways urge these changes on two main counts:

1. That the proposed method offers greater protection than the one at present in effect.

In support of this claim they advanced the following arguments:

- (a) Replacing the watchman by automatic controls reduced the chances of human failure.
  - (b) Reports of statistical surveys by the Association of American Railroads in 1956 and 1958 indicated three times as many accidents where watchmen were on duty as at crossings protected by flashing lights and bells with short arm gates.
  - (c) The 1954 Report of the Board of Transport Commissioners on the Railway-Highway Crossing Problem rated flashing lights and bell with short arm gates as the most effective form of automatic protection.
2. A considerable saving would be effected. Present watchmen's salaries, \$6,700 annually, would be saved. Annual maintenance and operation charges would rise from \$501 to an estimated \$780.

At the Hearing, the Town of Palmerston represented by Mr. H. M. Howe, Member of Parliament for Wellington-Huron, and a former long-time resident of the Town, and Mayor George Wright with three Councillors objected to the proposed change on the following grounds:

1. The present form of protection had always operated satisfactorily.
2. They were genuinely concerned over possible danger under the proposed form of protection, particularly to school children, who used the crossing a great deal, and to elderly people. They feared the result of removing the personal supervision of a watchman and relying on automatic controls.
3. They believed that automatic controls would lead to vehicular jams on Main Street during switching movements, pointing out that the watchman was frequently able to move delayed traffic by observing train movements and maintaining contact with train crews.
4. They feared the results of mechanical failure of automatic controls.
5. They doubted that there would be any great saving through the change and produced figures designed to show that the time lost by train crews at the crossing during switching movements would largely offset the salaries of the watchmen. (Mr. Easton, Superintendent of the Stratford Division, Canadian National Railways, did not agree with either these figures, or the conclusion.)
6. Removal of the watchman would deprive two (and to some extent a third) employees of employment.

In view of the highly restricted view to the north of this crossing and of the amount and character of movement over the crossing, I find there is sufficient hazard to warrant the most effective form of protection. Protection by watchman

is subject to human failure and is not fully effective while a train is passing over the crossing or during near-simultaneous movements of trains. The protection proposed by the Canadian National Railways, when it includes the recommendations of the Board's Engineers, answers the objections put forward by the Town of Palmerston. It should be noted that the automatic protection is designed on the fail-safe principle.

While no form of protection can be considered accident-proof, I am satisfied that the proposed protection is the most effective form under the circumstances pertaining. I quote from the Board's 1954 Report on the Railway-Highway Crossing Problem in Canada at page 34: "Where the railway is double-tracked at crossings the most effective form of automatic signal protection is by short arm gates and flashing lights." The proposed protection will reduce to a minimum the hazard of human failure and will be fully effective throughout the 24-hour period. It will also enable the Railway Company to effect a considerable saving.

I would authorize a contribution from The Railway Grade Crossing Fund of 80% of the cost of installation of the proposed protection, such contribution not to exceed \$14,080, the balance of such cost to be borne by Canadian National Railways. The cost of maintenance and operation of the protection installed will be divided equally between the Canadian National Railways and the Town of Palmerston.

The application is granted.

Order will go accordingly.

W. R. IRWIN.

*I concur:*

H. H. GRIFFIN

*I concur:*

J. M. WOODARD

OTTAWA, January 25, 1960.

## ORDER No. 100334

*In the matter of the application of the Canadian National Railways, dated December 15, 1958, for an Order approving the extension of a track circuit and the installation of short arm gates to provide for full automatic operation of the protection and to eliminate the manual control at the Main Street crossing, Palmerston, Ontario, mileage 0.20 Owen Sound Subdivision:*

File No. 6854

THURSDAY, the 28th day of January, A.D. 1960

H. H. GRIFFIN, *Assistant Chief Commissioner.*

J. M. WOODARD, *Commissioner.*

W. R. IRWIN, *Commissioner.*

Upon hearing the application at a sittings of the Board held in Palmerston, Ontario, on December 16, 1959, in the presence of Mr. H. M. Howe, M.P., and in the presence of Counsel for the Canadian National Railways and representatives of the Town of Palmerston—

*It is hereby ordered as follows:*

1. The Canadian National Railways are authorized to make changes in the protection installed at the crossing of their railway and Main Street, Palmerston, Ontario, mileage 0.20 Owen Sound Subdivision, by adding a short arm gate to each signal mast and by lengthening the track circuits on the side tracks to fifty feet from the edge of the highway on both sides of the said crossing.

2. The said protection shall be installed in accordance with the provisions of General Orders Nos. 811 and 830.

3. A detailed plan showing the layout of the said protection shall be submitted for the approval of an Engineer of the Board.

4. Eighty per cent of the cost of making the said changes, or the sum of \$14,080.00, whichever is the lesser, shall be paid out of The Railway Grade Crossing Fund and the balance of the said cost shall be borne and paid by the Canadian National Railways.

5. The cost of maintenance and operation of the said protection shall be borne and paid fifty per cent by the Town of Palmerston and fifty per cent by the Canadian National Railways.

6. The watchman shall not be removed from duty at the said crossing until the said changes have been completed and placed in service and an inspection made by one of the Board's Engineers and the changes approved.

7. Order No. 75930, dated January 23, 1951, is rescinded.

8. No engine, car or train shall move over the said crossing on the side tracks until it has been brought to a stop and a member of the train crew has ascertained that the gates are down.

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

*In the matter of the application of the Canadian National Railway Company, dated March 23, 1959, for an Order granting leave to discontinue passenger service provided by trains 81 and 82, running between St-Eustache, P.Q., and Hawkesbury, Ontario, and trains 83, 84 and 85, running between Montreal, P.Q., and Hawkesbury, Ontario.*

File No. 16939.12

Heard at Hawkesbury, Ontario, November 9 and 10, 1959.

Before:

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
 J. M. WOODARD, *Commissioner.*  
 W. R. IRWIN, *Commissioner.*

Appearances:

E. D. ANGERS, for Canadian National Railway Company.  
 J. O. LATOUR, M.P., Argenteuil-Deux Montagnes County, representing: the Village of St. Eustache-sur-le-Lac, the Parish of St. Eustache-sur-le-Lac, the Village of St. Benoit, the Parish of St. Benoit, the Village of St. Placide, the Parish of St. Placide, the Village of St. Andre, the Parish of St. Andre, the Parish of St. Philippe for the sectors of Greece's Point and Grenville.  
 REV. W. HAROLD REID, St. Andrews East, in person.  
 F. W. ALLMEN, Carillon, in person.  
 L. J. PORTER, representing Village of St. Andrews East.  
 PAUL LABRECHE, representing Village of St. Andrews East, and Chairman, Ottawa River Development Association.  
 ROSAIRE GASCON, Mayor, Hawkesbury.  
 F. W. WHITEHEAD, representing Chamber of Commerce, St. Andrews East.  
 D. E. WATT, Fresniere, in person.  
 MRS. F. A. HUNGERBUHLER, St. Andrews East, in person.  
 MRS. ANTOINE PARE, St. Andrews East, in person.  
 PIERRE DUPRE, St. Andrews East, in person.  
 R. C. EATON, St. Andrews East, in person.  
 MRS. H. D. SIMPSON, St. Andrews East, in person.  
 R. R. DAVIDSON,  
 MRS. LUCILLE DAVIDSON, } St. Andrews East, in person.

## J U D G M E N T

WOODARD, *Commissioner*:

By their application dated March 23, 1959, which was heard in Hawkesbury, Ontario, on November 9 and 10, 1959, the Canadian National Railways requested the granting of authority to make changes in their passenger service which would eliminate all such service between St. Eustache, P.Q., and Hawkesbury, Ontario.

*Present Passenger Service Between Montreal and Hawkesbury:*

Under the present schedules in effect, the area between St. Eustache and Hawkesbury is serviced by the following trains:

Train No. 82—Daily except Sunday.

Leave Hawkesbury 6.35 A.M.—Arrive Montreal 8.50 A.M.

Train No. 81—Daily except Saturday and Sunday.

Leave Montreal 5.38 P.M.—Arrive Hawkesbury 7.55 P.M.

Train No. 85—Saturday Only.

Leave Montreal 1.50 P.M.—Arrive Hawkesbury 4.05 P.M.

Train No. 84—Sunday Only.

Leave Hawkesbury 7.35 P.M.—Arrive Montreal 9.45 P.M.

Train No. 83—Sunday Only.

Leave Montreal 10.05 A.M.—Arrive Hawkesbury 12.05 P.M.

These trains consist of conventional equipment, hauled by diesel electric units.

Express and mail are carried and handled en route.

*Proposed Passenger Service Between Montreal and St. Eustache Only:*

Train No. 82—Daily except Saturday and Sunday.

Leave St. Eustache 8.00 A.M.—Arrive Montreal 8.50 A.M.

Train No. 81—Daily except Saturday and Sunday.

Leave Montreal 5.38 P.M.—Arrive St. Eustache 6.30 P.M.

All daily and week-end service between St. Eustache and Hawkesbury to be cancelled.

All week-end service (Trains 83, 84 and 85) between Montreal and St. Eustache to be cancelled.

*Proposed Highway Express Service:*

Express services throughout this area would, under the Railways' proposal, be handled by highway truck leaving Montreal at 8.30 A.M., proceeding directly to Hawkesbury, and arriving there at 10.30 A.M. It would leave Hawkesbury at 10.45 A.M. and perform local service along the north shore en route to Montreal, arriving Montreal at 5.15 P.M. This would be a six-days-a-week service, Monday to Saturday inclusive, and in the opinion of the Railways, superior to that presently offered by rail.

*Proposed Mail Service:*

No evidence was submitted as to any alternative method of handling mail, other than opinions stated by Company witnesses that a satisfactory alternative service would be provided.

*Proposed Highway Passenger Service:*

An exhibit was filed by Mr. Duhamel, owner of Duhamel Bus Lines, showing proposed bus schedules which he was prepared to put into effect should the Railways' application be granted. This exhibit is reproduced herein, and provides in effect, two round trips per day between Montreal and Hawkesbury. I shall comment on this proposal later in my Judgment.

## GEO. DUHAMEL BUS SERVICE

Read Down — De haut en bas

Read Up — De bas en haut

7	6	4	2	Miles	Stations	TRIP NO. VOYAGE	Stations	Miles	1	3	5	8
Samedi seul	Dimanche et fêtes	Excepté dimanche	Tous les jours			Montréal—St. Benoît St. Placid—St. André Carillon—Hawkesbury			Tous les jours	Excepté Dimanche	Dimanche et fêtes	Dimanche seul
Saturday only	Sunday and Holiday	Except Sunday	Daily						Daily	Except Sunday	Sunday and Holiday	Sunday only
P.M.	P.M.	P.M.	A.M.			<b>Départ Arrivée</b>			A.M.	P.M.	P.M.	P.M.
1.00	7.45	5.30	9.00	0.0	1	Montréal: P.T. Co. Central.....	1	70.1	8.25	4.40	6.55	9.55
1.20	8.05	5.50	9.20	4.7	1	Montréal: P.T. Co. North End.....	1	65.4	8.05	4.20	6.35	9.35
1.30	8.15	6.00	9.30	8.5	2	Montréal: Blvd. Salaberry.....	2	61.6	7.55	4.10	6.25	9.25
1.35	8.20	6.05	9.35	12.6	3	Cartierville.....	3	57.5	7.50	4.05	6.20	9.20
1.39	8.24	6.09	9.39	13.3	4	L'abord à Plouffe.....	4	56.8	7.46	4.01	6.16	9.16
1.43	8.28	6.13	9.43	15.2	5	St. Martin.....	5	54.9	7.42	3.57	6.12	9.12
1.52	8.37	6.22	9.52	18.4	6	St. Dorothée.....	6	51.7	7.33	3.48	6.03	9.03
2.01	8.46	6.31	10.01	22.4	7	Laval Ouest.....	7	47.7	7.24	3.39	5.54	8.54
2.05	8.50	6.35	10.05	23.3	8	St. Eustache.....	8	46.8	7.20	3.35	5.50	8.50
2.15	9.00	6.45	10.15	29.4	9	La Frenière.....	9	40.7	7.10	3.25	5.40	8.40
2.28	9.13	6.58	10.28	35.5	10	St. Benoît.....	10	34.6	6.57	3.12	5.27	8.27
2.40	9.25	7.10	10.40	44.6	18	St. Placide.....	18	25.5	6.45	3.00	5.15	8.15
2.56	9.41	7.26	10.56	52.8	19	St. André est.....	19	17.3	6.29	2.44	4.59	7.59
3.08	9.53	7.38	11.08	55.2	20	Carillon.....	20	14.9	6.17	2.32	4.47	7.47
3.15	10.00	7.45	11.15	58.5	21	Montée St. Philippe.....	21	11.6	6.10	2.25	4.40	7.40
3.18	10.03	7.48	11.18	60.2	22	Cushing.....	22	9.9	6.07	2.22	4.37	7.37
3.22	10.07	7.52	11.22	62.3	23	Greece Point.....	23	7.8	6.03	2.18	4.33	7.33
3.25	10.10	7.55	11.25	63.8	24	Stonefield.....	24	6.3	6.00	2.15	4.30	7.30
3.36	10.21	8.06	11.36	68.0	25	Grenville.....	25	2.1	5.49	2.04	4.19	7.19
3.40	10.25	8.10	11.40	70.1	26	Hawkesbury.....	26	0.0	5.45	2.00	4.15	7.15
P.M.	P.M.	P.M.	A.M.			<b>Arrivée Départ</b>			A.M.	P.M.	P.M.	P.M.

*Revenues and Expenses:*

The Canadian National Railways stated that their decision to apply for the cancellation of service between St. Eustache and Hawkesbury was arrived at because of the decline of patronage on the line in question. It is 17 miles from Montreal to St. Eustache and 37.5 miles from St. Eustache to Hawkesbury.

Their Exhibit No. 4, as filed with the Board, shows that out of a total of \$124,759 in passenger revenues for the 12-month period ending September, 1959, \$106,370 was derived from the Montreal-St. Eustache section, and \$18,389 from the St. Eustache-Hawkesbury section. St. Eustache is within the commuter area of Montreal, and trains are heavily patronized by morning and evening commuters. This was substantiated by Exhibit No. 5 which revealed that 94% of the patrons were entraining or detraining at stations on the Montreal-St. Eustache section of the line, and only 6% on the St. Eustache-Hawkesbury section.

Mail revenue from the present service was estimated at \$935.

No estimate of express revenue was given during the course of the hearing, but on my request for this information, the Railways prepared an analysis of express revenues Montreal to Hawkesbury for the months of November and December 1959, including both local and off-line shipments. This analysis resulted in an estimate of express revenues earned by these trains between Montreal and Hawkesbury amounting to \$16,600 per annum.

To sum up the total estimated revenues:

Passenger revenues .....	\$124,760	(Exhibit No. 4)
Express revenues .....	16,600	
Mail revenues .....	935	(Exhibit No. 12)
	<hr/>	
Total .....	\$142,295	

To show the out-of-pocket costs of operation for the 12-month period ending September 30, 1959, the Railways filed with the Board, Exhibit No. 11, reproduced herewith.

"EXHIBIT No. 11

CANADIAN NATIONAL RAILWAYS

*OUT-OF-POCKET COST OF OPERATING TRAINS 81, 82, 83, 84 AND 85 BETWEEN MONTREAL AND HAWKESBURY IN THE TWELVE MONTHS ENDING SEPTEMBER 30, 1959*

Wages of enginemen and trainmen .....	\$ 50,945
Fuel .....	7,370
Train supplies and expenses .....	11,010
Lubricants and locomotive supplies .....	665
Enginehouse expense .....	2,465
Locomotive repairs .....	7,410
Car repairs .....	22,460
Maintenance of way and structures .....	11,435
Cost of hauling O.C.S. material .....	2,390
Pension, unemployment insurance, Workmen's compensation, etc. ....	7,305
Interest and depreciation on locomotive and steam generator car .....	16,500
	<hr/>
	\$139,955
Hauling car equipment through Mt. Royal Tunnel with electric locomotive .....	7,280
	<hr/>
	<u>\$147,235</u>

Canadian National Railways,  
October 26, 1959."

With this cost of operation of \$147,235, the revenues fall short of meeting the out-of-pocket cost of operation by \$4,940.

In addition to the above, the Railways also filed with the Board, Exhibit No. 12, reproduced herewith, which shows the estimated annual net betterment which would be expected should the application be granted.

"EXHIBIT No. 12

CANADIAN NATIONAL RAILWAYS

*ESTIMATED ANNUAL NET BETTERMENT RESULTING FROM  
DISCONTINUANCE OF RAIL PASSENGER SERVICE BETWEEN  
ST. EUSTACHE AND HAWKESBURY, AND FROM CANCELLATION  
OF TRAINS 82, 83, 84 AND 85 ON SATURDAYS AND SUNDAYS  
BETWEEN MONTREAL AND HAWKESBURY*

*Present*

Annual cost of operating Trains 81, 82, 83, 84 and 85 between Montreal and Hawkesbury .....	\$147,235
--	-----------

*Proposed*

Annual cost of operating Trains 81-82 between Montreal and St. Eustache only, Monday through Friday .....	\$61,190
Substitute highway express service between Mont- real and Hawkesbury, Monday through Saturday	11,230
Estimated Loss of passenger revenue .....	31,150
Estimated Loss of mail revenue .....	935
	<hr/>
Annual Net Betterment .....	<u>\$ 42,730</u>

Canadian National Railways,  
October 26, 1959."

FINDINGS AND DETERMINATION

This application was strenuously opposed by the municipalities, towns and villages in the area, both in the form of written briefs to the Board, and in personal representations at the hearing. Particularly strong opposition was raised at the hearing by a group of women of the area, who, while agreeing with their male counterparts to some extent, that the service was not of the best type, due to slow and inconvenient schedules, were mainly concerned that the service be maintained in some form or another, so that their last railway passenger link with Montreal would not be cut off entirely.

All of those making representations in opposition to this application were very optimistic of the future expansion of their area, particularly in view of the Carillon Hydro Electric Development on the Ottawa River, and the Ville Marie and St. Benoit land development schemes.

The proposed bus service offered by Duhamel Bus Lines, as an alternative service, was considered by the residents of the area as being impractical and impossible of maintenance under adverse weather conditions. While this area contains a fairly extensive network of highways, they are in the main, secondary roads, not fit for maintaining high-speed bus schedules, and in the opinion of the residents, to a great degree rendered impassable during winter snowstorms. The residents were doubtful that the bus line could furnish a year-round service that would be satisfactory, or comparable to that now being rendered by the Railways.

In the discontinuance of passenger train service such as this, the principal factors to be considered are (1) the effect on railway operating revenues and expenses, and (2) the convenience of the public.

In connection with (1), the Railways have produced evidence which shows that their net operating loss is approximately \$5,000 per annum, and further evidence that, should the application be granted, their annual net betterment would be in excess of \$42,000.

The net annual betterment of \$42,000 reflects the proposed discontinuance of an unprofitable part of the service between St. Eustache and Hawkesbury, and the retention of a profitable part between Montreal and St. Eustache. While betterment based on divorcement of part of a service may be a factor in considering discontinuance of passenger service, I am of the opinion that it should not be the only consideration. An important consideration in this case is, in my opinion, that the existing service produces a revenue of some \$142,000 in relation to out-of-pocket expenses of some \$147,000 per annum. The difference between these two figures represents an out-of-pocket loss of \$5,000 per annum, which could be overcome by a small increase in revenue and/or a small decrease in expenses.

In connection with (2), the question of alternative services must be considered. While I am satisfied that the proposed highway express service would be satisfactory, and have no doubt that the Post Office Department could arrange for postal delivery, I am not satisfied that the proposed bus service would be by any means satisfactory for the needs of the people in the area. Road conditions and winter weather conditions in the area are factors which weigh heavily in my estimation as to whether or not the proposed service by highway bus is feasible, inasmuch as this service is not in operation at present, nor has such service been in operation and found satisfactory in all seasons of the year. I can only conclude therefore, that the public would suffer considerable inconvenience if required to depend on this alternative method of transportation to and from their homes and the City of Montreal.

On the basis of the evidence submitted, the loss and inconvenience to the public outweighs the burden that continuance of operation of these trains may impose upon Canadian National Railways, and I would therefore dismiss the application.

J. M. WOODARD

*I concur:*

A. SYLVESTRE

*I concur:*

W. R. IRWIN

OTTAWA, February 4, 1960.

*In the matter of reflective markings on the sides of railway cars and in the matter of Order No. 97788, dated May 1, 1959.*

File No. 45463

ROD. KERR, Q.C., *Chief Commissioner.*

H. H. GRIFFIN, *Assistant Chief Commissioner.*

J. M. WOODARD, *Commissioner.*

### SUPPLEMENTARY JUDGMENT

#### BY THE BOARD:

The Judgment herein, dated May 1, 1959, upon which the said Order No. 97788 was issued, contains the following paragraphs:

"Canadian Pacific has approximately 88,500 freight cars, of which about 60% are box cars. The company buys about 3,000 new cars each year and repaints about 10,000.

Canadian National has about 106,000 freight cars, of which 65% are box cars. The Company buys about 3,100 new cars each year and repaints about 11,000."

In making its Order No. 97788 the Board assumed, incorrectly as now appears, that Canadian National and Canadian Pacific would each purchase approximately 3,000 new cars of all types in each of the years 1959 and 1960, the majority of which would be box cars and the Order was designed to result in the marking of such new box cars and a similar number of old box cars within the period May 1, 1959, to December 31, 1960.

The marking programme did not get under way until the second half of 1959. By letter dated June 19, 1959, Canadian Pacific informed the Board that it was purchasing 1,500 box cars in 1959 and would endeavour to place the markings on as many new cars as possible before they were released from the car builders' plants and, in addition, would mark at its own shops and repair tracks a sufficient number of cars to make up a total of 3,000 cars before the end of 1959. The Board approved Canadian Pacific's programme by letter dated July 3, 1959.

By letter dated August 4, 1959, Canadian National informed the Board that in 1959 it expected to accept delivery of 200 heated box cars during September and October and had accepted delivery of (50) fifty 75-foot auto transporters and (75) seventy-five 57-foot auto transporters, the delivery of the 50 being completed by April 30 and the 75 during May; and that, on receiving the Board's approval, it would arrange to have "Scotchlite" reflective discs applied to the 200 box cars to be delivered during September and October and in so far as possible arrange to have plastic reflectors applied to the 75 auto transporters delivered during May and, in addition, would apply plastic reflectors in its own shops and repair tracks to at least a further 275 box cars.

By letter dated August 17, 1959, the Board authorized Canadian National to proceed with the application of reflective material as outlined in Canadian National's letter of August 4.

By letter dated November 5, 1959, the Board enquired further of Canadian National as to its programme for marking cars. Canadian National replied by letter dated November 23, from which the following paragraphs are quoted:

"The programme outlined in our letter of August 4th covered the 1959 period and proposed to deal with 275 new box cars and 275 old box cars.

We have re-assessed our programme for this year and we consider that reflective markings should be placed on an additional 300 old box cars to better carry out the intent of the Order which is to have the benefit of actual experience in the use of such markings for a period under varying operating conditions.

The net result of our programme will be that 275 new cars will be equipped with reflective material in addition to 575 old cars. The Board's early advice in this regard would be greatly appreciated."

In respect to a further letter from the Board, Canadian National confirmed by letter dated December 10, 1959, that its 1959 programme was to mark 275 new cars and 575 old cars.

Upon consideration of Canadian National's letter of December 10, the Board replied as follows:

"The Board's decision in its Judgment dated May 1, 1959, as to the number of cars on which reflective markings would be placed was made upon the information obtained from the railways, including information that Canadian Pacific has approximately 85,500 freight cars, of which about 60% are box cars and that Canadian Pacific purchases about 3,000 new cars each year and repaints about 10,000; and that Canadian National has about 106,000 freight cars, of which about 65% are box cars and purchases about 3,100 new cars each year and repaints about 11,000.

Canadian Pacific subsequently received the Board's approval of its programme to put the markings on approximately 3,000 cars before the end of 1959.

The Board is disappointed that Canadian National's programme to date falls short of Canadian Pacific's programme and what was intended by the Board's Judgment and Order and feels that the Board should not give its approval to Canadian National's programme and the imbalance as between the Canadian National and Canadian Pacific in this respect. The Board, therefore, contemplates making a supplementary Order, with reasons, directing Canadian National to put reflective markings in 1960 on such number, to be specified, of cars as will accord with the intent of the previous Judgment and Order. Before doing so, however, the Board is prepared to consider any submissions Canadian National may make as to the programme it proposes for 1960. Such submissions should be forwarded before January 15 next in order that the issuance of an Order may not be unduly delayed, for although it may be that Canadian National's programme for purchasing new cars in 1960 will not have been determined by January 15, the Board assumes that normal shopping and painting of cars will be done."

In answer to the Board's letter of December 24, Canadian National replied by letter dated January 13, 1960, from which the following extracts are quoted:

"Our traffic requirements for 1959 necessitated the purchase only of the number of box cars mentioned in our letter of August 4th.

Any difference between our programme in 1959 and the programme which the CPR proposed in their letter of June 19, 1959, resulted from the fact that the CPR at that time contemplated the acquisition of more box cars in 1959 than we did. In other years the situation might well have been the reverse.

Our programme for the purchase of new box cars in 1960 will not be determined until early in February. It is likely, however, that such purchases will not greatly exceed the purchases made in 1959.

Our experience to date is not sufficient to answer the questions involved. In particular, it has not changed the view of our senior officers that reflectorization constitutes an added hazard rather than a safety feature.

Your letter asks us to state the programme we propose for 1960. As above stated, we do not know at the present time how many new box cars will be acquired this year, but in general our programme will again comply with the requirements of the Board's Order, and all new box cars will be reflectorized together with an equal number of old box cars.

Your letter might be construed as indicating an intention on the part of the Board to make an Order requiring the CNR to reflectorize on a different basis than other railways. We see no justification for any such discrimination. We complied with the Board's Order in 1959 and will comply with it in 1960, but the Board's requirements should apply to all Railways on the same basis."

By letter dated January 28, 1960, Canadian National informed the Board that reflective markings had been placed on 696 of its cars in 1959, made up of 240 new cars and 456 old cars.

On January 29, 1960, Canadian Pacific informed the Board that it had on Order 1,000 new box cars, to be delivered in 1960, and that they would be equipped with reflective markings and that Canadian Pacific will also mark an additional 2,000 older box cars, making a total of 3,000 cars to be marked by Canadian Pacific in 1960.

Canadian Pacific's programme of marking cars in 1959, the marking of 3,000 cars, measures up very well to what the Board intended should be accomplished in that year, but Canadian National's programme, although in compliance with the Board's Order, falls short of Canadian Pacific's programme in the number of cars marked and short of what the Board had intended should be accomplished by each of the major railways in 1959. There is no suggestion on the Board's part that Canadian National did not comply with the Board's Order. On the contrary, Canadian National in fact marked all its new cars and more old cars than the Order required it to mark in that year.

It appears that Order No. 97788, as it now reads, has resulted in an imbalance as between Canadian Pacific and Canadian National respecting the total number of cars marked in 1959, and this may be repeated in 1960 if the Order is not amended. No doubt this imbalance is related to some extent to the fluctuations from year to year in the box car requirements of individual railways.

The Board considers that its Order No. 97788 should be varied so that the total number of cars required to be marked in the year 1960 by either Canadian Pacific or Canadian National shall not be dependent on the number of new cars it purchases this year and so as to specify the approximate number of cars required to be marked by each of the said companies in 1960 to accord with the intent of the previous Judgment and Order 97788.

The requirements of Order No. 97788 respecting the marking of new box cars need not be changed, but the Order will be amended to provide in the case of Canadian Pacific and Canadian National, that each of these companies shall cause the reflective markings to be placed on each side of a total of approximately 3,000 cars in the calendar year 1960. This may be accomplished by marking all new box cars and a sufficient number of old box cars and cars of other types, old and new, so that a total of approximately 3,000 cars will be marked in 1960 by each of these companies, in addition to cars marked in 1959.

An Order will be issued accordingly.

ROD. KERR  
H. H. GRIFFIN  
J. M. WOODARD.

## ORDER No. 100389

*In the matter of reflective markings on the sides of railway cars and in the matter of Order No. 97788, dated May 1, 1959.*

File No. 45463

FRIDAY, the 5th day of February, A.D. 1960

ROD. KERR, Q.C., *Chief Commissioner.*

H. H. GRIFFIN, *Assistant Chief Commissioner.*

J. M. WOODARD, *Commissioner.*

*Pursuant to the Supplementary Judgment herein, dated February 5, 1960—*

*It is hereby ordered as follows:*

Order of the Board No. 97788, dated May 1, 1959, is amended by inserting immediately after paragraph numbered 3 the following paragraph:

“3A. Notwithstanding the provisions of paragraph numbered 3 and compliance therewith and irrespective of the number of cars marked in the year 1959, the total number of cars, new and old, on which reflective markings shall be placed on each side thereof during the year 1960 by the Canadian Pacific Railway Company and the Canadian National Railways respectively shall not be less than 3,000 for each of the said companies.”

ROD. KERR,  
*Chief Commissioner.*

*In the matter of the application of the Canadian Pacific Railway Company, dated April 3, 1959, for an Order approving the discontinuance of passenger train service (trains Nos. 41 and 42) between Portage la Prairie, Manitoba, and Wetaskiwin, Alberta.*

File No. 27563.56.38

Heard at Winnipeg, Man., September 14, 1959; Edmonton, Alberta, September 17, 1959; Saskatoon, Sask., September 21 and 22, 1959.

Before:

H. H. GRIFFIN, *Assistant Chief Commissioner.*  
 J. M. WOODARD, *Commissioner.*  
 W. R. IRWIN, *Commissioner.*

Appearances:

H. A. V. GREEN, Q.C., for Canadian Pacific Railway Company.  
 W. J. BURGESS, for the Towns of Neepawa, Minnedosa and Birtle, and the Rural Municipalities of Strathclair and Harrison.  
 J. W. PRATT, Q.C., Mayor of the Town of Birtle.  
 Mrs. MILDRED G. REDMOND }  
   and } Councillors of Hardisty.  
 PAUL DRAGER, }

W. O. SMYTH, Q.C., for the Town of Wilkie, Rural Municipalities of Buffalo No. 409, Reford No. 379, Tramping Lake No. 380; Villages and Hamlets of: Revenue, Tramping Lake, Leipzig, Handel, Cloan, Thackeray, Phippen, Adanac, Wolfe and Traynor.  
 S. L. BUCKWOLD, Mayor of Saskatoon, representing City and Board of Trade.  
 CHARLES HAZEN, President of Saskatoon Board of Trade.  
 J. N. PARK, President of Yorkton, Sask., Chamber of Commerce.  
 R. N. ADAMSON, Chairman of Transportation Committee of Yorkton Chamber of Commerce.  
 A. T. LYSTER, representing Village of Senlac, the Rural Municipality of Senlac No. 411 and the Hamlet of Rutland.  
 R. T. O'BRIEN, representing The Brotherhood of Locomotive Engineers, The Brotherhood of Locomotive Firemen and Enginemen and The Brotherhood of Railway Trainmen.  
 KEITH GREEN, representing Saskatoon Railway Mail Clerks Association.  
 WALTER STERN, representing Town of Wynyard, Rural Municipality No. 308.

#### J U D G M E N T

GRIFFIN, A.C.C.:

This is an application by Canadian Pacific Railway Company for an Order approving discontinuance of passenger train service between Portage la Prairie, Manitoba, and Wetaskiwin, Alberta, now provided by trains Nos. 41 and 42 running between Winnipeg and Edmonton.

The present and only through passenger service on this line consists of trains 41 and 42.

Train 41 leaves Winnipeg daily, except Saturday, at 10:00 p.m. and is due to arrive at Edmonton at 6:30 the second morning. For example, train 41, leaving on a Monday night, would arrive at its destination on Wednesday morning. Train 42 leaves Edmonton at 10:25 p.m. daily, except Saturday, and is due to arrive at Winnipeg at 7:00 the second morning. For example, train 42, leaving Edmonton on a Monday evening, would arrive at its destination on Wednesday morning. Each train is scheduled to stop at practically all stations en route.

#### HISTORY OF THE SERVICE

Historically, the management of Canadian Pacific has thought this line handicapped from its inception for, with the exception of the Alberta portion of the line, it lies between the main lines of the Canadian Northern and the Grand Trunk Pacific Railways (now both Canadian National Railways). It has, as a result, had a limited area from which to draw. The elapsed time of the Grand Trunk Pacific Railway's run from Saskatoon to Winnipeg was much less. Canadian Northern had the advantage in inter-urban traffic.

First daily through service began in 1911 between Winnipeg and Strathcona (now known as South Edmonton). The trains, then designated as trains 51 and 52, consisted of first and second class coaches and standard sleepers with dining car (the sleepers and dining car being on between Bredenburg and Strathcona). In 1912 the trains began operating into Edmonton proper. Changes in the consist or composition of the trains were made between 1911 and 1918.

The consist of the trains throughout the 1920's remained much as it was in June, 1918, i.e., coaches, tourist sleeper, standard sleeper, compartment observation car and diner between Winnipeg and Edmonton. Schedules were changed from time to time to meet changing conditions and the competition from the other railways.

In 1933 trains 51 and 52 were reduced from daily service to daily except Sunday between Winnipeg and Edmonton. The Railway Company's reason for this is given as the lack of patronage.

In 1938 air-conditioned day coaches were placed on the trains.

In 1941 an air-conditioned sleeper was substituted for the non-air-conditioned sleeper.

In 1944, between Bredenburg and Wilkie, an air-conditioned buffet parlour car was substituted for the non-air-conditioned cafe parlour car.

In 1948 following the War, when air-conditioned equipment became available, the non-air-conditioned compartment observation sleepers were withdrawn from this service and replaced by modernized air-conditioned "Fort" series cars.

In 1949 the non-air-conditioned tourist sleeper was withdrawn and replaced by an air-conditioned tourist sleeper.

The make-up of these trains by 1949 consisted of air-conditioned day coaches, air-conditioned tourist sleeper, air-conditioned "Fort" car and air-conditioned buffet parlour car. At the same time, in the Railway Company's hope of increasing passenger traffic, the new equipment on the "Great West Express", as these trains were then called, was extensively advertised and publicized, including the display of the new cars at cities on the line.

The improvement in the equipment in 1949 became effective in September of that year. The Railway Company has produced figures to show a decrease in average sleeping car carryings over the period June to December, 1949. The following excerpts are, I think, representative:

*JUNE—DECEMBER, 1949*  
*AVERAGE SLEEPING CAR CARRYINGS*

		<i>Winnipeg- Saskatoon</i>	<i>Saskatoon- Edmonton</i>	<i>Edmonton- Saskatoon</i>	<i>Saskatoon- Winnipeg</i>
June	* TRST . . . .	370 Av. 14.2	354 Av. 13.6	337 Av. 12.9	372 Av. 14.3
	** STD . . . .	258 Av. 9.9	209 Av. 8.0	170 Av. 7.5	214 Av. 8.2
Sep.	* TRST . . . .	334 Av. 12.8	299 Av. 11.5	292 Av. 11.2	405 Av. 15.6
	** STD . . . .	210 Av. 8.8	184 Av. 7.0	218 Av. 8.4	239 Av. 9.2
Dec.	* TRST . . . .	165 Av. 11.0	112 Av. 7.5	113 Av. 7.5	212 Av. 14.1
	** STD . . . .	125 Av. 8.3	46 Av. 3.0	60 Av. 4.0	121 Av. 8.0

\* Tourist

\*\* Standard

The cafe car losses in that year (1949) were, to take sample months:

<i>Month</i>	<i>Number of Meals</i>	<i>Revenue</i>	<i>Loss</i>
January . . . . .	1,618	\$1,874.40	\$ 947.95
March . . . . .	1,722	2,019.45	1,304.48
May . . . . .	1,470	1,655.35	1,815.22
July . . . . .	2,422	2,875.80	927.44
September . . . . .	1,851	2,128.80	1,435.93
November . . . . .	1,519	1,753.70	1,475.75
December . . . . .	1,654	1,879.65	1,716.80 (Approx.)

The loss for that year was approximately \$16,600.

By reason of the loss from the cafe car service, the Railway in 1950 modified the "Fort" cars to include a kitchen and feeding accommodation for eight passengers. By this, the above losses were reduced materially and in December, 1950, the loss had been reduced to approximately \$100.00 for that month.

In 1952, due, according to the Company's evidence, to a further shrinkage in tourist car traffic, the air-conditioned tourist sleeper was withdrawn to service elsewhere and a non-air-conditioned tourist sleeper substituted.

A survey of passengers using the sleeping car facilities in 1952-1953 showed the following trip averages (to take sample months):

	<i>TRAIN 51</i>	<i>Standard</i>	<i>Tourist</i>
1952	October . . . . .	4.8	6.6
	December . . . . .	4.4	8.4
1953	January . . . . .	5.2	6.6
	March . . . . .	5.07	6.4
	October . . . . .	5.1	6.1
	December . . . . .	3.7	6.5
	<i>TRAIN 52</i>	<i>Standard</i>	<i>Tourist</i>
1952	October . . . . .	4.7	5.4
	December . . . . .	3.6	6.7
1953	January . . . . .	3.8	3.6
	March . . . . .	3.8	5.5
	November . . . . .	3.1	3.9
	December . . . . .	1.9	5.04

In April 1955, due to decreasing day coach traffic, one air-conditioned coach was withdrawn from service between Winnipeg and Edmonton.

The following shows the average numbers of sleeping car passengers between Winnipeg and Saskatoon and Saskatoon and Edmonton in 1955:

TRAIN 51		Winnipeg- Saskatoon	Saskatoon- Edmonton
1955			
April			
	Standard .....	3.6	2.5
	Tourist .....	5.6	4.2
July			
	Standard .....	5.0	3.0
	Tourist .....	9.1	6.2
November			
	Standard .....	3.5	1.7
	Tourist .....	4.4	3.0
December			
	Standard .....	6.8	6.2
TRAIN 52		Edmonton- Saskatoon	Saskatoon- Winnipeg
1955			
April			
	Standard .....	3.3	4.2
	Tourist .....	5.0	5.0
July			
	Standard .....	4.5	4.6
	Tourist .....	7.1	7.1
November			
	Standard .....	1.5	3.9
	Tourist .....	3.5	3.6
December			
	Standard .....	2.6	3.7
	Tourist .....	6.0	7.0

In 1956, due to a further decrease in traffic, the train was reduced to one air-conditioned coach and one air-conditioned standard sleeper between Winnipeg and Edmonton.

In 1956, in an attempt to promote passenger traffic, arrangements were made to hold train 51 at Portage la Prairie for connection with train No. 1, "The Canadian", if there were passengers for such connection.

In April, 1957, through standard sleeping car service between Winnipeg and Edmonton was reduced to operating between Winnipeg and Yorkton.

The following is a sample of the average number of passengers using the sleeping car service between Winnipeg and Yorkton (i.e., after the change) between May and December, 1957 (by this time trains 51 and 52 had been

TRAIN 41	
1957	
	May .....
	July .....
	September .....
	November .....
	December .....
TRAIN 42	
1957	
	May .....
	July .....
	September .....
	November .....
	December .....

The average daily revenue passengers using the sleeping car service was 4.8 in each direction.

The following is a statement of the average number of passengers using the sleeping car service from January to April, 1957 (i.e., prior to the reduction of the sleeping car operation to service between Winnipeg and Yorkton):

	Winnipeg- Saskatoon	Saskatoon- Edmonton	Edmonton- Saskatoon	Saskatoon- Winnipeg
January .....	3.6	2.6	2.0	2.3
February .....	5.4	3.2	3.0	4.8
March .....	4.6	2.2	3.2	4.5
April .....	5.7	2.5	3.7	5.3

The following is a statement of average sleeping car space occupied by revenue passengers from January to December, 1958:

	Winnipeg-Yorkton	Yorkton-Winnipeg
January .....	3.0	3.0
March .....	2.6	2.4
May .....	2.1	1.5
July .....	3.8	3.0
September .....	3.0	3.0
November .....	3.0	3.0
December .....	3.7	4.0

The reasons given by the Railway Company for the gradual decline of passenger carryings to the present low levels are:

- (1) The increased use of private automobiles and bus services by the public.
- (2) The addition of the "Super-Continental" to the Canadian National Railways' train service between Winnipeg and Edmonton.

The Railway Company has filed statements showing ticket sales from MacDonald, Manitoba (the next station west of Portage la Prairie) to Bredenburg, Saskatchewan, and from Saltcoats, Saskatchewan, to Hardisty, Alberta, at least back to 1953. In certain parts of the line there is a marked drop after April, 1956. For example:

	1956								
	Biggar	Wilkie	Adanac	Unity	Rutland	Senlac	Evesham	Macklin	Cadogan
Jan. ....	120	468	5	156	71	64	26	189	19
Feb. ....	110	443	16	137	76	39	55	197	30
March ....	145	709	47	270	106	124	72	446	42
April ....	188	760	31	248	66	89	38	392	20
May ....	56	198	4	13	5	9	9	56	4
June ....	69	159	3	17	2	11	2	32	2
July ....	103	269	1	7	1	13	5	181	4
August ....	62	190	3	25	4	10	—	102	8
Sept. ....	38	172	1	17	1	3	—	70	7
Oct. ....	61	149	4	11	3	6	3	91	6
Nov. ....	59	164	6	—	—	10	5	102	5
Dec. ....	61	178	2	3	7	15	3	111	1

In addition, the statements filed by the Railway Company show the totals for the several years. From this it appears that at Unity the total ticket sales dropped from 904 in 1956 to 33 in 1957; that at Rutland from 342 in 1956 to 20 in 1957; at Evesham from 218 in 1956 to 31 in 1957.

No satisfactory explanation has been given. Counsel for the Town of Wilkie has suggested that it was by reason of the removal in April, 1957, of the sleeping car. However, Counsel for the Company has pointed out that, whereas the sleeping car was taken off at the end of April, 1957, the drop had started before

that. Several examples were given but, to take Wilkie alone, in January, 1957 (when the sleeping car was still on) the number of tickets sold for the trains was 109 as against 468 in January of 1956. These figures are best tabulated:

	1956	1957
January .....	468	109
February .....	443	118
March .....	709	134
April .....	760	157

However, as is pointed out later, the winter of 1955-56 was a severe one, with roads blocked in many parts served by these trains, at least during January, February and March. Accordingly, I think a fairer comparison should be made between 1954, 1955 and 1957:

	1954	1955	1957
January .....	302	222	109
February .....	203	198	118
March .....	172	260	134
April .....	213	285	157

After the sleeping car was removed in April, 1957, there does not appear any particular diminution in the number of tickets sold in the remaining months of 1957. Ticket sales at Wilkie during these months in 1956 and 1957 were:

	1956	1957
May .....	198	149
June .....	159	120
July .....	269	190
August .....	190	185
September .....	172	136
October .....	149	128
November .....	164	136
December .....	178	173

Moreover, the Company points out that in January, February, March and April of 1957, there were less than three sleeping car passengers on the average each day from Saskatoon to Edmonton. The Company then says that, taking off a sleeping car that had less than three berths occupied on the average each night, cannot be the cause of the great deterioration in tickets sold for these trains.

It is also suggested that the removal of the "Fort" car at the end of April, 1957, may have caused the decline. However, the Company points out that the removal of a car capable of serving only eight people at a sitting could not alone have been the cause.

At one point in the argument of Counsel it was said that the Canadian National Railways instituted the service of its Super-Continental train in April of 1957. However, according to the Board's records, Canadian National Railways informed the Board in April of 1955 that it proposed to institute these trains (Canadian National trains Nos. 1 and 2). Moreover, these trains (1 and 2) are only of assistance to the towns on the Canadian Pacific line lying reasonably close to Saskatoon, Biggar and Unity, since the trains do not stop at intermediate stations. Apart from the introduction of the Super-Continental trains a review of the Canadian National service on this portion of the line around the period in question indicates no significant change.

None of these changes alone can explain the sudden drop shown in the above table as having taken place at so many stations in May of 1956.

Counsel for the Railway Company has said that he cannot explain it. On inquiry through the Board's staff, no explanation can be found. I can only conclude:

(1) That it did not occur by reason of the removal of the sleeping car or the "Fort" car, neither of which occurred until April of 1957;

(2) That the comparatively heavy sales that occurred in the first four months of 1956 were by reason of the blocking of the roads by the extremely severe winter;

(3) That the following factors had some bearing upon it:

(a) The previously improved service upon the main line of Canadian National Railways;

(b) The natural improvement of the roads for automobile traffic in late April and early May;

(c) Certain highway construction or reconstruction.

From Winnipeg to Edmonton it is possible to travel by Canadian National Railways' "Super-Continental" in approximately fourteen hours. Train 41 takes approximately thirty-two hours, or a difference of some eighteen hours. The Canadian Pacific has never had a fast train on this line to compete for this service.

In my view, the evidence shows that the Railway Company has, from the beginning of this passenger service, made an effort to attract passenger traffic and, for the most part, it has reduced the standard of service due to a reduction in patronage. There is a suggestion running through this hearing, as in other similar applications, that the Railway Company has purposely taken steps to discourage passenger patronage in order to support its application to discontinue passenger service. If this is true, it is difficult for those opposing the application to substantiate. If it is untrue, it is equally difficult for the Company to show it as a suggestion that is unwarranted. In this instance, however, I am satisfied that it is the travelling public who have, over the years, withheld or reduced their patronage and not the Railway Company that has abandoned the public.

#### REVENUES AND EXPENSES

The Railway Company has submitted a statement of Revenues and Expenses of the present operation and of that now proposed. The present revenues are based upon a two weeks' sample of all tickets honoured and collected during the Months of March and April, 1958. From this was developed the average revenue per passenger. The average revenue per passenger was multiplied by the total number of revenue passengers carried during the twelve previous months.

For the same period other revenues were computed and the following revenues arrived at:

Passenger Rail Fares .....	\$ 226,700
Sleeping Car .....	15,200
Express .....	789,300
Mail .....	271,400
Milk .....	3,200
	<hr/>
Total .....	\$1,305,800

The Company's evidence is that if this work had been done again at the time of the hearing, the annual passenger revenue would be considerably less.

Trains 41 and 42 had been operated under steam power. Recently they have been operated under diesel power. The estimated annual direct operating costs of the two passenger trains, including trucking services and set-out cars in freight service under steam operation, are:

Passenger trains .....	\$1,463,100
Express Company .....	465,700
Trucking Services .....	56,400
Set-out cars in freight service .....	18,500
	<hr/>
Total .....	\$2,003,700

The Railway Company has therefore given as the deficit under steam operation the figure of \$697,900.

However, trains 41 and 42 have latterly been operated under diesel power. The Railway Company has given the cost of diesel operation as follows:

Passenger trains .....	\$1,236,900
Express Company .....	465,700
Trucking Services .....	56,400
Set-out cars in freight service .....	18,500
	<hr/>
Total .....	\$1,777,500

The deficit on the basis of diesel operation is \$471,700.

The deficit under steam operation has therefore been reduced by \$226,200 by the use of diesel power, i.e., from \$697,900 to \$471,700.

The Board's officers have studied the evidence as to the Company's revenues and expenses and have since the hearing questioned the Company's officers on certain points arising from the Board's examination. The Board's analysis in some instances indicated lower costs and in other instances higher costs than the method of estimating used by the Company, but the differences were not large. The Company's overall estimate of the annual operating costs of trains 41 and 42 and the annual deficit under diesel operation of some \$472,000 were not found to be excessive.

#### ALTERNATIVE SERVICES

##### (a) *Express*

In applying to discontinue trains 41 and 42, the Company outlined in the application their proposal with respect to the handling of express.

Should the Company be authorized to discontinue trains 41 and 42, its proposal is to replace the present train service with an extended highway operation for L.C.L. freight and express. It would be necessary for the Post Office Department to make such other arrangements as it might see fit for the carriage of mail.

The Company's highway operations carry most of the express along the railway route from Portage la Prairie to Russell and up to Inglis, i.e., for most of the line within the Province of Manitoba. The quantity carried by trains 41 and 42 in this area is limited. Dench of Canada, a subsidiary of the Railway Company, operates a truck line from Edmonton east to Hayter on the Saskatchewan border. Dench presently handles L.C.L. freight. Should the Company be authorized to discontinue trains 41 and 42, this truck line would also handle the express traffic on this run.

Should such authority be given, it is the intention of the Railway Company to apply, in the name of the Canadian Pacific Express Company, to the Highway Traffic Boards of Manitoba and Saskatchewan for licences to operate from Russell in Manitoba through Saskatchewan to the Alberta-Saskatchewan border. This would then give a truck route for the handling of L.C.L. freight and express by the highway that runs roughly parallel to the railway from Portage la Prairie to Edmonton. However, there is an area at and near Senlac and Rutland in Saskatchewan where the conditions of the highway may prevent a truck service operating. The area between Winnipeg and Portage la Prairie is not affected significantly by this application.

The service proposed from Russell to the Alberta-Saskatchewan border is service on six days each week. The proposal, moreover, is to operate the highway service to the railway station, with local delivery from the station where local delivery exists now.

The statement of Counsel for the Railway Company is that, should the Company be unable to obtain the necessary licence or licences from the appropriate Provincial Highway Traffic Boards, it will contract out or otherwise handle the hauling of L.C.L. freight and express. The Company's undertaking is that, in any event, the express traffic will be taken care of. In particular, this would, in the event of this Board making such an Order, be a matter of concern between Unity and Macklin. The statement of Counsel for the Town of Wilkie is that the highway through Evesham is the main Provincial Highway but it does not extend to Senlac. The road to Senlac, it is stated, is closed in winter. The Company's undertaking, however, extends to this area.

*(b) Passengers*

The Company says that alternative services for passengers now available would meet adequately the need of the travelling public, i.e., bus and airlines. There is at present no bus line between Binscarth and Yorkton but the Company asks the Board to assume that this service, which existed formerly, would be restored if there is traffic offering.

Greyhound Lines of Canada operate a bus service between Winnipeg and Edmonton. On this service there is a bus running in each direction twice each day. In so doing, it runs roughly parallel to the line of the Canadian National Railways from Edmonton to Saskatoon. This is of no help to the residents of the area served by trains 41 and 42. However, from Saskatoon to Yorkton it runs roughly parallel to Canadian Pacific Railway Company's line. From Yorkton the bus runs north of the C.N.R. main line near Dauphin and down to Winnipeg.

In addition, Greyhound Lines run a local bus each day between Winnipeg and Yorkton. This bus runs roughly parallel to the line of the Canadian Pacific Railway Company. The local bus connects with the through bus at Yorkton. This is a year-round service.

The buses between Winnipeg and Saskatoon stop at virtually all the places served by the Railway Company. They will also stop en route (at least on a local run) when flagged.

There is a bus service operated by Sunburst Motor Coaches Limited from Edmonton eastward to Hardisty and Macklin. There is one round trip daily from Edmonton to Macklin and two round trips daily (of which the foregoing is one) from Edmonton to Hardisty. This is a year-round service.

Until four years ago Sunburst Motor Coaches Limited operated eastward through to Biggar where, at one time, it connected with a local service operating between Saskatoon and Biggar. The latter service was discontinued some years ago but the precise date was not brought out in evidence.

Both the Greyhound and Sunburst Companies state that they are prepared to provide any additional equipment necessary to handle the additional traffic that would accrue to them should the Board make an Order discontinuing trains 41 and 42.

The Superintendent of the Railway Company at Saskatoon gave the distances between the stations on the line of the C.P.R. west of Saskatoon and the closest stations on the main line of Canadian National Railways west of Saskatoon. They are as follows:

Cory is seven miles from Saskatoon.

<i>C.P.R. Station</i>	<i>Distance in Miles</i>	<i>C.N.R. Station</i>
Dunfermline	4.2	Grandora (Station—no Agent)
Asquith	1.7	Asquith (Open Station)
Rhyl	5.1	Juniata (Just Siding)
Kinley	1.0	Kinley (Open Station)
Perdue	2.0	Leney (Station—no Agent)
Keppel	10.6	Leney (Station—no Agent)
Vance	5.8	Biggar (Open Station)
Biggar	1.3	Biggar (Open Station)
Oban	0.5	Oban (Just Siding)
Nasbey	5.0	Oban (Just Siding)
Trayner	6.5	Landis (Open Station)
Wolfe	9.1	Landis (Open Station)
St. Alphege	14.8	Scott (Open Station)
Wilkie	8.5	Scott (Open Station)
Phippen	8.4	Scott (Open Station)
Adanac	6.1	Unity (Open Station)
Unity	1.6	Unity (Open Station)
Rutland	10.0	Winter (Open Station)
Senlac	12.0	Yonker (Station—no Agent)
Evesham	33.2	Unity (Open Station)
Macklin	42.2	Unity (Open Station)

Trains 41 and 42 stop at practically all stations en route, either as regular or flag stops.

The Canadian National stations are all on the Canadian National Railways' main line. It will be noticed, however, that only some are open stations. Some are stations with no agencies. Some are just sidings. However, Canadian National Trains Nos. 1 and 2 (Super-Continental) stop at the larger towns, being Biggar and Unity, the latter being a conditional stop. Additional service is also provided by local Trains 91 and 92 which stop at practically all stations between Saskatoon and Wainwright. It has been noted, however, that since October, 1959, Trains 3 and 4 (Continental) have been rerouted via North Battleford.

Evidence was also called as to the passenger service provided by Trans-Canada Airlines. That Company provides two first-class flights daily and a tourist flight daily in each direction between Winnipeg and Edmonton. In addition, there is a daily flight, except Sunday, in each direction between Winnipeg and Yorkton.

There is, in addition, a flight provided by Pacific Western Airlines from Saskatoon through North Battleford to Edmonton.

In addition, it appears that Yorkton is linked to Regina by a service of Trans-Canada Airlines, and Saskatoon to Regina by a service of Pacific Western Airlines.

## PROPOSED SAVINGS

I have set out above the revenues and expenses of the Company in the operation of this line. Based upon its proposal, the Railway Company is of the opinion that it could reduce the deficit on diesel operation from approximately some \$472,000 per annum to approximately \$47,000 per annum.

To exemplify this it has filed the following table:

*Revenues and Expenses Passenger Trains 41-42 Winnipeg-Saskatoon-Edmonton, and Revenues and Expenses of proposed operation*

<i>Gross Revenues</i>	<i>Present</i>	<i>Proposed</i>
Passenger rail fares .....	\$ 226,700	.....
Sleeping Car .....	15,200	.....
Express .....	789,300	\$789,300
Mail .....	271,400	.....
Milk .....	3,200	.....
	<hr/>	<hr/>
Total .....	\$1,305,800	\$789,300
 <i>Expenses</i>		
Estimated annual direct operating costs of—		
Passenger trains .....	\$1,236,900	.....
Express Company .....	465,700	\$465,700
Trucking Services .....	56,400	309,300
Set-out cars in freight service .....	18,500	61,600
	<hr/>	<hr/>
	\$1,777,500	\$836,600
<i>Net Annual Contribution to Overhead</i> .....	\$ 471,700(D)	\$ 47,300(D)
<i>Net Financial Improvement</i> .....	\$424,400	
Plus annual savings in express messengers wages .....		63,100
		<hr/>
		\$487,500
		<hr/> <hr/>

Legend: D—deficit.

The Board's officers, in their examination of the Company's estimates, have found that the Company's expectation that it could reduce its loss under the proposed operation to some \$47,000 per annum is justified. It may, however, be conservative. If allowance is made for an annual saving of some \$63,000 per annum in express messengers' wages it is probable that there might be a slight overall operating profit under the proposed operation.

I accept as being substantially correct the Company's present estimated deficit of some \$472,000 per annum and its expectation that under the proposed operation this deficit could be reduced to some \$47,000 per annum.

The Board applies the following principle in applications for discontinuance of train service, i.e., will the loss and inconvenience to the public, consequent upon a discontinuance of service, outweigh the burden that continued operation of the service would impose upon the Railway Company?

It is therefore necessary to weigh against the above proposed benefit to the Company the inconvenience that would result to the public.

EVIDENCE CALLED, AND ARGUMENTS ADVANCED AGAINST DISCONTINUANCE

At that part of the hearing that took place at Winnipeg, Counsel appeared for the Towns of Birtle, Neepawa and Minnedosa, and the Rural Municipalities of Strathclair and Harrison. The Mayor of Birtle was present.

No evidence opposing the application was presented at Winnipeg. However, in Saskatoon the Mayor of Birtle gave evidence, and the argument on behalf of the above towns and rural municipalities was presented.

At that part of the hearing that took place at Edmonton, the Town of Hardisty made its representation. No other evidence was tendered opposing the application.

At that part of the hearing taking place at Saskatoon, far greater opposition to the application was heard. Opposition came from the City of Saskatoon, the Saskatoon Board of Trade, the Town of Wilkie and nearby rural municipalities and hamlets, the Yorkton Chamber of Commerce, the Village of Senlac and surrounding area, the Brotherhoods of Locomotive Engineers, Locomotive Firemen and Enginemen, and Railway Trainmen, the Saskatoon Railway Mail Clerks' Association and the Town of Wynyard.

The evidence presented by those opposing the application (as does the evidence of the Company) covers many pages of the transcript. I will endeavour to summarize the points that have been put forward:

- (1) That some 60,000 revenue passengers travelled on trains 41 and 42 during 1958.
- (2) That the Company has a legal duty to provide service to the residents on and bordering its line who settled in the area about the time of the railway's construction.
- (3) That the decline in passenger service is due to the inadequate service and equipment provided by the Company.
- (4) That the decline in service is also due to the Company having discontinued certain feeder services on connecting lines.
- (5) That the deficit in passenger service should not be considered alone but the operation of the line as a whole. The Company has said that in using diesels the operation of its line is approximately at a break-even point. Those opposing the application say, that this being so, the profitable part of the line's operation should carry the non-profitable part.
- (6) The residents of Senlac and Rutland say that they are some nine to ten miles from Highway 14. They are twenty-five miles from a hospital at Macklin and nearly thirty-five miles from a hospital at Unity. They say that there is no assured way of getting out in winter.
- (7) That the Company at one stroke is proposing to cancel a service that extends over some 1,000 miles and has been in effect for nearly 50 years.
- (8) That this is the last remaining Canadian Pacific Railway passenger service on this line and the last remaining Canadian Pacific Railway main line passenger service in Northern Saskatchewan.
- (9) That discontinuance of train service should not be dealt with on a piece-meal basis but on a National basis.
- (10) That there would have been more opposition to the application had the municipalities known that the annual deficit in operation is not some \$698,000 (as stated in the Company's application and being the deficit under steam operation) but some \$472,000 (as shown by statement filed by the Company at the hearing and being the deficit under the present diesel operation).

Certain other arguments were advanced but the foregoing are the principal ones.

To deal with them in the above sequence:

(1) *That some 60,000 revenue passengers travelled on the trains.*

The Company says that this figure, totalled from one of the Company's exhibits, is exaggerated as the Company's records show the numbers of revenue passengers by sub-divisions. To total these figures means that many passengers have been added in two or more times.

(2) *That the Company has a legal duty to provide service.*

It is said that this exists by reason of an agreement between the Dominion Government and the Company at the time, or at about the time, of railway construction.

Counsel for the Company has given the following history of railway construction along this line.

From Winnipeg to Portage la Prairie the line is part of the Canadian Pacific Railway's main line in the old Province of Manitoba. There is no tax exemption in connection with that operation of the line. The only tax exemption that the Canadian Pacific Railway Company enjoys in Manitoba, apart from the City of Winnipeg, is on the portion of the main line which lies outside the old Province of Manitoba.

From Portage la Prairie to Yorkton the railway was built between 1883 and 1891 by the Manitoba and Northwestern Railway. This line was leased by the Manitoba and Northwestern Railway to the Canadian Pacific Railway Company in 1900.

The line from Yorkton to Sheho was built in 1902 and 1903 under one of the original statutes of the Manitoba and Northwestern Railway.

From Sheho to mile 270.6 the railway was built from 1905 to 1907, also under the Dominion statutes dealing with the Manitoba and Northwestern Railway.

From mile 270.6 to Lanigan Junction the line was built between 1906 and 1909, also under Dominion statutes from which the Manitoba and Northwestern Railway derived its powers.

From Lanigan Junction to near Rosyth the railway was built between 1902 and 1909 as a branch line of Canadian Pacific Railway Company under Clause 14 of the original contract between the Dominion Government and the incorporators of the Canadian Pacific Railway Company. Under that statute the incorporators of the Company were to build the Canadian Pacific Railway and under it certain land grants were given by the Dominion Government as part of its consideration for the contract under which the Railway Company undertook to carry out the building of the line. These land grants were given in consideration of the building of the Canadian Pacific Railway, not in consideration of the building of any of the branches.

In *Canadian Pacific Railway Company v. Attorney-General for Saskatchewan*—1950 S.C.R., 190, it was held that the Canadian Pacific Railway in the contract meant only the main line of the Canadian Pacific Railway, as that is described in the first clause of the contract.

The only consideration that was given for the building of any branch lines from the main line was that the Dominion Government did undertake that, if the railway passed through any lands owned by it, it would give a grant of land for the right-of-way and station ground.

From Rosyth Junction to Edmonton the line is the line of the Calgary and Edmonton Railway which, like the Manitoba and Northwestern Railway, is a railway line leased by the Canadian Pacific Railway Company.

Manitoba and Northwestern Railway did receive a land grant from the Government but that grant had been practically entirely disposed of long before the line was leased to Canadian Pacific Railway Company.

The foregoing is the history of the construction of this line as given by Counsel.

I am only concerned as to whether there is any legal duty on the Railway Company in respect to that portion of the line constructed by it, or as lessee.

Counsel for those opposing the application introduced no evidence as to this contract nor made any reference to the pertinent statutes. I am therefore at some disadvantage in appreciating this argument.

However, I take the argument to be that (a) the Company in respect to that portion of the line constructed by it has an obligation under the agreement mentioned, and (b) that the Company with respect to that portion of the line constructed by predecessor companies has assumed an obligation under the leases from such companies.

As to the former, I am prepared to accept the argument of Counsel for the Company that the agreement referred to is an agreement only in respect of the main line of the Company to the Pacific Coast (and two branch lines of which this line is not a part).

As to the second point, there can be an obligation upon the Company assumed by it under the lease agreements only if that obligation existed in the predecessor companies, being Manitoba and Northwestern Railway and The Calgary and Edmonton Railway, or was assumed under such leases.

There are many statutes covering the powers and obligations of both these companies. I am unable to find in these statutes in respect to this line any obligation to maintain passenger service, nor is there any evidence before us of the assumption of such an obligation under any lease.

Accordingly, I am of the opinion that there is no legal obligation upon the Company to maintain passenger service under any agreement or special statute.

*(3) That the decline in passenger service is due to inadequate service and equipment.*

I have already stated that, in my opinion, the Railway Company has made an effort to attract passenger traffic to these trains, and that, for the most part, it reduced the standard of service due to a reduction in patronage. I have also already stated that, in my opinion, it is the travelling public who have, over the years, withheld or reduced their patronage and not the Railway Company that has abandoned the public.

*(4) That the decline in service is also due to the Company having discontinued certain feeder services on connecting lines.*

The original passenger services which operated on these connecting lines have been changed to mixed train services and their frequency reduced; their contribution as feeder train services at the time of such changes is questionable.

*(5) That the deficit in passenger service alone should not be considered but the financial operation of the line as a whole.*

The Board has considered this argument many times in the past in similar applications and has held that it will not compel a Railway Company to continue a deficit passenger operation merely because other services on the same line may

be profitable, where to do so would be to require freight and other shippers to subsidize an uneconomic passenger service that is no longer patronized, or for which there is not a reasonable need by the public.

It is otherwise where the Railway Company's application is to abandon operation of a line of railway, including freight, passenger and all other railway services.

(6) *The residents of Rutland, Senlac and Evesham and area say that the train service is essential to their welfare.*

I would expect from the evidence to find that a hardship would result upon the residents of this particular area should the passenger service be discontinued. However, reference to the use made by the residents of these communities of trains 41 and 42 shows the following use from 1955 on:

#### RUTLAND

	1955	1956	1957	1958
January .....	13	71	2	4
February .....	21	76	3	7
March .....	33	106	—	5
April .....	41	66	2	19
May .....	17	5	—	—
June .....	5	2	1	C
July .....	15	1	3	L
August .....	18	4	2	O
September .....	8	1	2	S
October .....	2	3	2	E
November .....	13	—	1	D
December .....	43	7	2	
Total .....	229	342	20	35

#### SENLAC

	1955	1956	1957	1958
January .....	23	64	11	7
February .....	25	39	9	12
March .....	28	124	6	9
April .....	40	89	26	27
May .....	22	9	8	15
June .....	26	11	7	9
July .....	36	13	1	9
August .....	22	10	12	9
September .....	22	3	3	5
October .....	17	6	9	12
November .....	21	10	6	16
December .....	44	15	15	10
Total .....	326	393	113	140

## EVESHAM

	1955	1956	1957	1958
January .....	1	26	—	12
February .....	11	55	3	—
March .....	10	72	4	8
April .....	6	38	6	2
May .....	9	9	1	2
June .....	15	2	3	2
July .....	17	5	6	6
August .....	5	—	—	3
September .....	8	—	3	3
October .....	2	3	1	—
November .....	10	5	1	1
December .....	15	3	3	1
Total .....	109	218	31	40

During 1957 at Rutland there was an average of less than two tickets purchased each month.

During 1958 at Senlac there was an average of less than twelve tickets purchased each month.

During 1958 at Evesham there was an average of less than four tickets purchased each month.

In my opinion, this does not show a reliance on the passenger service.

- (7) *That the Company at one stroke is proposing to cancel a service that extends over 1,000 miles and has been in effect for nearly 50 years.*

This is substantially true. The railway mileage from Winnipeg to Edmonton is 848 miles. However, I cannot find on the evidence any justification for retaining any part of the service, nor can I find fault with the Company, if the whole passenger service on the line is a deficit operation, for applying in respect to the whole service.

- (8) *That this is the last remaining Canadian Pacific passenger service on this line and the last remaining Canadian Pacific main line passenger service in Northern Saskatchewan.*

This is true but I cannot find this a ground for retaining a service which, for other sufficient reasons, should be discontinued.

- (9) *That the discontinuance of train service should not be dealt with on a piece-meal basis but on a National basis.*

This might be desirable but questionable as to whether it could be achieved. Meanwhile, a railway company may apply to the Board to discontinue a service and the Board has a duty to hear and dispose of such an application.

- (10) *That there would have been more opposition to the application had the municipalities known that the annual deficit was not some \$698,000 per annum but only some \$472,000 per annum.*

I accept the statement of Counsel that at the time of the application to the Board the known deficit was that of some \$698,000 under steam operation and that only between that time and the hearing was the deficit under diesel operation determined (i.e., some \$472,000).

It may be that the Company could have furnished to the Board and to the municipalities earlier than at the hearing the deficit under diesel operation. However, a loss of some \$472,000 is still a large annual deficit. I cannot believe that a municipality that conceded the propriety of the application, believing the loss to be some \$698,000, would have opposed the application with conviction when it found that the deficit in fact was some \$472,000.

### CONCLUSIONS

#### (a) *Express Service*

Virtually all express, as well as L.C.L. freight, in that portion of the line in the Province of Manitoba is now handled by truck.

Dench of Canada now handles the L.C.L. freight in the area Edmonton to the Alberta-Saskatchewan boundary and the Company proposes that it should also handle express traffic.

The Company proposes to apply in the name of Canadian Pacific Express Company for P.S.V. licences in Manitoba and Saskatchewan to link these two services.

The Company has given the assurance previously referred to with reference to the handling of express.

I am unable to find that the handling of L.C.L. freight and express as proposed by the Company will cause such inconvenience to the public as would outweigh the anticipated saving to the Railway Company.

#### (b) *Passenger Service*

The residents of the Cities of Winnipeg, Yorkton, Saskatoon and Edmonton are reasonably served by other means of travel.

The area Winnipeg to Portage la Prairie is on the main line of the Canadian Pacific Railway and is served by trains on the main line as well as by bus service.

The area Edmonton to Wetaskiwin is served by the trains running between Edmonton and Calgary as well as by bus service.

The extent of the Company's line from Winnipeg to Saskatoon is served by the bus service of Greyhound Lines of Canada.

The extent of the Company's line from Wetaskiwin eastward to Macklin is served by the bus service of Sunburst Motor Coaches Limited.

The above areas are also served by good roads.

It is therefore the area from Saskatoon to Macklin with which we should be concerned.

From Saskatoon to Perdue there is a hard surfaced highway. From Perdue to Biggar there is an oiled surfaced highway. From Biggar to Wilkie there is a gravel road. Beyond Unity and towards Macklin it appears from the evidence that the road cannot be relied upon through winter months.

The use of these trains by the residents from Saskatoon to Unity is not great. The totals for 1958 were:

<i>Station</i>	<i>Tickets Purchased</i>
Asquith .....	546 (or an average of less than two passengers each day)
Perdue .....	506 (or an average of less than two passengers each day)

<i>Station</i>	<i>Tickets Purchased</i>	
Biggar .....	709	(or an average of less than two passengers each day)
Traynor .....	167	(in 1955, after which the station was closed)
Wilkie .....	1,966	(or an average of less than six passengers each day)
Phippen .....	81	(in 1954, after which the station was closed)
Adanac .....	55	(or an average of about one passenger each week)
Unity .....	84	(or an average of less than two passengers each week)

We should, I think, be most concerned about the area surrounding Rutland, Senlac and Evesham.

Evesham is on the main Provincial Highway and is fairly close to a bus service at Macklin. Senlac and Rutland are some nine to ten miles from Highway No. 14 and there is evidence that the roads may be much restricted or even impassable in that area during winter months. However, apparently the reliance upon the train service by the residents of these areas is not great. The total numbers of passengers in 1956, 1957 and 1958 were the following (the station at Rutland having been closed from May, 1958):

	1956	1957	1958
Rutland .....	342	20	35
Senlac .....	393	113	140
Evesham .....	218	31	40

The average in 1958 was, therefore, less than one passenger each day from all three towns combined. It was otherwise during the heavy winter of 1956, for in the months of January, February, March and April of that year the following numbers of tickets were purchased:

	<i>Rutland</i>	<i>Senlac</i>	<i>Evesham</i>
January .....	71	64	26
February .....	76	39	55
March .....	106	124	72
April .....	66	89	38
Totals .....	319	316	191

I cannot but conclude that the Company's services are, in the main, availed of when the roads are difficult or impassable for automobiles but that otherwise the residents of the area from Saskatoon to Macklin give but limited patronage to the train service.

I am unable to find that the discontinuance of trains 41 and 42 will work any real hardship on the residents generally of the area served by these trains. It may on occasion, however, result in hardship upon persons who must attend elsewhere for periodic medical attention. It may also result in hardship from time to time upon persons who may be seriously injured during severe winter conditions in the area of Rutland and Senlac. However, I must consider, not isolated instances of hardship, but the convenience generally of the public.

The Company has shown its loss on the operation of these trains to be some \$472,000 per annum. It has shown its anticipated financial improvement under the proposed service to be some \$487,000 per annum.

Those patronizing the Company's services elsewhere, whether they be passengers or shippers of freight, do, to some extent at least, bear the burden of a service operating at a deficit.

I find that the burden of continued operation of this service by the Railway Company outweighs the loss and inconvenience that will result to the public upon its discontinuance. I would, therefore, authorize Canadian Pacific Railway Company to discontinue passenger train service between Portage la Prairie and Wetaskiwin (other than the service provided by mixed trains 637 and 638 between Saskatoon and Asquith), and pursuant to that authority to discontinue trains Nos. 41 and 42.

The discontinuance of these trains will mean some readjustment for many people. Accordingly, the Company is not to discontinue these trains before the 24th day of April, 1960, nor before forty-five days after public notice of the discontinuance.

An Order will go accordingly.

H. H. GRIFFIN.

*I concur:*

J. M. WOODARD.

*I concur:*

W. M. IRWIN.

FEBRUARY 18, 1960.

## ORDER No. 100540

*In the matter of the application of the Canadian Pacific Railway Company dated April 3, 1959, for an Order approving the discontinuance of passenger train service (trains Nos. 41 and 42) between Portage la Prairie, Manitoba, and Wetaskiwin, Alberta:*

File No. 27563.56.38

THURSDAY, the 18th day of February, A.D. 1960

H. H. GRIFFIN, *Assistant Chief Commissioner.*

J. M. WOODARD, *Commissioner.*

W. R. IRWIN, *Commissioner.*

*Upon* hearing the application at a sittings of the Board held in Winnipeg, Manitoba, September 14, 1959, Edmonton, Alberta, September 17, 1959, and Saskatoon, Saskatchewan, September 21 and 22, 1959, in the presence of Counsel for the Canadian Pacific Railway Company, the Towns of Neepawa, Minnedosa and Birtle, and the Rural Municipalities of Strathclair and Harrison, and in the presence of representatives of the Town of Hardisty, the Town of Wilkie, Rural Municipalities of Buffalo No. 409, Reford No. 379, Tramping Lake No. 380, the Villages and Hamlets of Revenue, Tramping Lake, Leipzig, Handel, Cloan, Thackeray, Phippen, Adanac, Wolfe and Traynor, the Saskatoon Board of Trade, The Yorkton Chamber of Commerce, the Village of Senlac, the Rural Municipality of Senlac No. 411 and the Hamlet of Rutland, The Brotherhood of Locomotive Engineers, The Brotherhood of Locomotive Firemen and Enginemen and The Brotherhood of Railway Trainmen, the Saskatoon Railway Mail Clerks Association, the Town of Wynyard and the Rural Municipality No. 308—

*It is hereby ordered as follows:*

1. Subject to the provisions of paragraph numbered 2 of this Order, the Canadian Pacific Railway Company is authorized to discontinue wholly passenger train service at present provided between Portage la Prairie, Manitoba, and Wetaskiwin, Alberta, and pursuant to such authority may discontinue trains Nos. 41 and 42.

2. The authorization granted in paragraph numbered 1 of this Order does not apply to the service provided by mixed trains Nos. 637 and 638 between Saskatoon, Saskatchewan, and Asquith, Saskatchewan.

3. The discontinuance authorized in paragraph numbered 1 hereof shall not take effect before forty-five days after public notice of the said discontinuance has been posted by the Applicant at all ticket offices and at all stations on the said line, nor before the 24th day of April, 1960, whichever is the later.

4. A copy of the said notice shall be forwarded to the Director of Operation of the Board.

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

## ORDER No. 100364

In the matter of the application of the Canada Steamship Lines Limited, hereinafter called the "Applicant", for a licence under section 10 of the Transport Act:

File No. 42076.1

MONDAY, the 1st day of February, A.D. 1960

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

*It is hereby ordered as follows:*

Subject to any exemption granted pursuant to subsection 2 of section 12 of the Transport Act, Licence No. C.T.C. (W.T.) 364 is issued to the Applicant licensing, for the period of one year commencing January 15, 1960, the following ships to transport passengers and goods between all ports and places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior and their connecting waters including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans:

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Richelieu .....	150828	5527.80
St. Lawrence .....	153438	6327.53
Tadoussac .....	153447	7012.51

A. SYLVESTRE,  
*Deputy Chief Commissioner.*

## ORDER No. 100379

*In the matter of the application of Canada Steamship Lines Limited for a licence under section 10 of the Transport Act:*

File No. 42076.4.5

WEDNESDAY, the 3rd day of February, A.D. 1960

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*  
L J. KNOWLES, *Commissioner.*

Upon reading the submissions filed—

*It is hereby ordered as follows:*

Licence No. C.T.C. (W.T.) 365 is issued to Canada Steamship Lines Limited, for the year 1960, licensing the following ships to transport the goods specified herein in the areas designated herein with respect to each ship:

1. To transport motor vehicles, including passenger cars, trucks and other self-propelled vehicles, in deck loads, on Lakes Ontario, Erie, Huron (including Georgian Bay), and Lake Superior and their connecting waters, including St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans.

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Tonnage</i>
Ashcroft .....	152641	7726
Donnaconna .....	134015	8611
Georgian Bay .....	176116	11392
Hagarty .....	134250	7462
Hochelaga .....	190470	11997
Lemoyne .....	152647	10480

To transport pipe; also to transport motor vehicles, including passenger cars, trucks and other self-propelled vehicles, in deck loads, on Lakes Ontario, Erie, Huron (including Georgian Bay), and Lake Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans.

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Tonnage</i>
Coverdale .....	190493	11996

A. SYLVESTRE,  
*Deputy Chief Commissioner.*

## ORDER No. 100391

*In the matter of the application of Canada Steamship Lines Limited for a licence under section 10 of the Transport Act:*

File No. 42076.4.2

THURSDAY, the 4th day of February, A.D. 1960

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

Upon reading the submissions filed—

*It is hereby ordered as follows:*

Subject to any exemption granted pursuant to subsection 2 of section 12 of the Transport Act, Licence No. C.T.C. (W.T.) 366 is issued to the Canada Steamship Lines Limited licensing, for the year 1960, the following ships to transport goods by water between all ports and places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay), and Lake Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans.

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Barrie .....	151045	1823.67
Battleford .....	148134	2357.31
Beaverton .....	125440	2011.81
Calgarian .....	112205	2272.01
City of Hamilton .....	153423	1665.43
City of Kingston .....	152837	1689.81
City of Montreal .....	153422	1665.43
City of Toronto .....	152838	1687.62
City of Windsor .....	154463	1905.11
Collingwood .....	117089	4545.10
Edmonton .....	122856	1982.90
Elgin .....	145518	1906.37
Eskimo .....	311755	4462.42
Fairmount .....	68808	1851.28
Fernie .....	154461	2418.61
Fort Henry .....	176118	5728.94
Fort York .....	188391	6021.44
Glenelg .....	150237	2309.43
Grainmotor .....	154473	1829.13
Hastings .....	145533	1905.55
Iroquois .....	176119	2299.89
Kinmount .....	138187	1711.01
Lethbridge .....	147702	2406.71
Metis .....	198480	3327.95
Renvoyle .....	148133	3571.08
Saskatoon .....	153436	2411.94
Selkirk .....	152859	2384.38
Simcoe .....	145511	1783.44
Starmount .....	145609	1859.40
Teakbay .....	154462	1894.96
Westmount .....	138232	7392.20
Weyburn .....	153437	2407.60
Winnipeg .....	152854	2382.51

A. SYLVESTRE,  
*Deputy Chief Commissioner.*

## ORDER No. 100487

*In the matter of the application of January 22, 1960, of the British Columbia Telephone Company under the provisions of Chapter 66 of the Statutes of Canada 6-7 Geo. V, as amended by Chapter 36 of 4-5 Geo. VI, Chapter 86 of II Geo. VI, Chapter 85 of 15 Geo. VI and Chapter 40 of 6 Elizabeth II for an Order approving the amount, terms and conditions of the issue and sale or other disposition of a total number of preferred shares of its capital stock not to exceed one hundred and twenty thousand (120,000) shares of par value of \$100.00 each:*

File No. 29885.13

MONDAY, the 15th day of February, A.D. 1960

H. H. GRIFFIN, *Assistant Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

W. R. IRWIN, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Ottawa on the 15th day of February, 1960, in the presence of Counsel for the Applicant Company, no one appearing in opposition; and upon hearing what was alleged; and upon reading what has been filed in support of the application, public notice of such application having been published in The Canada Gazette, and its appearing that the proposed issue is necessary for the purpose of financing the capital requirements of the Applicant Company and to meet existing obligations and commitments—

*It is hereby ordered as follows:*

1. The amount, terms and conditions of a proposed issue and sale of preferred shares of the capital stock of the Applicant Company are hereby approved as follows:

- (a) The said issue and sale shall be of not more than one hundred and twenty thousand (120,000) of such preferred shares.
- (b) The price at which such preferred shares shall be issued and sold shall not be less than one hundred dollars (\$100.00) per share.
- (c) Such preferred shares shall bear a rate of dividend not greater than six and a quarter per cent ( $6\frac{1}{4}\%$ ) per annum.
- (d) Such issue and sale shall not be effected until all conditions precedent thereto whether imposed by Statute or otherwise shall have been met by the Applicant Company.
- (e) The commission paid to the underwriters by the Applicant Company shall not exceed three dollars and fifty cents (\$3.50) per share.
- (f) Subject to the foregoing, such issue and sale may be made no later than the 30th day of April, 1960.

H. H. GRIFFIN,  
*Assistant Chief Commissioner.*

## CIRCULAR No. 283

OTTAWA, February 5, 1960

File No. 27612.65

*Amendment or Cancellation of Competitive Rates on Less than  
Thirty Days' Notice.*

The issuance of competitive tariffs is authorized by Section 331 of the Railway Act and, by section 333 of the Act, such tariffs are to be filed with the Board upon such notice as the Board may direct or permit. Rule 17 of the Board's tariff regulations, Tariff Circular No. 1, implements to the extent stated therein the provisions of Section 334(1) of the Act whereby the Board is authorized to allow competitive rates to be acted upon prior to filing of the required tariff. However, increases in competitive rates, or the cancellation thereof which usually involves an increase in rates, are required by the Board's regulations to be filed on thirty days' notice.

Under the provisions of Section 334(2) of the Act, which was enacted as an amendment in 1951, the Board is empowered to require certain information concerning competitive rate action, thereby implying that where the competitive conditions justifying the issuance of a competitive rate do not exist, or have substantially changed or ceased to exist, the Board may exercise its powers under the Act, particularly Section 328; and direct such action as the Board may deem necessary.

The Board has now received an application from the railways to amend immediately Tariff Circular No. 1, (which is out of print and currently undergoing revision), to provide that competitive rates published and already in effect may be amended or cancelled without notice to meet changes in competitive conditions. Before giving consideration to this application, the Board invites an expression of the views of interested parties and requests that they be submitted in triplicate to the Secretary of the Board of Transport Commissioners for Canada, Union Station Building, Ottawa, not later than March 15, 1960.

By Order of the Board,

C. W. RUMP,  
*Secretary.*ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT  
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,  
DECEMBER, 1959.

Railway Accidents .....	151	Killed	4	Injured	164
Level Crossing Accidents .....	46	Killed	17	Injured	62
	<hr/>		<hr/>		<hr/>
Total .....	197		21		226
	<hr/>		<hr/>		<hr/>

		<i>Killed</i>	<i>Injured</i>
Passengers .....	—	—	22
Employees .....	2	2	130
Others .....	19	19	74
	<hr/>	<hr/>	<hr/>
		21	226
	<hr/>	<hr/>	<hr/>

## DETAILS OF THE ACCIDENTS AT HIGHWAY CROSSINGS

*Killed Injured*

## NEWFOUNDLAND

- 1 Automobile struck by train. Licence not given.
- 1 Auto truck ran into side of train. Licence: Nfld. C-13603.

## NEW BRUNSWICK

- 1 Automobile ran into side of train. Licence: NB 83-645.
- 1 Automobile ran into side of train. Licence: NB 1-174.
- 1 Auto truck struck by train. Licence: NB C-19483.

## QUEBEC

- 1 — Auto truck ran into side of train. Licence: Que. FK-7295.
- 2 Automobile struck by train. Licence: Que. 768-687.
- 1 Automobile struck by train. Licence: Que. 310-674.
- 1 Auto truck ran into side of train. Licence: Que. FP-6354.
- 1 1 Auto truck struck by train. Licence: Que. L-131.
- 1 Automobile struck by train. Licence: Que. 474-928.
- 2 Automobile struck by train. Licence: Que. 468-119.
- 4 2 Automobile ran into side of train. Licence: Que. 765-669.
- 1 1 Automobile struck by train. Licence: Que. 535-258.
- 1 Auto truck struck by train. Licence: Que. FA-4122.
- 1 Auto truck ran into side of train. Licence: Que. N-44124.
- 2 — Automobile ran into side of train. Licence: Que. 430-870.

## ONTARIO

- 1 Auto truck struck by train. Licence: Ont. 404-58-C.
- 1 Automobile struck by train. Licence: Ont. 896-503.
- 1 Automobile struck by train. Licence: Ont. 584-336.
- 1 Auto truck struck by train. Licence: Ont. A-46411.
- 1 Auto truck struck by train. Licence: Ont. 16781-A.
- 1 Automobile ran into side of train. Licence: Ont. B-46292.
- 11 Auto bus struck by train.
- 2 Automobile struck by R.D. Car. Licence: Ont. H-53962.
- 2 Automobile skidded into side of train. Licence: Ont. C-54179.
- 1 Automobile struck by train. Licence: Ont. 969-295.
- 1 Automobile ran into side of train. Licence: Ont. 413-177.
- 2 — Automobile struck by train. Licence: Ont. L-17107.
- 1 Auto truck skidded into side of train. Licence: Ont. 13330-A.
- 1 Auto truck struck by train. Licence: Ont. 19-644-C.
- 1 Automobile struck by train. Licence not given.
- 1 Automobile ran into side of train. Licence: Ont. L-46431.
- 3 Automobile ran into side of train. Licence: Ont. 708-405.
- 1 2 Automobile struck by train. Licence: Ont. 654-522.
- 1 Automobile ran into side of train. Licence: Ont. 873-889.
- 1 Automobile ran into side of train. Licence: Ont. A-22710.
- 1 Automobile struck by train. Licence: Ont. 940-830.

## MANITOBA

- 1 1 Auto truck struck by train. Licence: Man. 76-414.
- 1 Automobile ran into side of train. Licence: Man. 7-K-11.
- 1 Automobile ran into side of train. Licence: Man. 29-G-35.

## SASKATCHEWAN

- 1 Automobile struck by train. Licence: Sask. 78046.
- 1 Auto truck struck by train. Licence: Sask. F-55409.

## ALBERTA

- 2 3 Automobile ran into side of train. Licence: Alta. HK-317.
- 1 1 Automobile struck by train. Licence: Alta. MA-618.
- 1 — Auto truck ran into side of train. Licence: Alta. 260-693.

Of the 46 accidents at Highway Crossings, 36 occurred at unprotected crossings, 10 at protected crossings, 25 after sunrise and 21 after sunset.

OTTAWA, Ontario, February 1, 1960.

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 100290 Jan. 21—Authorizing the C.N.R. to operate under the overhead bridge in Lot 26, Conc. 12, Twp. of Otonabee, Ont., Mileage 61.12 Campbellford Subd.
- 100291 Jan. 22—Approving tolls published in tariffs filed by the C.P.R. under section 8 of the Maritime Freight Rates Act.
- 100292 Jan. 22—Authorizing the Alberta Department of Highways to reconstruct the underpass which carries Highway No. 21 under the C.P.R. near Alix, Mileage 74.6 Lacombe Subd.
- 100293 Jan. 22—Relieving the C.P.R. from erecting right of way fencing on the west side of its right of way between Mileages 25.3 and 25.9 Aldersyde Subd., Alta.
- 100294 Jan. 22—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and Highway No. 20, in the Parish of Ste. Rosalie, P.Q., Mileage 124.95 Drummondville Subd.
- 100295 Jan. 22—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 44.28 Ste. Agathe Subd., P.Q.
- 100296 Jan. 22—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. near Nissouri, Ont., Mileage 106.5 Galt Subd.
- 100297 Jan. 25—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Lacadie Station Road in Lacadie, P.Q., Mileage 18.67 Rouses Point Subd.
- 100298 Jan. 25—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Drummond Road, Twp. of Stamford, Ont., Mileage 1.91 Welland Subd.
- 100299 Jan. 25—Requiring the C.N.R. to install automatic protection at crossing of their railway and Highway No. 25 at Burlington, Ont., Mileage 1.36 Milton Subd.
- 100300 Jan. 25—Approving tolls published in tariffs filed by the C.N.R. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 100301 Jan. 25—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Hunt Club Road in Ottawa, Ont., Mileage 5.60 Prescott Subd.
- 100302 Jan. 25—Requiring the C.N.R. to install and maintain a timing circuit to minimize the unnecessary operation of the protection at crossing of their railway and Clarkson Road, in Clarkson, Ont., Mileage 16.09 Oakville Subd.
- 100303 Jan. 25—Authorizing the City of Montreal to reconstruct the subway at intersection of the C.N.R. and Wellington St. in Montreal, P.Q., Mileage 1.5 Hibernia Subd.
- 100304 Jan. 25—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Pitt Street, in Florence, N.S., Mileage 93.63 Sydney Subd.
- 100305 Jan. 25—Authorizing the Manitoba Department of Public Works to widen Highway No. 18 where it crosses the C.N.R. at Ninette, Man., Mileage 12.57 Hartney Subd.
- 100306 Jan. 25—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Clover Bar, Alta., Mileage 165.2 Willingdon Subd.
- 100307 Jan. 25—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. west of Millikens, Ont., Mileage 52.85 Uxbridge Subd.
- 100308 Jan. 25—Authorizing the removal of the speed limitation at the crossing of the C.N.R. and Park St., west of station at Kitchener, Ont., Mileage 63.40 Brampton Subd.

- 100309 Jan. 25—Authorizing the C.N.R. to install signals on their Quibell Subd., Ont.
- 100310 Jan. 25—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 100311 Jan. 26—Authorizing the Municipality of Metropolitan Toronto to reconstruct the subway carrying Avenue Road under the C.P.R. and C.N.R. at Mileage 2.6 North Toronto Subd. of the C.P.R.
- 100312 Jan. 26—Authorizing the C.N.R. to remove the Caretaker at Jarrow, Alta.
- 100313 Jan. 26—Authorizing the City of Valleyfield, P.Q., to construct Alexander Street across the C.N.R.
- 100314 Jan. 26—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 100315 Jan. 26—Amending Order 99111 which authorized the installation of flashing light signals at crossing of the C.N.R. and Ridge Road in Ridgeway, Ont., Mileage 9.04 Dunnville Subd.
- 100316 Jan. 27—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Central Avenue (Sutherland) in Saskatoon, Sask., Mileage 109.78 Sutherland Subd.
- 100317 Jan. 27—Approving plan submitted by the C.N.R. showing the relocation of their main line between Ansell and Bickerdike, Alta., between Mileage 4.79 and Mileage 8.67 Brule Subd., and authorizing the construction of the said relocated line of their railway.
- 100318 Jan. 27—Authorizing the Municipal District of Wheatland No. 40, Alta., to construct the highway across the C.P.R. between Secs. 20 and 29, Twp. 25, Rge. 24, W.4M., Mileage 54.9 Irricana Subd.
- 100319 Jan. 27—Authorizing the C.N.R. to operate under the temporary overhead trestle over their track at Mileage 2.24 Strathroy Subd., Ont.
- 100320 Jan. 27—Requiring the C.P.R. to install automatic protection at the crossing of their railway and County Road No. 5 in Claremont, Ont., Mileage 74.17 Peterboro Subd.
- 100321 Jan. 27—Approving proposed flammable liquid storage facilities of North Star Oil Limited at Wabowden, Man., Mileage 136.40 Wekusko Subd.
- 100322 Jan. 27—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at Acme., Alta., Langdon Subd.
- 100323 Jan. 27—Authorizing the Co. of Athabasca No. 12, Alta., to construct the highway across the N.A.R. at Mileage 76.6 Lac La Biche Subd.
- 100324 Jan. 27—Authorizing the removal of the speed limitation at the crossing of Myrtle Ave. and the C.P.R. in Yorkton, Sask., Mileage 26.13 Wynyard Subd.
- 100325 Jan. 27—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R., Mileage 142.23 Margo Subd., Sask.
- 100326 Jan. 28—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and Price Brothers and Company Limited.
- 100327 Jan. 28—Authorizing the C.N.R. to remove the Caretaker at Goodwater, Sask.
- 100328 Jan. 28—Authorizing the Saskatchewan Dept. of Highways and Transportation to widen Highway No. 4 across the C.N.R. at Mileage 49.53 Elrose Subd.
- 100329 Jan. 28—Approving proposed flammable liquid storage facilities of Canadian General Transit Company at Emery, Ont., Mileage 8.38 MacTier Subd.
- 100330 Jan. 28—Approving flammable liquid storage facilities of Imperial Oil Limited at Swan River, Man., Mileage 98.48 Cowan Subd.
- 100331 Jan. 28—Approving proposed flammable liquid storage facilities of Drake Co-Operative Assoc. Limited at Drake, Sask., Lanigan Subd.

- 100332 Jan. 28—Imposing a speed restriction on the C.N.R. at the crossing of Theodore Ave. in Montreal, P.Q., Mileage 8.87 Longue Pointe Subd.
- 100333 Jan. 28—Approving flammable liquid storage facilities of Imperial Oil Limited at Climax, Sask., Notukeu Subd.
- 100334 Jan. 28—Authorizing the C.N.R. to make changes in the protection installed at the crossing of their railway and Main St. in Palmerston, Ont., Mileage 0.20 Owen Sound Subd.
- 100335 Jan. 28—Imposing a speed restriction at the crossing of The Midland Rly. Company of Manitoba and McPhillips St. in the City of Winnipeg, Man.
- 100336 Jan. 28—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 1.95 Keewatin Subd., Town of Kenora, Ont.
- 100337 Jan. 28—Authorizing the removal of the speed limitation at the crossing of Royal Street (Highway No. 3) and the C.N.R. in Sorel, P.Q., Mileage 45.45 Sorel Subd.
- 100338 Jan. 29—Relieving the C.P.R. from erecting right of way fencing on the south side of its right of way between Mileage 57.1 and Mileage 57.8 Carberry Subd., Man.
- 100339 Jan. 29—Approving clearances on the C.P.R. siding serving the Borden Company Limited in Ingersoll, Ont., at Mileage 9.97 St. Thomas Subd.
- 100340 Jan. 29—Approving tolls published in tariffs filed by the Canadian Freight Association under Section 3 of the Maritime Freight Rates Act.
- 100341 Jan. 29—Authorizing the Manitoba Dept. of Public Works to widen Highway No. 59 where it crosses the C.N.R. in the Village of Tolstoi, Mileage 51.74 Ridgeville Subd.
- 100342 Jan. 29—Authorizing the C.N.R. to construct an extension of their siding across the unopened road allowance at Mileage 33.12, and across the highway at Mileage 32.08 Wabamun Subd., Alta.
- 100343 Jan. 29—Declaring the crossing of North Alarton St. and the C.N.R. in the Twp. of Toronto, Ont., Mileage 15.27 Brampton Subd., to be a public crossing.
- 100344 Jan. 29—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. in Strathclair, Man., Mileage 27.4 Bredenbury Subd.
- 100345 Jan. 29—Authorizing the removal of the speed limitation at the crossing of Gilmore Ave. and the Great Northern Rly. Co. in Burnaby, B.C.
- 100346 Jan. 29—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Mileage 26.17 St. Agathe Subd., P.Q.
- 100347 Jan. 29—Requiring the C.P.R. to install automatic protection at the crossing of their railway and Walkley Road, in Ottawa, Ont., Mileage 0.35 Sussex St. Subd.
- 100348 Jan. 29—Extending the time within which the C.N.R. are required to install automatic protection at the crossing of their railway and 50th Street in Vegreville, Alta., Mileage 57.1 Vegreville Subd.
- 100349 Jan. 29—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Kalar Road, in Welland, Ont., Mileage 4.02 Welland Subd.
- 100350 Feb. 1—Approving revisions to tariffs filed by the British Columbia Telephone Company.
- 100351 Feb. 1—Rescinding Order No. 56104 which approved the location of facilities of Cities Service Oil Co. Limited, for the handling and storage of flammable liquids in the C.P.R. Company's yards at Owen Sound, Ont.
- 100352 Feb. 1—Authorizing the C.P.R. to close as an Agency its station at Hoyt, N.B.

- 100353 Feb. 1—Approving flammable liquid storage facilities of Imperial Oil Limited at Sedgewick, Alta., Wetaskiwin Subd., C.P.R.
- 100354 Feb. 1—Authorizing the removal of the speed limitation at the crossing of Onondaga Township Road and the C.N.R. at Mileage 71.0 Dunnville Subd., Ont.
- 100355 Feb. 1—Authorizing the City of Calgary, Alta., to widen 12th Street East where it crosses the C.P.R.
- 100356 Feb. 1—Approving operation of the C.P.R. over the private siding serving Dymer Plastics Limited in Lambton Park, Alta., Mileage 169.6 Willingdon Subd.
- 100357 Feb. 1—Authorizing the Manitoba Dept. of Public Works to widen the highway where it crosses the C.P.R. at Mileage 66.74 Glenboro Subd.
- 100358 Feb. 1—Authorizing the C.P.R. to construct a reinforced concrete lining in the tunnel at Mileage 71.3 Princeton Subd., B.C.
- 100359 Feb. 1—Approving flammable liquid storage facilities of Imperial Oil Limited at Bateman, Sask., Gravelbourg Subd., C.N.R.
- 100360 Feb. 1—Approving flammable liquid storage facilities of the C.N.R. at Niagara Falls, Ont., Grimsby Subd.
- 100361 Feb. 1—Requiring the C.P.R. to install automatic protection at the crossing of its railway and the intersection of Brookfield Road and Junction Ave. in Ottawa, Ont., Mileage 3.54 Prescott Subd.
- 100362 Feb. 1—Authorizing the City of Ste. Foy, P.Q., to construct Church St. across the C.N.R. at Mileage 1.04 Champlain Subd.
- 100363 Feb. 1—Authorizing the City of Ste. Foy, P.Q., to construct the highway across the C.N.R. at Mileage 0.46 Champlain Subd.
- 100364 Feb. 1—Granting the issuance of a Licence No. C.T.C. (W.T.) 364 to Canada Steamship Lines Limited.
- 100365 Feb. 1—Amending Order No. 99800 which authorized the installation of automatic protection at the crossing of Clarke Side Road and the C.P.R., north of Dundas St., Ont., Mileage 110.62 Galt Subd.
- 100366 Feb. 1—Authorizing the Township of Etobicoke, Ont., to construct Six Point Road across the industrial track of the C.P.R. in part of Lot 13, First Meridian Conc.
- 100367 Feb. 1—Authorizing the C.N.R. to make changes in the protection at the crossing of their railway and County Road, south of Moorefield, Ont., Mileage 65.67 Fergus Subd.
- 100368 Feb. 1—Authorizing the C.P.R. to relocate the signals at the crossing of its railway and Islington Ave. in Toronto, Twp. of Etobicoke, Ont..
- 100369 Feb. 2—Requiring the C.P.R. to install automatic protection, in lieu of the existing protection, at the crossing of its railway and Beaubien St., in Montreal, P.Q., Mileage 5.42 Park Avenue Subd.
- 100370 Feb. 2—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 100371 Feb. 2—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 100372 Feb. 2—Approving operation of the C.N.R. over the private siding serving the Simcoe Leaf Tobacco Company Ltd., at Mileage 73.54 Cayuga Subd., Ont.
- 100373 Feb. 2—Authorizing the C.P.R. to construct an extension of its siding in the Twp. of Pickering, Ont., Mileage 87.48 Oshawa Subd.
- 100374 Feb. 3—Approving tolls published by the Canadian Freight Assoc. under Sections 3 and 8 of the Maritime Freight Rates Act.
- 100375 Feb. 3—Authorizing the Town of Senneterre, P.Q., to construct the highway across the C.N.R. at Mileage 135.14 Oskalaneo Subd.
- 100376 Feb. 3—Approving operation of the C.N.R. over the four private sidings which cross the diversion of No. 10 Side Road in the Twp. of North Oxford, Ont.

- 100377 Feb. 3—Authorizing the C.N.R. to remove the caretaker at Gowanstown, Ont.
- 100378 Feb. 3—Amending Order No. 89293, re apportionment of cost of relocating Highway No. 3 across the C.P.R. at Mileage 86.0 to a point west of the overhead bridge at Mileage 88.88, and the construction of a pedestrian crossing at Mileage 86.84, all in Boundary Subd.
- 100379 Feb. 3—Granting a licence to Canada Steamship Lines Limited, under Section 10 of the Transport Act.
- 100380 Feb. 3—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Roosevelt Ave., Ottawa, Ont., Mileage 1.96 Carleton Place Subd.
- 100381 Feb. 3—Approving flammable liquid storage facilities of Assiniboia Co-Operative Assoc. at Assiniboia, Sask., C.P.R.
- 100382 Feb. 3—Approving flammable liquid storage facilities of Manitou Lake Co-Operative Assoc. Limited at Neilburg., Sask., C.P.R.
- 100383 Feb. 3—Approving flammable liquid storage facilities of British American Oil Company Limited at Cranbrook, B.C., Mileage 98.4 Cranbrook Subd., C.P.R.
- 100384 Feb. 3—Approving flammable liquid storage facilities of North Star Oil Limited at Baldwinton, Sask., Lloydminster Subd., C.P.R.
- 100385 Feb. 3—Approving proposed flammable liquid storage facilities of Imperial Oil Limited at St. James, Man., C.N.R.
- 100386 Feb. 3—Approving flammable liquid storage facilities of Imperial Oil Limited at Imperial, Sask., Colonsay Subd., C.P.R.
- 100387 Feb. 3—Approving flammable liquid storage facilities of Imperial Oil Limited at St. Michael, Alta., Willingdon Subd., C.P.R.
- 100388 Feb. 3—Approving flammable liquid storage facilities of North Star Oil Limited at Andrew, Alta., Willingdon Subd., C.P.R.
- 100389 Feb. 5—Amending Order No. 97788 in the matter of reflective markings on the sides of railway cars.
- 100390 Feb. 4—Rescinding Order 73328, which approved the location of facilities of Imperial Oil Limited for the handling and storage of flammable liquids near the C.P.R. at Gadsby, Alta.
- 100391 Feb. 4—Approving application of Canada Steamship Lines Limited for a licence under section 10 of the Transport Act.
- 100392 Feb. 4—Approving revisions to tariffs filed by the British Columbia Telephone Company.
- 100393 Feb. 4—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.
- 100394 Feb. 4—Authorizing the Manitoba Department of Public Works to widen the highway where it crosses the C.P.R. at Mileage 42.5 Napinka Subd.
- 100395 Feb. 4—Authorizing the C.P.R. to remove the caretaker at Algoma, Ont.
- 100396 Feb. 4—Approving the abandonment of operation of the C.N.R. of their Lake St. Joseph Branch of the Batiscan Subd., P.Q.
- 100397 Feb. 4—Authorizing the C.N.R. to close within the limits of their right of way the existing crossing of the railway and the highway at Mileage 64.8 Sangudo Subd., Alta.
- 100398 Feb. 4—Amending Order No. 99298, re apportionment of cost of improving the approach grade at the crossing of the C.N.R. and Brimley Road, Mileage 324.22 Oshawa Subd., Ont.
- 100399 Feb. 4—Authorizing the removal of the speed limitation at the crossing of Munro St. and the C.P.R. in Renfrew, Ont., Mileage 59.05 Chalk River Subd.



# The Board of Transport Commissioners for Canada

## Judgments, Orders, Regulations and Rulings

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*In the matter of the application, as amended, of Upper Lakes Shipping Limited for a licence under Part II of the Transport Act to transport goods (other than goods in bulk) by water, initially on unscheduled service, from any port or place on the Great Lakes to any other port or place on the Great Lakes.*

File 42076.22

Heard at Ottawa, November 16 and 17, 1959.

*Before:*

ROD KERR, Q.C., *Chief Commissioner.*

H. H. GRIFFIN, *Assistant Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

*Appearances:*

JOHN M. GODFREY, Q.C., and ROGER G. DOE for Upper Lakes Shipping Limited.

HAZEN HANSARD, Q.C., for Canada Steamship Lines Limited.

K. D. M. SPENCE, Q.C., and A. J. ALLISTON for Canadian Pacific Railway Company.

E. D. ANGERS for Canadian National Railways.

### J U D G M E N T

BY THE BOARD:

The Upper Lakes and St. Lawrence Transportation Company Limited (now the Upper Lakes Shipping Limited and hereinafter referred to as "the applicant" or "Upper Lakes") made application to the Board on August 19, 1958 for a water-transport licence covering the carriage of skelp and other steel products from Hamilton, Ontario, to Fort William and Port Arthur, Ontario,

and to other ports or places on the Great Lakes\*, for the account of Dominion Foundries and Steel Limited (ordinarily referred to as "Dofasco"). The said application was in respect of seven vessels out of a fleet of thirty-four operated by the applicant and the accompanying written submissions stated that it was not intended to carry any general package freight† in opposition to any other steamship line, nor to operate on any definite schedule. Submissions in opposition thereto were subsequently received from the Canada Steamship Lines Limited, the Canadian National Railways and the Canadian Pacific Railway Company and, following a request from the Board for the applicant's further submissions with respect to those made by the railways, solicitors for the applicant advised the Board on December 30, 1958 that they had been instructed to prepare submissions which would be forwarded in the near future.

In May of 1959, the Board learned that the applicant was desirous of furnishing a general package freight service on the Great Lakes, instead of a service restricted to the carriage of skelp and other steel products, and drew the attention of the applicant to the provisions of subsections 2 of Section 5 of The Transport Act, 1938 (chapter 53 of the Statutes of 1938) as amended by chapter 25 of the Statutes of 1944. This subsection, popularly referred to as the "grandfather rights" clause, does not appear in the 1952 consolidation of the Transport Act although it has not been repealed. Under its provisions, the Board is required to accept satisfactory proof of certain facts as evidence of public convenience and necessity and to issue a licence accordingly. Since the said subsection was unrepealed and several vessels operated by Upper Lakes had originally qualified thereunder in 1939, the Board advised the applicant that it was also prepared to consider any submission it might care to make with respect to the issuance of a water-transport licence under the terms of subsection 2 of Section 5 for such of its vessels that could qualify thereunder.

The application now before us, as amended August 10, 1959, is for a licence under Part II of the Transport Act, R.S.C. 1952, c. 271, to transport goods, (other than "goods in bulk", as defined in the Act), by water on eleven of the applicant's vessels, initially on unscheduled service between all ports or places on the Great Lakes, and it is submitted by the applicant that the proposed service is and will be required by present and future public convenience and necessity. In the case of six of the vessels, the applicant submits that the provisions of unrepealed subsection 2 of Section 5 of The Transport Act, 1938, apply and that a case for public convenience and necessity has been made out.

The amended application is supported by Dofasco and is opposed by the Canada Steamship Lines, the Canadian National Railways, the Canadian Pacific Railway Company and Northwest Steamships Limited. The last-named company, however, did not appear at the hearing to substantiate by evidence the statements made in its written submission.

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\*The term "Great Lakes" is defined in Section 2(1) (e) of the Transport Act as "Lakes Ontario, Erie, Huron, (including Georgian Bay), and Superior, and their connecting waters, and includes the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans".

†The term "package freight" is not referred to, or defined, in the Transport Act. As used colloquially in shipping circles, it usually means goods in packages, as distinguished from bulk. The Act, however, defines certain goods as "goods in bulk" for the purposes of the Act as follows:

"2.(1) (d). 'goods in bulk' means the following goods laden or freightened in ships, and except as herein otherwise provided, not bundled or enclosed in bags, bales, boxes, cases, crates, crates or any other container:

- (i) grain and grain products, including flour and mill feeds in bulk or in sacks,
- (ii) ores and minerals (crude, screened, sized, refined or concentrated, but not otherwise processed), including ore concentrates in sacks, sand, stone and gravel, coal and coke, liquids,
- (iii) pulpwood, woodpulp, poles and logs, including pulpwood and woodpulp in bales, and
- (iv) waste paper loaded as full ship's cargo, iron and steel scrap and pig iron."

The eleven vessels in respect of which licences are sought are as follows:

<i>Vessel Name</i>	<i>Official Register No.</i>	<i>Gross Tonnage</i>	<i>Licences previously issued under Transport Act or the 1938 Act</i>
1. Brown Beaver .....	160721	1,892	} To Upper Lakes for each year from 1939 to 1955 inclusive.
2. Grey Beaver .....	160722	1,892	
3. L. A. McCorquodale (formerly Ralph Budd) ....	154862	4,537	
4. James B. Eads .....	153126	3,865	To Norris Steamships Limited for the years 1939 and 1940; to Upper Lakes for each year from 1941 to 1943 inclusive.
5. Blue River .....	155295	1,817	To Blue Line Motorships Limited for the years 1939 and 1940; to Upper Lakes for each year from 1941 to 1943 inclusive.
6. John Ericsson .....	154863	3,650	} Not previously licensed.
7. R. Bruce Angus .....	192769	11,815	
8. James Norris .....	178247	12,463	
9. Gordon C. Leitch .....	178248	12,460	
10. Frank A. Sherman .....	189894	15,157	
11. Seaway Queen .....	311399	16,063	

Although the amended application is for a licence to transport package freight in a general service on the Great Lakes, counsel for the applicant stated at the outset of the hearing that the applicant was not trying to get into the package freight business as such but desired to carry only certain types of goods which it contended could be carried more conveniently and more economically in bulk-freight vessels. Witnesses for the applicant submitted evidence only with respect to the carriage of two kinds of goods: (1) iron and steel articles, (consisting principally of skelp from Hamilton to Fort William-Port Arthur, destined to Regina, Sask., and Edmonton, Alta.; plates, strips and bars from Hamilton to Fort William-Port Arthur, destined to western Canada; and tinplate from Hamilton to Montreal), and (2) cement from Clarkson, Ontario, to Fort William-Port Arthur. All such goods are subject to the provisions of the Act.

The general traffic manager of Dofasco stated that his company was interested in saving handling and loading costs and referred to the general trend towards larger packages or shipping units that could be manipulated more economically than smaller ones. Coils of skelp weighing up to ten tons each had been shipped by water by Dofasco and it was anticipated that even larger units would be shipped in the future. All shipments via Canada Steamship Lines were picked up by that carrier's trucks at the Dofasco plants, generally between the normal working hours of 8:00 a.m. to 5:00 p.m. (although service outside such hours had been provided on request) and the cost of pick-up and of loading vessels was included in the carrier's freight rates. It was stated that coils of skelp up to six tons were side-loaded into vessels at Canada Steamship Lines' Hamilton dock by means of fork-lift trucks, but that coils of greater weight were handled by the carrier over the Weaver Coal Company's dock and loaded through top hatches using a crawler derrick and a "C" hook.

Dofasco's traffic manager described the operation of the ore bridges at his company's dock and stated that skelp could be loaded by such bridges at an estimated rate of 120 tons per hour, compared with a maximum rate of 75 tons per hour for the type of crawler derrick used by Canada Steamship Lines.

Shipments of ore to Dofasco were transported almost exclusively in Upper Lakes' vessels and, if the applicant were granted a licence, Dofasco would load skelp into these vessels at the same time that ore was being discharged at its dock. In addition to the skelp movement, it would be possible to load the applicant's vessels with tin plate to Montreal, three or four packages or integrated skids being banded together for the purpose of sling-loading by the ore bridges.

He stated that the shipment of outbound materials in the vessels of the applicant would permit Dofasco to even out peaks and valleys in its shipping operations by enabling it to move skelp to its dockside at the most convenient time, ordinarily from midnight to about 4:00 a.m. This in turn would eliminate the need for a highway transport marshalling yard which, it was stated, Dofasco would have to build in some central location in order to secure control of truck pick-ups at its plants. In this connection, he stated that, in addition to the truck pick-ups made by Canada Steamship Lines, a majority of sales were made on an f.o.b. plant basis under which customers insisted on highway transport for the movement of a substantial amount of outbound material.

All Dofasco's shipments to date on the Great Lakes and St. Lawrence River have been carried by the Canada Steamship Lines and there was no suggestion at the hearing that this carrier had failed at any time to furnish whatever service had been requested. Under cross-examination, the traffic manager agreed that the need for a truck marshalling yard at Dofasco's plants was a result of that company's growth; that vessels of the Canada Steamship Lines of the same size as Upper Lakes' ore vessels could be physically loaded at Dofasco's dock by means of the ore bridges, except that Dofasco required the use of its dock space for unloading coal and ore; and that the loading of skelp concurrently with the discharge of ore had not yet been done. In response to a question from the Board as to what other advantages Dofasco expected to gain from the use of Upper Lakes' vessels, he replied that he felt his company could obtain a lower rate on skelp to the Lakehead from the applicant which, combined with the rail rate beyond, would materially reduce the through rate to western Canada.

Evidence with respect to the volume of Dofasco's shipments was given by its secretary and comptroller who stated that approximately 75,000 tons of iron and steel products had been shipped to western Canada during 1958, of which over 50,000 tons consisted of skelp. Detailed figures of shipments by type of carrier were later supplied to the Board on a privileged basis. The skelp shipped to western Canada is used in the manufacture of steel pipe for oil and gas lines and the witness stated that, although the demand for pipe varied from year to year, surveys indicated that it would increase considerably over the next few years. Reference was also made to rising costs in the steel industry and to the competition being experienced from other producers; a mill now being built at Regina would compete for the supply of skelp to the Prairies and offshore competition at Montreal was currently quoting as much as \$4.00 per ton lower than Dofasco's prices. He stated that he believed that Dofasco could ship more cheaply to Montreal via the Upper Lakes Company; that it was possible to load its vessels in one hold as the other holds were being unloaded; and that it made good sense to use every possible facility to meet the competition being experienced.

The traffic manager of the applicant introduced, as Exhibits 3 and 4, copies of bills of lading covering respectively a shipment of newsprint paper on the "Grey Beaver" from Quebec City, Que., to Chicago, Ill., on April 28, 1937, and a shipment of caustic soda in drums on the "Blue River" from Sandwich, Ont., to Port Alfred, Que., on October 20, 1936. Such exhibits were later referred to in argument by counsel in connection with the present effect

of unpealed subsection 2 of Section 5 of The Transport Act, 1938, the so-called "grandfather rights" clause.

The current operations of the Upper Lakes' bulk-freight vessels were described as: (a) the carriage of ore upbound to Hamilton from Seven Islands, Quebec City and Contrecoeur, Que., and downbound to Hamilton from Port Arthur and Michipicoten, Ont., from Two Harbors and Duluth, Minn., from Marquette, Mich., and from Superior, Wisc.; (b) the carriage of grain from Fort William-Port Arthur and from Duluth, Minn.; (c) the carriage of coal from Lake Erie ports to Fort William; and (d) the carriage of cement in bulk from Clarkson, Ont., to Fort William, Ont., and also to Monroe, Mich. As to these movements, the applicant appeared to believe that licences under the Act were not required for the carriage of cement, but the Board drew the attention of applicant's counsel to the definition of "goods in bulk" set out in subsection 1(d) of Section 2 of the Transport Act and pointed out that the carriage of bulk cement between points in Canada in the area of the Great Lakes was not exempt from the provisions of the Act.

The applicant's traffic manager stated that almost all Upper Lakes' vessels made empty return trips to the Head of the Lakes and that the question of whether or not a return cargo was available was possibly the most important factor to be considered in establishing a freight rate for any commodity. He also expressed the opinion that loading and unloading times were very essential considerations in ratemaking. Most of the evidence submitted by this witness dealt with the rates it was proposed to establish on iron and steel articles and will be referred to later in this judgment.

Witnesses for the Canada Steamship Lines and the railways stated that their companies had carried substantial quantities of Dofasco's skelp and other products and that they were willing and able to transport any further Dofasco traffic that was likely to be offered in the foreseeable future.

The Vice-President—Traffic of the Canada Steamship Lines stated that his company had never declined to carry any size roll of skelp; that it was in a position to work at other than normal hours to facilitate Dofasco shipments; and that its current service ex Hamilton to the Head of the Lakes of five vessels per week could be supplemented, if necessary, from its present fleet. He pointed out that his company also had unlicensed bulk freighters that had empty return trips and that the proposal to make shipments from Dofasco's dock involved a dock which it was admitted could not be made available to the public generally.

Counsel for the Canadian Pacific filed a privileged statement with the Board showing the combined tonnages of skelp, and of other iron and steel commodities, shipped by Dofasco and other producers from Hamilton to western Canada via water transport and via railway during 1958 and the period January 1, 1959 to October 31, 1959, and stated that the railways handled about 80% of the annual tonnage.

#### *The Rate Situation*

In answer to questions by the Board as to the level of rates for the proposed service, the Applicant stated that a rate of \$1.50 per net ton, or 7½ cents per 100 lbs., from Hamilton to the Head of the Lakes on iron and steel articles, including skelp, and on the same articles, with the addition of tinplate, to Montreal had been discussed. This rate would be a net rate to the boat-line, as the shipper would load the goods on the vessel at the shipper's dock in Hamilton, and the unloading at the Head of the Lakes, or Montreal, would be performed by or at the expense of the shipper or consignee.

The Applicant, in evidence, also referred to a rate of 80 cents per net ton, or 4 cents per 100 lbs., which it had been applying on cement, in bulk, from Clarkson, Ontario, to the Head of the Lakes, and which it would also publish.

Both the proposed rate on iron and steel articles and the going rate on cement, of \$1.50 and 80 cents per ton, respectively, are said by the applicant to be based upon carriage by a vessel which would otherwise be returning empty, it being stated that there was no real cost of operation for the carriage of such freight, and it was argued that any cargo of this nature would produce additional revenue without cost, or very little cost, to the operator of the vessel.

Counsel for the Canada Steamship Lines, which is opposing the application, argued that any person or company seeking a licence to operate a general package freight service should provide such service on all goods and to all persons if it received a licence, and assume all obligations of a common carrier in respect of such service, instead of being permitted to pick up one or two individual commodities for a single shipper and carry them at what he termed a "salvage rate" to the detriment of other carriers of the same articles which are providing a general service on all goods.

There is no obligation under the Transport Act for any water carrier to carry all freight governed by the Canadian Freight Classification, and it was ruled by the Board in the case of the Wilcan Shipping Corporation Limited, 46 J.O.R. & R. 33, that the exclusive carriage of an individual commodity (such as automobiles) by a vessel licensed only for that purpose was proper under the Act without undertaking to carry all commodities. It may also be noted that the Yankcanuck Steamship Company (which was referred to at the hearing), operating out of Sault Ste. Marie, Ontario, to ports and places on the Great Lakes and St. Lawrence River, as defined in the Act, is licensed by the Board to carry only specified iron and steel articles, for which it publishes a standard freight tariff and a special freight tariff under Part III of the Transport Act. It does not hold itself out to carry all classes of goods specified in the Canadian Freight Classification.

Under the circumstances, the Board, if licences are permitted to the applicant, may confine such licences to the articles which the applicant desires to carry.

The serious question which would then arise is whether the suggested rates, on the level proposed by the Applicant, would be just and reasonable. In determining that question, in addition to all other considerations, a special duty is laid upon the Board by Section 3 of the Transport Act, as follows:

"It is the duty of the Board to perform the functions vested in the Board by this Act and by the Railway Act with the object of co-ordinating and harmonizing the operations of all carriers engaged in transport by railways and ships and the Board shall give to this Act and to the Railway Act such fair interpretation as will best attain the object aforesaid."

The "operations" of carriers engaged in transport include, of necessity, the making of rates and the publishing of such rates. Freight rates must be just and reasonable and non-discriminatory in all respects, both to the shipper and the carrier, and one of the criteria of such rates is that they shall not be unreasonably high nor unreasonably low. In the latter case it has also been ruled by the Board that its power extends to the prevention of destructive competition between the types of carriers subject to its jurisdiction, and particularly when the unduly low rate is made on the basis that the carrier would otherwise move empty. At the time when the air carriers were subject to the Board's jurisdiction it adjudicated upon such a case where one air carrier had reduced its rate by approximately 30 per cent. (In the matter of the local passenger fare by aircraft between Edmonton and McMurray, Alta., 52 CRTC

321). Both another competing air carrier and the railway serving the same points objected to the reduction because of its detrimental effect on their operations. In that case the Board said, on the same point as raised by this applicant:

"We cannot ignore the suggestion that as aircraft must be brought into Edmonton for company convenience the revenue to be derived from a sub-normal fare, made in competition with railway service, is preferable to none at all.

If tolls were based upon such factors it would wreak untold havoc in the rate structures, create discriminations between persons and localities and, in short, would be diametrically opposed to the equality provisions of the Act. No such justification can be accepted in this case as our duty to enforce reasonable and non-discriminatory rates applies alike to rail and air."

The Board disallowed the reduction and prescribed a higher minimum fare, although not as high as the original fare.

It is a fallacious theory that traffic costs nothing to carry when added to a ship or a freight train which has empty capacity, and should therefore be charged practically nothing for the service. In the case of a vessel returning light westbound from a lower lake port to the Head of the Lakes, after carrying a cargo of iron ore or grain eastbound, it is obvious that the rate paid on the ore or grain includes the cost of carrying such cargo eastbound and the cost of moving the ship empty westbound. The applicant proposes to use this circumstance to favour a particular shipper by carrying westbound traffic of skelp at a destructively low rate in competition with the package freight lines now operating on the Great Lakes, and the railways, and to create unjust discrimination against all other shippers who could not use the applicant's proposed service. It was made quite clear at the hearing that the particular shipper who could use the proposed service, would not permit its private dock to be used by other parties for a general package freight service, nor even for the same limited service.

While it is true that the public is entitled to the benefits of the inherent advantages of each type of transportation, at the same time rates based upon such advantages must not be applied only in favour of one shipper nor be brought about by fallacious economics. It would be equally fallacious to suggest that the rates on iron and steel articles from Hamilton to Fort William-Port Arthur should be made on a high basis which would include the cost of moving the vessel empty from Fort William to Hamilton, and then carry the ore or grain eastbound for nothing, or practically nothing. Each commodity should bear its proper rate for transportation.

The proportional rate on iron and steel articles by water from Hamilton to the Head of the Lakes, made on the normal basis of ratemaking, is 88½ cents per 100 lbs. The applicant proposes to cut this to 7½ cents per 100 lbs., a reduction of approximately 92%. This extremely low rate, in spite of the applicant's theory that traffic added to an empty vessel costs nothing to carry, is to be subject to minimum lots of not less than 3,000 tons at one time. While the proposed rate is exclusive of loading or unloading, there was no evidence given as to whether the rate included any allowance for insurance, overhead, taxes, profit, or return on investment. In the absence of evidence to the contrary, the Board must assume that the proposed rate on iron and steel articles includes none of these factors, and is therefore not related to true costs in any way. All of the factors enumerated must be taken into consideration in determining a just and reasonable rate. In addition, as previously stated, the Board is charged with the duty of harmonizing both the water rates and the rail rates. It would not harmonize the rates to reduce one of them by 92%.

With a reduction of 92 per cent in the water rate, it is easy to see what would happen to the present water and all-rail traffic, if the applicant were permitted to publish the rate proposed from Hamilton to the Head of the Lakes. The situation that would result would be that the Canada Steamship Lines, the Canadian National Railways and the Canadian Pacific Railway would have none of this traffic in the period of open navigation; in fact, Counsel for the applicant stated that this might well be the result. The proposed service would, therefore, be a competitive one and not a complementary one. Yet the applicant admits that it needs the services of the railways to carry this traffic from the Head of the Lakes to Regina and Edmonton to complete the transportation to destination. If these low lake rates were in time extended to include other articles, on a fallacious "no cost" basis, the railways would eventually have very little freight traffic between points on the competing water route on which to exist during the season of navigation.

As to the suggestion of Counsel for the applicant that if the proposed water rate from Hamilton to the Head of the Lakes brought about a reduction in the through lake-and-rail rates, the applicant would be willing to join in such through rates based upon the water factor proposed: it is not likely from their opposition in this case that the railways would join in any such rates, and they cannot be compelled to do so. There is no provision in the Transport Act requiring joint through rates between the independent water carriers and the railways. By "independent" is meant water carriers who are not owned by or operated as part of a railway company, or otherwise within Section 341 (3) of the Railway Act.

The Board has not available any comparisons with respect to rates on cement and must, therefore, await the filing of such rates by the applicant, upon receipt of which the reasonableness of the rates will be investigated.

These matters are set forth by the Board so that the applicant and the shippers of steel products and cement will be fully aware that rates must be just and reasonable, not unreasonably low and not unjustly discriminatory.

#### *The Question of Public Convenience and Necessity*

Under the provisions of Section 11, Part II of the Transport Act, "no goods . . . shall be transported by water . . . by means of any ship other than a ship licensed under this Part", and by subsection 5 of Section 10 the Board is required to "issue a licence . . . upon being satisfied that the proposed service is and will be required by the present and future public convenience and necessity, and unless the Board is so satisfied no licence shall be issued". Section 5 of the Act requires the Board to "determine whether public convenience and necessity require such transport, and in so determining the Board may take into consideration, inter alia,

"(a) any objection to the application that may be made by any person or persons who are already providing transport facilities, whether by rail or water, on the routes or between the places that the applicant intends to serve, on the ground that suitable facilities are or, if the licence were issued, would be in excess of requirements, or on the ground that any of the conditions of any other transport licence held by the applicant have not been complied with;

(b) whether or not the issue of such licence would tend to develop the complementary rather than the competitive functions of the different forms of transport, if any, involved in such objections;

(c) the general effect on other transport services and any public interest which may be affected by the issue of such licence; and

(d) the quality and permanence of the service to be offered by the applicant and his financial responsibility . . . ."

The substance of Section 5, quoted above, appeared as subsection 1 of Section 5 of the original statute (Chapter 53 of the Statutes of 1938) which also contained subsection 2 requiring the Board, notwithstanding anything contained in subsection 1, to accept satisfactory proof of certain facts as evidence of public convenience and necessity and to issue a licence accordingly. The present effect of subsection 2, however, will be dealt with later herein.

In determining whether a proposed service is and will be required by present and future public convenience and necessity, the Board is not restricted to the considerations set out in Section 5 of the Act. In the present application, the Board has taken all such considerations into account in arriving at its determination.

The argument of counsel for the applicant with respect to public convenience and necessity placed the major stress upon the alleged benefits to the public that would flow from the establishment of lower freight rates on particular commodities by the Upper Lakes Company and this has been fairly fully set forth above in our consideration of the rate situation. Both railways and the Canada Steamship Lines are opposed to the granting of a licence on the grounds that their services are now, and will be, adequate and suitable for the transportation of such commodities and there was no indication at the hearing that these carriers did not, or could not, perform the service for which a licence is now requested.

We are of the opinion that the proposed service would be competitive with existing transport services involved in the objections made to the granting of the application and we cannot sustain the applicant's contention that it would complement such services. We consider that the general effect of the issuance of a licence as requested, with the implementation thereof proposed by the applicant, would tend to seriously disrupt the existing rate structure and services to the detriment of a much wider public interest than advanced by the applicant.

#### *The So-called "Grandfather Rights" Clause*

The provisions of subsection 2 of Section 5 of The Transport Act, 1938, as amended by Chapter 25 of the Statutes of 1944, read as follows:

"(2) Notwithstanding anything contained in subsection one of this section, if evidence is offered to prove,—

- (a) that at any time during the period of twelve months next preceding the coming into force of the relevant Part of this Act on, in or in respect of the sea or inland waters of Canada, or the route between specified points or places in Canada or between specified points or places in Canada and specified points or places outside of Canada, or the part of Canada to which the application for a licence relates, the applicant was bona fide engaged in the business of transport, whether in bulk or otherwise, and
- (b) that such ship for which such licence is sought was at any time during the period of ten years next preceding the coming into force of this Act used for the transport of goods other than goods in bulk, and
- (c) That the applicant was during such period using ships for the purpose of such business,

the Board shall, if satisfied with such proof, accept the same as evidence of public convenience and necessity and issue a licence accordingly; Provided, however, that a ship temporarily out of service during the period of twelve months aforesaid shall nevertheless be deemed to have been in use during such period."

Subsection 2, the so-called "grandfather rights" clause, was not included in the 1952 consolidation of the Statutes although it has not been repealed.

Counsel for the applicant contended in his written submissions that six of the vessels described in the amended application had qualified under the provisions of unrepealed subsection 2 and that consequently a case for public convenience and necessity had been made out with respect thereto. Although evidence of qualification under subsection 2 was submitted at the hearing with respect to two only of such vessels, the Board's records show that the following vessels in the amended application qualified thereunder:

<i>Vessel Name</i>	<i>Official Register No.</i>	<i>Gross Tonnage</i>	<i>Board Order re licences under Section 5, subsection 2, of The Transport Act, 1938</i>
1. Brown Beaver .....	160721	1,892	} Order No. 57491, dated May 25, 1939, in re application of Upper Lakes and St. Lawrence Transportation Co. Ltd.
2. Grey Beaver .....	160722	1,892	
3. Ralph Budd (now L. A. McCorquodale) .....	154862	4,537	
4. James B. Eads .....	153126	3,865	Order No. 57495, dated May 25, 1939, in re application of Norris Steamships Limited.
5. Blue River .....	155295	1,770 (now 1,817)	Order No. 57493, dated May 25, 1939, in re application of Blue Line Motorships Limited.

The sixth vessel, the "John Ericsson", has never been licensed by the Board and no evidence as to qualification under subsection 2 was submitted at the hearing.

Each of the three Board Orders listed above contains the following recitation: "AND WHEREAS the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2 of the said Act . . .".

Similar orders were issued under the "grandfather rights" clause in 1939 in respect of ships of Canada Steamship Lines and a number of other companies then operating ships on the Great Lakes. The Board's practice in respect of licensing those ships thereafter was to license or renew the licence of each of the ships upon application therefor, each year, under the "grandfather rights" clause, on the strength of proof furnished and on record with the Board in support of the application for the initial licence. A departure from that practice occurred in 1956 when, because of continued absence of the carriage of goods other than goods in bulk, the application for licences by Upper Lakes was not granted and the applicant did not press its right thereto.

Counsel for the Canada Steamship Lines argued that unrepealed subsection 2 was a transitional provision that could not be interpreted as entitling the applicant to invoke its terms some twenty years after its enactment, where the licences had not been used and had not been renewed by the Board in 1956 because of non-use, and that any position the applicant may have obtained under the "grandfather rights" clause was lost because it had allowed its licences to lapse. Counsel for the applicant conceded that licences could be lost, since they are yearly licences, but contended that entitlement thereto continued and could not be lost; that there was nothing in the Act to indicate that subsection 2 was a transitional provision and, under paragraph (b) of the subsection, the rights ran with the vessel and not with the applicant; that, if the

Board were satisfied that a ship had carried goods (other than goods in bulk) at any time during the ten years preceding the coming into force of the Act, then that would constitute evidence of public convenience and necessity and it would be mandatory to issue a licence; that even a single voyage carrying goods subject to the Act during the ten year period specified in paragraph (b) would qualify a ship under subsection 2; and that paragraph (b) was not restricted to voyages between Canadian ports but merely stated that a ship for which a licence was sought had to be used for the transport of goods (other than goods in bulk). With respect to paragraph (a), specifying a period of twelve months during which an applicant must have been bona fide engaged in the business of transport, it was argued that this necessarily qualified paragraph (c) and limited the period referred to therein to one of twelve months.

The extent of the directions and the duration of the provisions contained in subsection 2 are matters of construction. Although the matter of interpretation of subsection 2 presents some difficulties, the Board does not find any language in the subsection, or elsewhere in the Act that, as applied to the subject matter, either expressly or impliedly sets any time limit to the application of its provisions. In our opinion, subsection 2 is still in full force and the Board cannot, in effect, engraft on the subsection a new qualification limiting its provisions or terminating the right to a licence through neglect to exercise the right or because of a lapse in the issuance of licences. If, therefore, an applicant for a licence under its provisions furnishes to the Board evidence to prove the facts enumerated in the said subsection, it is mandatory upon the Board, if satisfied with such proof, to accept the same as evidence of public convenience and necessity and to issue a licence accordingly.

Under the provisions of subsection 2, which have been quoted in full above, the three facts required to be proven are briefly as follows:

- (a) that the applicant was bona fide engaged in the business of transport, whether in bulk or otherwise, "at any time during the period of twelve months next preceding the coming into force of the relevant Part of this Act" in respect of the inland waters, etc.;
- (b) that a ship for which a licence is sought was used for the transport of goods other than goods in bulk "at any time during the period of ten years next preceding the coming into force of this Act"; and
- (c) "that the applicant was during such period using ships for the purpose of such business."

Subsection 2 also contains a proviso that "a ship temporarily out of service during the period of twelve months aforesaid shall nevertheless be deemed to have been in use during such period."

It will be observed that paragraphs (a) and (c) refer to the applicant, whereas paragraph (b) relates only to the ship for which a licence is sought. Each paragraph and the proviso specifies a qualifying period of time, except paragraph (c) which refers to "such period". The question then arises as to what "such period" means—the period of ten years in paragraph (b) or the period of twelve months in paragraph (a). In the context of paragraph (c), "such period" is one during which the applicant was using ships for the purpose of "such business", and this is clearly "the business of transport" referred to in paragraph (a). The concluding proviso of subsection 2 also specifies a twelve-month period in connection with the use of ships by an applicant. We consider that the interpretation to be given to the words "such period", as used in paragraph (c), is the period of twelve months mentioned in paragraph (a) and the proviso is to be understood as relating to paragraph (c).

In order to qualify under the "grandfather rights" clause of the Act therefore, it must be proved to the satisfaction of the Board:

(1) *In respect of the applicant:* that he was bona fide engaged in the business of transport as defined in the Act, whether in bulk or otherwise, at any time during the period of twelve months next preceding the coming into force of the relevant Part of the Act, in respect of the inland waters, etc., and that he was using ships, as defined in the Act, during such period for the purpose of such business, provided that ships temporarily out of service during such period shall nevertheless be deemed to have been in use during such period; and

(2) *In respect of a ship for which a licence is sought:* that such ship was used for the transport of goods other than goods in bulk (even for one voyage and not necessarily by the applicant) at any time during the period of ten years next preceding the coming into force of the Act.

### FINDINGS

The only public convenience and necessity that in our opinion has been established for the transport service proposed by the applicant is the public convenience and necessity that was established in 1939 by the required proof under subsection 2 of Section 5 of The Transport Act, 1938:

- (a) that the applicant, Upper Lakes Shipping Limited, was bona fide engaged in the business of transport during the twelve months next preceding January 15, 1939, the date on which Part II of The Transport Act, 1938, was brought into force in respect of the Great Lakes by Proclamation of the Governor-in-Council dated January 4, 1939, pursuant to Order-in-Council P.C. 3269, dated January 4, 1939;
- (b) that the following five ships for which a licence is sought were used for the transport of goods, other than goods in bulk, during the period of ten years next preceding the coming into force of The Transport Act, 1938, on July 1, 1938:

<i>Vessel Name</i>	<i>Official Register No.</i>
Brown Beaver .....	160721
Grey Beaver .....	160722
L. A. McCorquodale (formerly Ralph Budd) ...	154862
James B. Eads .....	153126
Blue River .....	155295

- (c) that the applicant was, during the period of twelve months next preceding January 15, 1939, using ships for the purpose of the business of transport.

Consequently, the Board is prepared to issue a licence in respect of such five ships, upon receipt of an application therefor by the applicant, but the issuance thereof will of course carry with it the obligation to comply with all relevant provisions of the Transport Act with respect to such matters as tariffs of tolls, equality of application of tolls, and the affording to all persons and companies all reasonable and proper facilities for the receiving, forwarding and delivery of all traffic covered by the licence that may be offered for carriage.

ROD KERR  
H. H. GRIFFIN  
L. J. KNOWLES

OTTAWA, March 3, 1960.

## ORDER No. 100640

*In the matter of the application, as amended, of Upper Lakes Shipping Limited for a licence under Part II of the Transport Act to transport goods (other than goods in bulk) by water, initially on unscheduled service, from any port or place on the Great Lakes to any other port or place on the Great Lakes:*

File No. 42076.22

THURSDAY, the 3rd day of March, A.D. 1960

ROD KERR, Q.C., *Chief Commissioner.*H. H. GRIFFIN, *Assistant Chief Commissioner.*L. J. KNOWLES, *Commissioner.*

*Upon hearing the matter at Ottawa, on November 16 and 17, 1959, in the presence of Counsel for the Applicant and for Canada Steamship Lines Limited, Canadian Pacific Railway Company and Canadian National Railways, and pursuant to the Judgment herein, dated March 3, 1960—*

*It is hereby ordered as follows:*

## 1. The application to licence the following ships:

<i>Vessel Name</i>	<i>Official Register No.</i>
John Ericsson .....	154863
R. Bruce Angus .....	192769
James Norris .....	178247
Gordon C. Leitch .....	178248
Frank A. Sherman .....	189894
Seaway Queen .....	311399

is dismissed.

## 2. The following ships:

<i>Vessel Name</i>	<i>Official Register No.</i>
Brown Beaver .....	160721
Grey Beaver .....	160722
L. A. McCorquodale (formerly Ralph Budd) .....	154862
James B. Eads .....	153126
Blue River .....	155295

will be licensed for the carriage of goods upon filing of an application by the Applicant.

ROD KERR,  
*Chief Commissioner.*

## ORDER No. 100635

*In the matter of the application of Northwest Steamships Limited for a licence under section 10 of the Transport Act:*

File No. 42076.2

TUESDAY, the 1st day of March, A.D. 1960

A. SYLVESTRE, Q.C., *Deputy Chief Commissioner.*

L. J. KNOWLES, *Commissioner.*

*Upon reading the submissions filed—*

*It is hereby ordered as follows:*

Licence No. C.T.C. (W.T.) 367 is issued to Northwest Steamships Limited for the year 1960, licensing the following ship:

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
A. A. Hudson .....	148089	2,222

to transport goods by water between all ports or places in Canada, on Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans.

A. SYLVESTRE,  
*Deputy Chief Commissioner.*

## SUMMARY OF ORDERS ISSUED BY THE BOARD

- 100400 Feb. 4—Authorizing the removal of the speed limitation at the crossing of Daniel St. and the C.P.R. in Arnprior, Ont., Mileage 40.41 Chalk River Subd.
- 100401 Feb. 4—Authorizing the removal of the speed limitation at the crossing of 4th Avenue and the C.N.R. in Hope, B.C., Mileage 40.45 Yale Subd.
- 100402 Feb. 4—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 168.21 Gananoque Subd., Ont.
- 100403 Feb. 4—Authorizing the removal of the speed limitation at the crossing of Highway No. 41 and the C.N.R. in Eganville, Ont., Mileage 74.96 Renfrew Subd.
- 100404 Feb. 4—Authorizing the removal of the speed limitation at the crossing of Roosevelt Ave. and the C.P.R. in Westboro, Ont., Mileage 1.96 Carleton Place Subd.
- 100405 Feb. 4—Authorizing the Twp. of Scarborough, Ont., to construct New Hymus Road across the two industrial tracks of the C.N.R. in Lot 33, Conc. "C", west of Warden Ave., Twp. of Scarborough.
- 100406 Feb. 4—Requiring the C.N.R. to install automatic protection in lieu of the existing protection, at the crossing of their railway and Glenburnie Road (Division St.) in Kingston, Ont., Mileage 173.89 Gananoque Subd.
- 100407 Feb. 5—Approving tolls published in tariffs filed by the Canadian Freight Association under section 3 of the Maritime Freight Rates Act.
- 100408 Feb. 5—Rescinding Order No. 99838, of November 30, 1959, and approving By-Law No. 3695 of the City of Oshawa, Ont.
- 100409 Feb. 5—Authorizing the B.C. Department of Highways to construct the highway across the C.P.R. by means of an overhead bridge at Mileage 3.40 New Westminster Subd.
- 100410 Feb. 5—Approving plan submitted by the Town of Victoriaville, P.Q., showing details of the proposed additional traffic lane to carry Notre Dame St. across the C.N.R. at Mileage 55.32 Danville Subd.
- 100411 Feb. 5—Approving temporary liquefied petroleum gas loading facilities of Progas Limited at Acheson, Alta., C.N.R.
- 100412 Feb. 5—Approving proposed flammable liquid bulk storage facilities of North Star Oil Limited at Camrose, Alta., Wetaskiwin Subd., C.P.R.
- 100413 Feb. 5—Approving flammable liquid bulk storage facilities of White Fox Co-Operative Association Limited at White Fox, Sask., C.P.R.
- 100414 Feb. 5—Rescinding Order 88391 which approved the location of facilities of Anco Fertilisers Limited for the handling and storage of flammable liquids near the N.Y.C. Railroad Co. at Leamington, Ont.
- 100415 Feb. 5—Rescinding Order No. 83276 which approved the location of facilities of Midwest Lumber Company Limited for the handling and storage of flammable liquids near the N.Y.C. Railroad Co. at Windsor, Ont.
- 100416 Feb. 5—Approving flammable liquid storage facilities of Shell Oil Company of Canada Limited, at Shawinigan, P.Q., C.P.R.
- 100417 Feb. 5—Approving flammable liquid storage facilities of Imperial Oil Limited at St. Jerome, P.Q., C.P.R.
- 100418 Feb. 5—Approving flammable liquid storage facilities of Imperial Oil Limited at Carstairs, Alta., C.P.R.
- 100419 Feb. 5—Authorizing the C.P.R. to operate under the overhead bridge at Mileage 89.96 Shuswap Subd., B.C.
- 100420 Feb. 5—Approving tolls published in tariffs filed by the Canadian Freight Association under Sections 3 and 8 of the Maritime Freight Rates Act.
- 100421 Feb. 5—Approving operation of the C.P.R. over the private siding serving W. J. Gage Company and Grant, Atkinson and Blair in the City of St. James, Man.
- 100422 Feb. 5—Approving operation of the C.P.R. over the private siding serving Imperial Oil Limited in Red Deer, Alta.

- 100423 Feb. 5—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Highway No. 12, South of Port McNicoll, Ont., Mileage 70.38 Midland Subd.
- 100424 Feb. 5—Authorizing the C.P.R. to operate over the subway at Mileage 20.815 Rossland Subd., B.C.
- 100425 Feb. 8—Authorizing the Saskatchewan Dept. of Highways and Transportation to construct Highway No. 2 across the C.N.R. by means of an overhead bridge at Mileage 0.2 Paddockwood Subd., Sask.
- 100426 Feb. 8—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. in Bedford, N.S., Mileage 10.32 Bedford Subd.
- 100427 Feb. 8—Authorizing the removal of the speed limitation at the crossing of the C.P.R. and the highway near Leduc, Alta., Mileage 112.21 Roadley Subd.
- 100428 Feb. 8—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Mileage 4.21 Chandler Subd., P.Q.
- 100429 Feb. 8—Authorizing the Township of Etobicoke, Ont., to construct a sidewalk across the C.P.R. at Montgomery Road, at Mileage 8.35 Galt Subd.
- 100430 Feb. 8—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. near Golden, B.C., Mileage 165.8 Lake Windermere Subd.
- 100431 Feb. 8—Approving flammable liquid storage facilities of Imperial Oil Limited at Carberry, Man., C.P.R.
- 100432 Feb. 8—Approving proposed flammable liquid storage facilities of Cheesman Air Service at Port Arthur, Ont., C.N.R.
- 100433 Feb. 8—Authorizing the Ontario Department of Highways to construct a highway diversion across part of Lot 23, Lots 24, 25 and 26 in Range 3, Township of Pickering, Ont., C.N.R.
- 100434 Feb. 8—Authorizing the C.N.R. to operate under the overhead bridge carrying Kempt Road over their railway at Fairview, in the City of Halifax, N.S., Mileage 4.9 Bedford Subd.
- 100435 Feb. 8—Authorizing the C.N.R. to operate over the temporary trestle at Mileage 2.24 Strathroy Subd., Ont.
- 100436 Feb. 9—Approving the protection as installed at crossing of the C.N.R. and Finch Ave. at Mileage 11.65 Newmarket Subd.
- 100437 Feb. 9—Authorizing the C.N.R. to construct an extension of their siding across King St. in the Village of Entwistle, Alta., Mileage 67.28 Wabamun Subd.
- 100438 Feb. 9—Authorizing the removal of the speed limitation at the crossing of D'Arcy St. and the C.N.R. in Cobourg, Ont., Mileage 263.4 Oshawa Subd.
- 100439 Feb. 9—Approving operation of the C.P.R. over the private siding serving the City of St. James, Man.
- 100440 Feb. 9—Approving tolls published in tariffs filed by the C.N.R. under Section 3 of the Maritime Freight Rates Act.
- 100441 Feb. 9—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. in Prescott, Ont., Mileage 49.73 Prescott Subd.
- 100442 Feb. 9—Authorizing the C.N.R. to construct a public pedestrian walkway on the bridge over St. Remi Street subway in the City of Montreal, P.Q.
- 100443 Feb. 9—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. in Manotick, Ont., Mileage 12.30 Prescott Subd.
- 100444 Feb. 9—Authorizing the removal of the speed limitation at the crossing of St. Paul Range Road and the C.N.R. in Joliette, P.Q., Mileage 2.3 l'Assomption Subd.
- 100445 Feb. 9—Approving revisions to tariffs filed by The Bell Telephone Company of Canada.

- 100446 Feb. 10—Authorizing the C.P.R. to install an automatic interlocking in lieu of the mechanical interlocking at crossing of its railway and the C.N.R. at DeBeaujeu, P.Q., Mileage 35.4 Winchester Subd.
- 100447 Feb. 10—Approving flammable liquid storage facilities of Shell Oil Company of Canada, Limited at Grand Forks, B.C., C.P.R.
- 100448 Feb. 10—Approving flammable liquid storage facilities of Imperial Oil Limited at Yellow Creek, Sask., C.N.R.
- 100449 Feb. 10—Requiring the C.N.R. to install protection at the crossing of their railway and Frederic St. in the Town of Acton Vale, P.Q., Mileage 22.38 St. Hyacinthe Subd.
- 100450 Feb. 10—Requiring the C.N.R. to install protection at the crossing of their railway and Market Street in the Town of Acton Vale, P.Q., Mileage 22.18 St. Hyacinthe Subd.
- 100451 Feb. 10—Requiring the C.N.R. to install protection at the crossing of their railway and St. Andre Boulevard, in Acton Vale, P.Q., Mileage 22.10 St. Hyacinthe Subd.
- 100452 Feb. 10—Authorizing the C.P.R. to make changes in the protection at the crossing of its railway and Regent St. in Sudbury, Ont., Mileage 0.96 Webbwood Subd.
- 100453 Feb. 10—Authorizing the removal of the speed limitation at the crossing of Regent St. and the C.P.R. in the City of Sudbury, Ont., Mileage 0.96 Webbwood Subd.
- 100454 Feb. 10—Authorizing the Alberta Department of Highways to construct the highway across the C.N.R. at Mileage 97.5 Sangudo Subd.
- 100455 Feb. 10—Requiring the C.N.R. to install automatic protection at the crossing of Highway No. 541 and the C.N.R. in Garson, Ont., Mileage 4.33 Sudbury Terminal Subd.
- 100456 Feb. 10—Authorizing the C.N.R. to install two cantilever type signals, two short arm gates and one bell, in lieu of the existing manually controlled gates at the crossing of their railway and Main St. in Glencoe, Ont.
- 100457 Feb. 10—Authorizing the City of Estevan, Sask., to construct 13th Ave. across the C.P.R. by means of an overhead bridge at Mileage 137.4 Portal Subd.
- 100458 Feb. 10—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Ariss, Ont., Mileage 38.0 Goderich Subd.
- 100459 Feb. 10—Authorizing the removal of the speed limitation at the crossing of the highway and the C.P.R. at Pierson, Man., Mileage 72.8 Estevan Subd.
- 100460 Feb. 10—Authorizing the removal of the speed limitation at the crossing of Jackman Road and the C.N.R. in St. Cesaire, P.Q., Mileage 33.93 Granby Subd.
- 100461 Feb. 10—Authorizing the removal of the speed limitation at the crossing of Highway No. 1 and the C.N.R. in Granby, P.Q., Mileage 50.29 Granby Subd.
- 100462 Feb. 10—Requiring the C.N.R. to install automatic protection at the crossing of the C.N.R. and Highway No. 4 at Mileage 49.53 Elrose Subd., Sask.
- 100463 Feb. 10—Authorizing the C.P.R. to construct a temporary diversion of its main line track to permit the construction of a grade separation in the vicinity of Lawrence Ave. West, at Mileage 3.63 MacTier Subd.
- 100464 Feb. 10—Approving proposed crude petroleum loading facilities of Gibson Petroleum Company Limited at Kipling, Sask., C.N.R.
- 100465 Feb. 10—Requiring the C.N.R. to close, within the limits of their right of way, the vehicular crossing at Cartier Street and their railway in the Village of Casselman, Ont., Mileage 104.50 Alexandria Subd.
- 100466 Feb. 10—Approving flammable liquid storage facilities of Imperial Oil Limited at Carlyle, Sask., C.P.R.

- 100467 Feb. 10—Authorizing Consolidated Sand and Gravel Ltd. to construct a material conveyor across and over the C.N.R. in the Town of Paris, Ont., Mileage 31.36 Dundas Subd.
- 100468 Feb. 11—Amending Order No. 90758, re the relocation of plants and equipment of utility companies to permit construction of the subway at crossing of Wellington St. and the Algoma Central & Hudson Bay Rly. Co., in the City of Sault Ste. Marie, Ont.
- 100469 Feb. 11—Amending Order No. 95800 re apportionment of cost of installing automatic protection at the crossing of the C.N.R. and County Road No. 28, West of Kinburn, Ont., Mileage 28.34 Renfrew Subd.
- 100470 Feb. 11—Authorizing the C.N.R. to operate under the overhead bridge at Stewiacke, N.S., Mileage 46.35 Bedford Subd.
- 100471 Feb. 11—Amending Order No. 96526, which authorized the British Columbia Electric Company Limited to construct two gas mains across the C.P.R. at Mileage 124.71 Cascade Subd., B.C.
- 100472 Feb. 12—Authorizing the British Columbia Electric Company Limited to construct a gas main across and over the C.N.R., by affixing it to the Point Ellice Bridge, in the City of Victoria, B.C.
- 100473 Feb. 12—Authorizing the C.N.R. to relocate the crossing signal at the crossing of their railway and Robert St. in the City of North Battleford, Sask.
- 100474 Feb. 12—Authorizing the C.P.R. to remove the interlocking plant at the junction of its Drummondville and Sherbrooke Subds. at Foster, P.Q.
- 100475 Feb. 12—Authorizing the removal of the speed limitation at the crossing of Mill St. and the C.N.R. in the Village of Windsor Mills, P.Q., Mileage 61.3 Sherbrooke Subd.
- 100476 Feb. 15—Approving proposed crude petroleum loading facilities of Gibson Petroleum Company Ltd., at Kinuso, Alta., N.A.R.
- 100477 Feb. 15—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Municipal Road east of Parkbeg, Sask., Mileage 34.5 Swift Current Subd.
- 100478 Feb. 15—Authorizing the removal of the speed limitation at the crossing of highway and the C.N.R. at Mileage 84.76 Tisdale Subd., Sask.
- 100479 Feb. 15—Authorizing the Ontario Department of Highways to construct the highway across the C.N.R. at Mileage 216.19 Oshawa Subd., Twp. of Darlington.
- 100480 Feb. 15—Relieving the C.P.R. from erecting right of way fencing on the south side of its right of way between Mileage 11.50 and Mileage 13.52 Wilkie Subd., Sask.
- 100481 Feb. 15—Authorizing the C.P.R. to construct and maintain an industrial track in the Manchester Industrial Area, in the City of Calgary, Alta., near Mileage 2.0 Macleod Subd.
- 100482 Feb. 15—Relieving the C.P.R. from erecting right of way fencing along the north side of its right of way between Mileages 40.05 and 40.54 White Fox Subd., Sask.
- 100483 Feb. 15—Exempting the C.P.R. from erecting right of way fencing between certain mileages on its Aldersyde Subd.
- 100484 Feb. 15—Amending Order No. 100028, re apportionment of cost of installing automatic protection at the crossing of the C.N.R. and Bouthillier St. in the City of St. Jean, P.Q., Mileage 25.68 Rouses Point Subd.
- 100485 Feb. 15—Requiring the C.P.R. to install automatic protection at the crossing of its railway and Heron Road in Ottawa, Ont., Mileage 3.09 Prescott Subd.
- 100486 Feb. 15—Authorizing the C.N.R. to relocate the crossing protection to allow the widening of Cobequid Road where it crosses their railway at Windsor Junction, N.S., Mileage 15.09 Bedford Subd.
- 100487 Feb. 15—In the matter of the application of the British Columbia Telephone Company for an Order approving the amount, terms and conditions of the issue and sale, etc. of a certain number of its shares of capital stock.

- 100488 Feb. 16—Authorizing the removal of the speed limitation at the crossing of the highway and the Quebec Central Railway Company at Mileage 54.5 Megantic Subd., P.Q.
- 100489 Feb. 16—Approving tolls published in tariffs filed by the Canadian Freight Association under sections 3 and 8 of the Maritime Freight Rates Act.
- 100490 Feb. 16—Requiring the C.N.R. to close certain public crossings of the highway and their railway in the Twp. of Pickering, Twp. of Whitby and the Town of Whitby.
- 100491 Feb. 16—Relieving the C.P.R. from erecting right of way fencing along the south side of its right of way between Mileages 56.6 and 57.1 Carberry Subd., Man.
- 100492 Feb. 16—Authorizing the C.N.R. to remove the station agent at Bristol, P.Q.
- 100493 Feb. 16—Authorizing the C.N.R. to operate under the overhead bridge carrying Ava Road across their railway in the City of Brantford, Ont., Mileage 24.09 Dundas Subd.
- 100494 Feb. 16—Approving Supplement to Service Station Contract between The Bell Telephone Company of Canada and Canadian International Paper Company.
- 100495 Feb. 16—Authorizing the Village of Innisfree, Alta., to construct a public pedestrian walkway across the C.N.R. at Mileage 31.65 Vegreville Subd.
- 100496 Feb. 17—Authorizing the Ontario Dept. of Highways to construct the highway across the C.N.R. in the Twp. of Exton, Ont., Mileage 9.15 Kowkash Subd.
- 100497 Feb. 17—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at second public crossing north of Severn, Ont., Mileage 101.37 Newmarket Subd.
- 100498 Feb. 17—Authorizing the B.C. Department of Highways to construct the highway across the Esquimalt and Nanaimo Railway Company at Mileage 77.03 Victoria Subd.
- 100499 Feb. 17—Authorizing the removal of the speed limitation at the crossing of the highway and the C.N.R. at Clarendville, Nfld., Mileage 130.04 St. John's Subd.
- 100500 Feb. 17—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and the Quebec-Telephone (Division de l'Ouest).
- 100501 Feb. 17—Approving Appendix to Traffic Agreement between The Bell Telephone Company of Canada and Quebec-Telephone (Region de Kamouraska).
- 100502 Feb. 17—Approving Supplement to Traffic Agreement between The Bell Telephone Company of Canada and The Wright and Pontiac Telephone Company (Incorporated).
- 100503 Feb. 17—Approving tolls published in tariffs filed by the C.N.R. under section 3 of the Maritime Freight Rates Act.
- 100504 Feb. 17—Authorizing the C.N.R. to operate over the bridge crossing the Oromocto River, N.B., Mileage 59.6 Centreville Subd.
- 100505 Feb. 18—Requiring the C.N.R. to install automatic protection at the crossing of their railway and Centre St. in the Town of Richmond Hill, Ont., Mileage 21.11 Bala Subd.
- 100506 Feb. 18—Authorizing the City of St. John's, Nfld., to construct the highway across the C.N.R. by means of an overhead bridge at Mileage 2.78 St. John's Subd.
- 100507 Feb. 18—Authorizing the Sydney and Louisburg Rly. Company to remove the Agent at Mira, N.S. and appoint a Caretaker.
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# The Board of Transport Commissioners for Canada

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