

a direct outcome of such particular matters as the prevention of unjust discrimination in rates and charges resulting from monopoly conditions in the industry and the safety of transportation facilities and operating practices, yet the railways have been so involved in the public interest that their regulation has been extended to become the most comprehensive of any industry in Canada.

In the meantime, conditions in the transportation industry have been drastically altered by the increasing competition arising from the advance of highway, air and pipeline transportation and a large part of the present competition between common carriers has become a permanent feature of the transportation industry. In these circumstances, it is not surprising that regulations, which under monopoly conditions were not onerous to the railways or were purely nominal in their effect, are now alleged to have become increasingly restrictive and hampering under highly competitive conditions. Regulatory authorities are therefore faced with the problem of piecemeal revision of their regulations—retaining those where railway monopoly or near-monopoly conditions still make them necessary in the public interest, and relaxing those where competition can be relied on to protect the public in order to enable the railways to meet this competition more effectively. The emphasis has shifted from the regulation of monopoly to maintaining a balance between the several competing modes of transport.

The federal Department of Transport and the Crown agencies reporting to Parliament through the Minister of Transport have jurisdiction over railways, canals, harbours, shipping and civil aviation (see p. 128). Road and highway development is mainly under provincial or municipal control or supervision. Jurisdiction over interprovincial and international highway transport rests with the Federal Government, but the Motor Vehicle Transport Act, 1954 gives to all provinces, at their option, the authority to apply to interprovincial and international highway transport the same regulations respecting certificates of public convenience and necessity and rates as they apply to undertakings operating entirely within the province. This Act has since been proclaimed in all provinces except Newfoundland.

**The Board of Transport Commissioners for Canada.**—The Board of Transport Commissioners for Canada was created and initially named the Board of Railway Commissioners for Canada by the Railway Act, 1903, and was given its present name by the Transport Act, 1938. It was organized on Feb. 1, 1904 and succeeded to all the powers and duties of its predecessor, the Railway Committee of the Privy Council. The Board, now consisting of a Chief Commissioner, a Deputy Chief Commissioner, an Assistant Chief Commissioner and three Commissioners, has extensive regulative and administrative powers and is also a statutory court of record, so constituted by the Railway Act and recognized as such by other courts. The finding or determination of the Board upon any question of fact within its jurisdiction is binding and conclusive and no order or decision may be questioned or reviewed except on appeal to the Supreme Court of Canada upon a question of law or a question of jurisdiction with leave of a judge of that Court, or by the Governor in Council.\*

The Board has jurisdiction under more than a score of Acts of Parliament, including jurisdiction, under the Railway Act and the Transport Act, over transportation by railway and by inland water, and over communication by telephone and telegraph.

Under the Railway Act its jurisdiction is, stated generally, in respect of construction, maintenance and operation of railways that are subject to the legislative authority of the

\* The Board's judgments are reported in *Canadian Railway Cases* and *Canadian Railway and Transport Cases*, and its judgments, orders, rulings and regulations are published by the Queen's Printer, Ottawa, in what is known as *J.O.R. & R.*