



ISSN 1180-4327

Legislative Assembly
of Ontario
Second Session, 39th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 39^e législature

Official Report of Debates (Hansard)

Wednesday 6 April 2011

Journal des débats (Hansard)

Mercredi 6 avril 2011

**Standing Committee on
Public Accounts**

2010 Annual Report,
Auditor General:
Ministry of Transportation

**Comité permanent des
comptes publics**

Rapport annuel 2010,
Vérificateur général :
Ministère des Transports

Chair: Norman W. Sterling
Clerk: Trevor Day

Président : Norman W. Sterling
Greffier : Trevor Day

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON PUBLIC ACCOUNTS

COMITÉ PERMANENT DES COMPTES PUBLICS

Wednesday 6 April 2011

Mercredi 6 avril 2011

The committee met at 0938 in committee room 1, following a closed session.

2010 ANNUAL REPORT, AUDITOR GENERAL

MINISTRY OF TRANSPORTATION

Consideration of section 4.05, commercial vehicle safety and enforcement program.

The Chair (Mr. Norman W. Sterling): Good morning. My name's Norm Sterling, Chair of the public accounts committee. Today, we are considering section 4.05 of the December 2010 Auditor General's report on the commercial vehicle safety and enforcement program.

Today, we have people from the Ministry of Transportation. We have with us the deputy minister, Carol Layton. I will want to turn it over to you, Ms. Layton. You may introduce those people who are sitting with you. You may have a statement as well, if you would read that statement, and then we'll ask you a few questions.

Ms. Carol Layton: Thanks very much, Mr. Chair, members of the public accounts committee and also the Auditor General, Mr. McCarter. I am indeed Carol, the Deputy Minister of Transportation. I really want to thank you for the opportunity to appear before the public accounts committee this morning to talk about the role that MTO plays in ensuring that our roads are the safest we can have in North America.

On my right, I'm joined by Rob Fleming. Rob is the assistant deputy minister for the road user safety division, which is headquartered up in Downsview. Rob has been a public servant for about 25 years, 13 years with the Ministry of Transportation. On my left, I have Peter Hurst, who is our director of the carrier safety and enforcement branch. More than that, Peter is highly regarded nationally as an expert in carrier safety and enforcement, certainly somebody well qualified for any of the detailed questions that you have here.

I would like to speak today about each of the Auditor General's recommendations, how we've responded, and also about our roads that have been consistently ranked for the last decade as being among the safest in North America and how we want to work to continue that great trend.

I'd like to thank the Auditor General and his team for their recommendations. This indeed was the subject of a

2008 audit and then also a 2010 follow-up audit, and I can certainly advise the committee that we took those recommendations very seriously and have made a number of great enhancements that we want to share with you.

The Ministry of Transportation is guided by a simple vision, and that is to be a world leader in moving people and goods safely, efficiently and sustainably. Our transportation system helps maintain a globally competitive economy and a high quality of life for Ontarians through having safe roads for people to travel over.

The ministry's priorities include: increasing transit ridership; promoting a multi-modal transportation network; improving Ontario's highway, bridge and border infrastructure; and, of course, promoting road safety.

I am referring to a set of comments that are about 12 pages in length, but I'm only going to speak for half the time that would normally have been allotted, so about 10 minutes. I'll be sort of jumping around, but I guarantee you that everything I say is somewhere in the text that you've got in front of you.

Ontario is a major transportation corridor for freight travel. More than \$1.2 trillion in goods are moved annually on our roads by truck, and \$213 billion of that passes over Ontario's international bridge crossings.

The commercial vehicle safety and enforcement program helps promote road safety by regulating commercial road users and vehicles. A key component of the program requires owners of large trucks and buses to register with the ministry annually. This requirement also applies to out-of-country operators whose commercial vehicles travel into our province.

Our roads are busy. There are more than a quarter of a million large trucks and 32,000 buses registered in the province of Ontario.

The ministry has completed over one million commercial driver and vehicle inspections since 1999. These are conducted by about 270 enforcement officers at 34 fixed and 70 temporary inspection locations along Ontario's highways.

Our ministry has some of the toughest truck safety rules in North America, a big reason why Ontario roads consistently rank among the safest in North America. And as the Auditor General observed in his report, the overall fatality rate in Ontario is now the lowest it has ever been in this province.

In 2008, of that quarter of a million large trucks that I spoke about earlier that are registered in Ontario, only

three were involved in fatal collisions where a vehicle defect was found. That being said, we recognize the need for continued vigilance.

The Auditor General's recommendations focused on six major themes: the registration of our commercial vehicle operators, roadside inspections, intervention activities, motor vehicle inspection stations, safety education and awareness, road safety measurement, and the reporting of road safety.

I have a one-page handout that we've also provided. It shows you the 31 different areas of activity that relate to the auditor's recommendations. It shows you the progress on them, and it shows that in every one of them we either have completed it—and you'll see that in 22 of the 31—and for nine, you'll see that the work is under way and we have good progress in that. So we certainly can speak to this handout, as well.

The first recommendation around the registration of commercial vehicle operators: These recommendations dealt with ways the ministry could ensure that all commercial vehicle operators are registered and have provided all required information about their operations. MTO has responded by fully implementing the annual renewal of all truck and bus operator registrations. This was a two-year phase-in that is now fully in effect as of December 2010. Also, ensuring that truck and bus companies understand the ministry's vehicle registration and renewal requirements, and identifying and registering previously unregistered operators—a big operation that the ministry went through and was able to bring up to date.

On the second theme, which is roadside inspections, the members here will have seen our truck inspection stations on Ontario's 400-series highways. Our 270 inspectors also conduct inspections of commercial vehicles and drivers at other locations using mobile inspection units. The recommendations in this section are related to ensuring that our resources are being used as effectively as possible to keep unsafe vehicles off the road.

We have worked to increase coverage in the highest-traffic-volume areas, using risk assessments to determine the best times for the stations to be open. This has helped to minimize gaps and allocate our resources more effectively.

To be clear, vehicles with critical defects are not allowed back on the road. They can be impounded where facilities exist, charges can be laid or the vehicle can be placed out of service or have its plates removed. It will not go back on the road until it is mechanically certified as being safe to do so.

The same rules apply to buses. The backlog of overdue inspections for our buses has been cleared. We've also implemented a new bus inspection process to mitigate future backlogs and focus on higher-risk operators.

We've also updated our IT infrastructure at our inspection stations through greater bandwidth and greater technology for our officers, so that they can retrieve relevant carrier and vehicle data quickly to aid in the work that they have to do around the inspection of vehicles.

The roadside data capture system is now able to flag vehicles with prior critical defects.

The third theme was intervention activities. There were a variety of recommendations designed to ensure the integrity of the CVOR system—that's the commercial vehicle operator's registration system—and the safety rating system.

The monitoring of the safety performance of truck and bus companies is a key component of the CVOR system. Once the company's violation rate exceeds a pre-determined threshold, the ministry initiates appropriate intervention. The auditor had several suggestions for ensuring data integrity and safety rating information.

As mentioned earlier, improving the quality of data through the CVOR renewal and enhancing the CVOR system to quickly target unsafe operators has allowed for earlier identification and for action on poor performers. We are currently in negotiations with our US and Canadian provincial and federal counterparts about collision and roadside inspection violation data from the United States.

Motor vehicle inspection stations was the fourth major theme of the Auditor General's findings. This program requires that vehicles meet a minimum level of safety before operating on Ontario's roads. Licensed motor vehicle inspection stations are monitored by the ministry through routine ministry inspections and by audits or investigations initiated by consumer complaints. The auditor had some suggestions on how to help ensure the reliability of the required safety certifications provided by the private sector-licensed mechanics.

We have adopted national safety standards for commercial vehicles that take into account modern vehicle technologies such as air brakes, anti-lock brakes and airbags. Updated standards for heavy trucks and buses will be in place this summer.

Inspection standards for light duty vehicles will be updated as part of the road user safety modernization project, which we have under way.

We've set up a call centre to help us more effectively investigate complaints against licensed motor vehicle inspection stations.

Finally, we've provided guidance to enforcement staff to help validate inspection certificates issued south of the border that may have less rigorous standards than we have here in Ontario.

The fifth major theme in the Auditor General's report was safety education. Appreciating that an increasing percentage of collisions involve driver behaviour rather than vehicle defects, there were several suggestions about reallocating some resources to focus on driver education and training.

We have tougher licensing standards to drive a tractor-trailer. You will only be able to drive a tractor-trailer if you pass your road test in a tractor-trailer. If you pass in a smaller truck, you will be issued a new restrictive licence prohibiting you from driving larger, more complex tractor-trailers.

We're continuing to develop an education program for new truck and bus operators. This program will help new

operators in Ontario understand and meet their responsibilities, and it should be in place next year.

Finally, on road safety measurement and the reporting of road safety: Over the last 10 years, Ontario roads have been and remain among the safest in the world and North America. The year 2008 was the 10th year in a row that Ontario was either first or second in North America for the lowest fatality rate per 10,000 licensed drivers. We annually report on motor vehicle collision statistics through the Ontario Road Safety Annual Report, known as ORSAR.

Unlike most other jurisdictions, Ontario verifies fatality data with the provincial coroner's office, which can take up to 18 months to gather that information in support of the statistics that we eventually publish. We agree with the auditor that these statistics should be provided in a timelier manner, and are now releasing preliminary statistics when we have those available.

0950

To wrap up, Mr. Chair and members of the committee, MTO is proud of its road safety record. We appreciate, as always, the Auditor General's observations and his recommendations. The ministry's response demonstrates our continued commitment to road safety and to keeping unsafe commercial vehicles off of our roads.

I'd like to thank you for the opportunity for the opening remarks, and now we'd be pleased to answer any questions that you have.

The Chair (Mr. Norman W. Sterling): Thank you very much, Deputy Minister. A bit of Chair's prerogative: I'd just like to ask you one brief question. Surely, the ministry's safety record has not improved since I was the minister?

Ms. Carol Layton: That safety record, Mr. Chair, the first or second in North America, dates back to about 1999.

The Chair (Mr. Norman W. Sterling): I was there in 2002.

Ms. Carol Layton: So there you go. We're just following the great path that that former Minister of Transportation set for us way back when.

The Chair (Mr. Norman W. Sterling): Thank you for your answer. Mr. Zimmer?

Mr. David Zimmer: I have a question about the role of the private sector insurers in sort of de facto monitoring the safety records of the commercial transportation operations. The ministry's got all its rules and so forth and so on, but all of these commercial operators maintain private sector insurance. I would think that the private sector insurance company has a rating system for their insured persons, and that affects their premiums and so forth, and of course that affects their bottom line. So it seems to me that the commercial vehicle operations have a real vested interest in meeting whatever standards their insurer has in order to keep their premiums down.

I wonder if the ministry maintains any relationship with insurers of these large commercial operations. I offer this observation: We've heard a lot about the role of the logs that these trucks or vehicles keep and whether

the logs are effective and so on. For instance, getting the private sector insurance involved as an overseer also, along with the ministry—is there anything as simple as the commercial vehicle operators being required, for instance, to file their logs on a regular basis with their insurers, so the insurers would, in effect, privately keep an eye on these logs? That would certainly help keep the operators' eye on the ball.

Ms. Carol Layton: It's an interesting question, Mr. Zimmer. I have two chaps here who are pretty skilled at answering this one. First of all, I'm going to turn to Rob Fleming, and Peter might want to jump in later. But just one comment around the rating system: I just wanted to acknowledge that it takes about four clicks on our own ministry Internet site to go and determine our own rating system against the commercial operators'. We rate for collisions, for inspections and for investigations, and we add in facility audits as well. So there's a number of them.

Mr. David Zimmer: But they're regulating—

Ms. Carol Layton: But you're relating this to the private sector insurers—

Mr. David Zimmer: Yeah, because your rating system—the operator would get in trouble with the ministry and get sharp letters, I expect, and that sort of stuff. But the rating system maintained by the private insurer directly affects the bottom line of the operation because they bump the premiums on a bad rating. So are we making effective use of—cultivating a relationship with the ministry and the insurer to get the insurer involved in keeping an eye on the operators? It's in the operators' self-interest.

Ms. Carol Layton: Good question. I'll turn to Rob Fleming.

Mr. Rob Fleming: Thank you, Deputy, and thank you, Mr. Zimmer, for the question. At the present time, there is not a requirement for operators to file their information with insurance companies. However, insurance companies do have a lot of access to MTO records and vice versa. You may be aware that we just launched, in November last year, a check on insurance status before vehicle plates can be renewed. Of course, that's for private motor vehicles.

On the commercial side, commercial operators are responsible for checking the status of their drivers regularly. We have a quarterly exchange of information through the Ontario Trucking Association and through the—

Mr. David Zimmer: Sorry to interrupt, but my question is: Do you think it would be a good idea if there was a rule that said the daily logs—perhaps on a monthly basis or whatever period of time—that the drivers have to maintain be electronically filed with their insurer, so their insurer can monitor what's going on because they have a real interest in having safe operators? They'll pay out less claims. The operator, the private company, has an interest in staying tight with the insurance company because that will keep its premiums down. Would you agree that something as simple as that might really put the heat on the operators a bit more?

Mr. Rob Fleming: We'll have to look at that. We don't have that requirement at the present, but I'll ask Peter to tell you exactly what information insurers do have access to at present.

Mr. David Zimmer: Will you look at that?

Mr. Rob Fleming: We're always looking at new ideas.

Mr. David Zimmer: I take it you will?

Mr. Rob Fleming: Yes, sir.

Mr. David Zimmer: Thank you.

Mr. Peter Hurst: Since the institution of the commercial vehicle operator's registration and the safety rating that goes with that, we have left it to the private sector and the private insurance business to self-regulate the trucking companies. We know that the insurance companies are very interested in the safety rating. They do access carrier safety ratings from the system. We know that in certain cases we ask that they ask the carrier for that information, and that goes into their premium, as you've suggested. We know that it works. We also know that it works anecdotally because we have complaints from drivers who say they can't get insurance anymore because of their safety record.

You had asked if we have a relationship with the insurance industry. Indeed, we do, both for the private passenger vehicle side and for the commercial vehicle side. We work closely with the Insurance Bureau of Canada. We also have relationships with the Motor Vehicle Safety Association of Ontario, which includes insurers.

Mr. David Zimmer: If it seems to work, and you say it works, this business of filing the logs with the insurance company, why not do something as simple as making it a requirement that the operator file the logs with the insurance company on a regular basis and, of course, with his home base dispatcher or whoever?

Ms. Carol Layton: The comment I'd like to add on that is—more than what Peter has said—we can certainly take a look at that. I'd like to balance that against, though, what that means in terms of those companies and the effort. We have also been working hard to reduce the burden on the private sector in terms of the obligations—the regulatory burden. We're very proud of all the work that all ministries are doing to reduce the regulatory burden by 25%. I'd want to look at it in both contexts.

Mr. David Zimmer: I understand. Thank you.

The Chair (Mr. Norman W. Sterling): Could I just ask: Is there any function where the insurance industry is doing essentially the same as the ministry? That's one question I have.

The other part is, we understand you're spending about \$40 million of taxpayers' money on this. Are you regaining any of that money from the industry in terms of the information you're providing them in order to measure risk with regard to their clients?

Mr. Rob Fleming: Could I just repeat the question to make sure I understand it? Are we recovering any of the costs from industry for providing the enforcement activity?

The Chair (Mr. Norman W. Sterling): Yes. Basically, they're trying to measure risk.

Mr. Robert Fleming: Right.

1000

The Chair (Mr. Norman W. Sterling): And you're helping them measure risk. Are you charging them for the collection and the—

Mr. Rob Fleming: Yes, we have a very strong relationship with the insurance industry, particularly around vehicle registration and driver licensing. We recover approximately \$32 million a year from the insurance industry for information sharing.

We also lay charges, of course, against violators—commercial vehicle operators who don't meet standards. The value of those tickets on an annual basis is roughly \$7 million, but of course that money goes to municipalities if they turn into fines.

The Chair (Mr. Norman W. Sterling): The other question I had is: Is there a duplication of effort in terms of what the insurance company and the ministry do?

Mr. Rob Fleming: No, sir, I don't believe there is.

The Chair (Mr. Norman W. Sterling): Okay, that's fine. Ms. Sandals.

Mrs. Liz Sandals: I just wanted to go back to the issue that was raised in terms of the safety record, which the Chair raised, and which you also raised in your comments, Deputy. One of the things that public accounts often looks at is other jurisdictions. I wonder whether you could give us a sense of Ontario's safety record over time, but also in the context of how our safety record compares to other jurisdictions.

Ms. Carol Layton: For sure. I'll turn to Peter Hurst in a second, but just generally speaking, as I indicated earlier, going back to 1999, we've either been first or second in North America for having the safest roads in terms of fatalities involving large vehicles, and actually having just a very small percentage of that where there's actually a vehicle defect.

The only other jurisdiction that I think has come close to us, certainly in the US, is Massachusetts. We have topped just about every other jurisdiction, and certainly any Canadian province.

Maybe Peter could speak a little more specifically on that.

Mr. Peter Hurst: Certainly. In fact, Ontario has been either first or second of the Canadian jurisdictions.

Mrs. Liz Sandals: So how do you measure that? What does "first" mean? What is it you're measuring?

Mr. Peter Hurst: What I'm speaking to is fatalities. We're measuring fatalities relative to the number of vehicle kilometres that are driven in the province. We also measure injuries, but when we're talking about first or second, we're talking about fatalities.

Mrs. Liz Sandals: So you're measuring not necessarily the number of accidents but the seriousness of accidents in terms of loss of life or personal injury?

Mr. Peter Hurst: We measure all of those factors.

Mrs. Liz Sandals: Okay. When you say you're first, are second, third and fourth place virtually the same? Or

when you look at other sub-national jurisdictions, is there actually quite a range in what's going on? Are there identifiable clusters and practices? What can you learn from that data?

Mr. Peter Hurst: Certainly, there is variability across the jurisdictions, both in Canada and the United States. There are clusters. There are a few that are close to us, but in fact, if you look at all of the Canadian jurisdictions relative to Ontario and you look at us relative to the rest of the world, Ontario in recent years has ranked third or fourth, fifth among those nations. That gives you an idea. I don't have the specific numbers right off the top of my head, I'm sorry. You would think "somewhere in there," but that's what I can say. There are some jurisdictions in Canada that are quite a bit worse than we are.

Nationally, there has been a road safety vision for the last 10 years. We've called it Road Safety Vision 2010. There were targets set for all of the jurisdictions. In our case, when we're talking about commercial motor vehicles, we're talking about a 20% reduction target in fatalities related to commercial motor vehicles, and we're on track to meet that target—and many aren't.

Mrs. Liz Sandals: And if you look at that top-performing cluster, what would the top-performing cluster have as strategies to increase road user safety?

Mr. Peter Hurst: They have strong education programs; they have strong driving-while-impaired rules. They have strategies for seat belts, which is also a key. They have strong strategies for crashes at intersections, that type of thing.

Ms. Carol Layton: Certainly, in our case, if I may add—I know Rob wants in too. We can take you through the changes in legislation, like commercial vehicle impoundment, speed limiters, lots of phenomenal initiatives I think Ontario has done to keep it as high as it has been in terms of road safety.

Another point, a fascinating statistic, is that looking back about two decades, the number of commercial vehicles—large trucks—registered in the province has increased by something like 64%, so we've seen nothing but growth like this, but in terms of one of the measurements, which is the number of traffic fatalities and collisions involving large trucks, it's dropping. So you've got trucks going up like this and you have fatalities going down like that. On an aggregate basis, that's pretty significant, but definitely on a relative basis it's very, very significant.

Mrs. Liz Sandals: On a percentage basis.

Ms. Carol Layton: Rob may want to add more.

Mr. Rob Fleming: Sure. In terms of how we measure overall fatalities, we've been speaking about rates per 10,000 licensed drivers. So 0.7 per 10,000 licensed drivers is a low number, but what that translates into in actual—

Mrs. Liz Sandals: And that's where we're at now?

Mr. Rob Fleming: Yes. The nearest jurisdiction is Massachusetts, and they were at 0.78. I can't do the arithmetic to tell you exactly how many more fatalities that

would translate into for Ontario if we had the same rate; I think it's about 80 or thereabouts.

In 2007, we had 745 total fatalities on Ontario roads. In 2008, we reduced that to 640. We know from our preliminary data on 2009 that that has reduced to 540.

Mrs. Liz Sandals: And that's both commercial and private?

Mr. Rob Fleming: That's both commercial—and for commercial motor vehicles, they have gone, over that period of time, from 170 fatal collisions involving commercial motor vehicles to 90.

Mrs. Liz Sandals: Okay, thank you.

Ms. Carol Layton: If I can just add one more bit against that 0.7 that Rob spoke about per 10,000 licensed drivers, the worst set or the jurisdictions that have the highest fatality rates, Oklahoma, Wyoming and Mississippi, they're 3% if not 4% as opposed to our 0.7, so significantly different.

Mrs. Liz Sandals: Oh, so they're like four or five times higher than we are?

Ms. Carol Layton: Way, yes.

Mrs. Liz Sandals: That puts it in perspective.

Mr. Gilles Bisson: I'd just say for the record, those are some of the states that still allow drinking and driving. Their drinking and driving rules are pretty—

Ms. Carol Layton: The legislative framework is so different, yeah. You're right.

Mrs. Liz Sandals: Wow. Thank you.

The Chair (Mr. Norman W. Sterling): Thank you, Ms. Sandals. Mr. Bisson?

Mr. Gilles Bisson: I've just got three questions. One is on the timing of your inspections. What's clear in the report and the conversation we had with the auditor is that there is a sense that the bulk of the inspections are done during office hours, basically. If I want to get around being inspected, I know when I've got to drive my vehicle.

So I guess my question is twofold: What are you doing in order to change that so that people can't predict when it is you're going to have your inspection stations open, and to what degree would you use your portable units in conjunction with that?

Ms. Carol Layton: Rob would like to jump right in on that one. Thank you, Mr. Bisson.

Mr. Gilles Bisson: Yes; absolutely.

Mr. Rob Fleming: We paid close attention to the auditor's recommendation, of course, and we have taken measures to redeploy our resources to provide better coverage at other times of day other than just during the daytime.

Secondly, we have always made use of what we call area patrol in order to patrol bypass routes or routes that truckers would take to avoid a truck inspection station, and also to capture traffic that doesn't routinely travel on the 400-series highways.

So we've taken a number of measures to address that particular issue, but I'd like to ask Peter if he would like to comment further on the deployment.

Mr. Peter Hurst: Actually, I think you've covered it off quite well, Rob. That's exactly what we do. We have a strategic plan. We focus the enforcement resources strategically at inbound stations, inbound into the province from other provinces and from the United States. We focus on where we know there are high crash rates or where our data from past years have shown that what we call the out-of-service rate or the failure rate during inspection is higher than elsewhere. So those are the factors that all go into that.

Mr. Gilles Bisson: But are you actually changing your hours of operation?

Mr. Peter Hurst: Yes. Where we need to, we change them, and we continue to work through a strategic plan that the director of enforcement is using to modify his resources or allocate them accordingly.

1010

Mr. Gilles Bisson: Does the auditor want to weigh in on this?

Mr. Jim McCarter: I think you've indicated our point. We found, for instance, that at night there is a fairly low percentage of inspections, even though there's about 20% of commercial vehicles on the road. We just make the point about more correlation between when vehicles are on the road and when inspection stations would be on the road. Being suspicious auditors, we also said that maybe if somebody is trying to drive an overloaded truck, they're more likely to drive it at 2 in the morning than possibly at noon.

My sense, from looking at the minister's responses, was that they had started to address it but acknowledge that they still have a bit more work to do.

Mr. Gilles Bisson: I take it that what you're saying is that you're changing.

Mr. Peter Hurst: Yes.

Mr. Gilles Bisson: There's a flip side to the argument. There's a lot of, you know, reputable outfits out there—good drivers, good trucks—that are trying to do the right thing, and there is the other side of the medal, which is being harassed. I get those calls at my constituency office from time to time, I would like you to know.

Part of it is this new system that was put in place in regard to the scanning you can do before the truck gets there, so you know this is a firm that typically is a pretty clean operator, the driver doesn't have any problems, etc. From the perspective of those out there who are trying to do the right thing, how do you balance that off? It's getting harder and harder to make a buck. Trying to haul at the rates that are out there with the price of fuel is pretty deadly. How do you balance off your role as an enforcer of the rules with those wanting to make a living honestly?

Ms. Carol Layton: If I could just jump in first and then Peter as well, it is about being strategic. You know, it's only since December 2010 that we have that annual renewal process. We do rate the commercial operators—we do facility audits. So you build quite a management information system, in a sense, of: Who is driving on our roads? Where is there risk? Where isn't there risk?

We're also not the only ones out there. For example, there has actually been a blitz over the last few days out by the Woodbine Racetrack—a very targeted one where you deliberately pull over—actually led by the metro police, but we participate; we have eight officers there as well. I guess the other point I want to make is that there's a fuller deployment of resources than what we have on that.

In terms of balance, it's actually using the information you gather and truly being strategic about it and taking that risk-based approach to it. Peter might want to add more to that, though.

Mr. Peter Hurst: It has always been about balance. It's not just about enforcement; it's about education. It's about acknowledging that there are truckers and bus operators out there who want to do the right thing and, in fact, do the right thing. That's why we use the information we have to the best of our ability for the officers to target their efforts.

Mr. Gilles Bisson: My understanding is that a truck driver does have the right to refuse unsafe work under the Occupational Health and Safety Act, right?

Mr. Jim McCarter: Do you know what? I don't know the answer to that off the top of my head.

Mr. Gilles Bisson: I know that has been raised, and I just raise it in the context. I don't know if that's the answer, but my point is that I know, in dealing with a number of truck drivers over the years, some of them say, "Geez, I would like to be able to basically say, 'This truck is unsafe,' but if I say anything, I lose my job." What can we do in order to assist those drivers to do what is right?

Mr. Peter Hurst: I can tell you what we do. And you're absolutely right: As long as I've been in this business, that has been a problem. We get drivers calling all the time saying, "If I don't take that load, they'll just replace me and another driver will do it."

We encourage them to call us. We get email and we get letters, but we also encourage them to call us. If they're willing to give us the name of the company, we will investigate. It's cold comfort, because they're trying to put food on their table. But that's what we can do.

Mr. Gilles Bisson: It's a problem, because it seems to me that a lot of the emphasis has to go on the drivers. There are a lot of people out there trying to do the right thing, but sometimes circumstances—trying to put food on the table—and the employer saying, "Well, you know, there are five more drivers waiting behind you if you don't take this load," are a pretty strong incentive to take an unsafe truck. I'm not saying it happens a lot, but I know it does happen. It just seems to me that we have to have a strategy that protects the drivers so they're not put in a position of losing their livelihood because they're trying to do the right thing.

Ms. Carol Layton: I'd like to comment more on that, Mr. Bisson. It's also about the fact that the industry has to know that we're out there: 250 regional safety blitzes, pretty well, in a year; 100,000 commercial motor vehicle inspections a year. You never know where we'll be next, because we do have mobile capacity as well. We could be around the corner and there could be a blitz and we're

going to pull you over, and also the scope we have to do it in a targeted way like we are doing right now with the metro police and other police services too.

Mr. Rob Fleming: On the question of balance, I just wanted to go back to the point about the risk-based approach we take to inspection. When we do blitzes and when we do our normal operations, we are specifically looking for vehicles and operators that we know are more prone to have violations, and we want to leave alone the operators that we do know have good records. We're specifically looking for that, and I believe that's borne out in our data.

In our blitzes, we routinely see out-of-service rates for vehicles above 40%, which seems high, but as I said, we're specifically looking for those faults. When we do the national random check called Roadcheck every year, compliance rates are actually very high. Last year, it was 79%, meaning there's a 21% out-of-service rate. So we are trying to take that balanced approach to enforcement.

Mr. Gilles Bisson: The other question I have is around CPIC, the national registry for all driving infractions, criminal offences etc. Do your officers have access to that?

Mr. Peter Hurst: Yes.

Mr. Gilles Bisson: I'm a little bit confused, then. If you have access to CPIC, why is it in the information that we've got that you're not able to properly track the driver infractions of drivers from out of province? I don't understand why that is. Maybe the auditor can weigh in on this one, because that was one of the conversations we had.

Mr. Jim McCarter: It might have been the issue where the roadside data capture—what we had indicated was that when the truck pulls in, you've got good information in the database, but as you say, you'd like to be able to identify a really good driver really quickly to basically say, "Okay, go right on through." And the bad drivers, the bad apples—you'd like to be able to bring it up on the screen right away and say, "Okay, buddy, we want you to pull in."

At the time of the audit, what we found was that the bandwidth wasn't there to be able to bring up that data very quickly. Most of the people at the roadside station were saying to us, "We just can't bring it up enough. It would be helpful to us if we could bring it up quicker so we would know that Bob's Trucking—this guy is a stellar operator. Go right on through." But we just don't have the data—

Mr. Gilles Bisson: But when it comes to driver information, I thought there was an issue of trying to determine the driver's actual driving record if they're not from Ontario. I thought that was one of the issues that was raised.

Mr. Jim McCarter: I don't think we knew whether they were able to bring up that information, but it sounds like you are able to bring up that information.

Ms. Carol Layton: Peter can again respond to that one.

Mr. Peter Hurst: Absolutely. That's through the international records exchange. It's just the same as you

or I driving our cars: They go through the OPP dispatch, who actually have physical access to CPIC.

Mr. Gilles Bisson: Are provincial offences also listed on CPIC? I was trying to remember. I don't know if they are or not.

Mr. Peter Hurst: I don't know.

Mr. Gilles Bisson: They probably are, I would think. Normally everything is on CPIC. That big eye in the sky is watching you.

Just one last thing: We know logbooks are an issue. Is there any thought of going to an electronic logbook, and where is that?

Mr. Peter Hurst: Yes, absolutely. First, let me say that many, many carriers are doing it voluntarily now, especially the large fleets. They are using electronic logs. They find it much better not only for compliance, but it's more efficient for their operations. We are looking at it as part of a group across Canada to implement electronic onboard recorders, electronic logs, for all carriers.

We are doing a study right now, and the first phase of it we reported to the Council of Deputy Ministers Responsible for Transportation in September, and we're due to report again this coming September. We are also following very closely what they're doing in the United States on that very topic.

Mr. Gilles Bisson: Just for the record, the provincial offences are on CPIC. That was a question we were talking about before. So it is there.

The Chair (Mr. Norman W. Sterling): Mr. Ouellette.

Mr. Jerry J. Ouellette: First of all, a comment to the auditor: It's not Bob; it's Robert. You'd have to be a trucker to understand that shot.

Ms. Carol Layton: Yes.

Mr. Jerry J. Ouellette: Oh, you do. It's good that you know that.

A couple of quick things, then. First of all, I think one of the biggest problems for the public at large and the media at large, predominantly, is when they see the stats coming off the two forms of checks—one is a target where they go out and get the vehicles, and the other one is where they randomly pick—you regularly see the numbers—up to 30% of the vehicles, and then, lo and behold, the media says 30% of the vehicles out there are being taken off the road, yet 200 vehicles—because I've been there; I've stood there; I've been a participant. I took my own mechanics to the roadside checks and, quite frankly, 296 vehicles went through. They picked 11 out of those 296, and guess what? Thirty per cent of those 11 were the bad players, because they know who the bad players are.

The perception of the public at large out there is that trucking is not a safe industry, simply because of the way it has been reported by the media. We need to ensure that the number of vehicles that go through and the percentages are specifically identified.

The question that I do have is twofold. What is the number of registered CVORs out there? How many are there?

Ms. Carol Layton: It's 55,000.

Mr. Jerry J. Ouellette: My last one is, how many members are there in the OTA?

Ms. Carol Layton: Peter, do you have that answer? We can get that.

Mr. Peter Hurst: I should know that. It's a very large association. Their board of directors is some 80 strong, but I don't know their actual membership.

Mr. Jerry J. Ouellette: It's probably close to about 5,500; it's certainly less than 10,000.

Ms. Carol Layton: Ten per cent, do you think?

Mr. Jerry J. Ouellette: It was 10% in the past; I don't know if the number has changed. That's all. I just wanted to point it out. This was mostly for government information, not for anything else.

Those are all my questions. Thank you, Chair.

The Chair (Mr. Norman W. Sterling): Can I ask a question? In terms of the 105-kilometre speed limit, have you done any evaluation of what that has done with regard to the safety record? My estimation would be, from the frustration of trying to drive down the 401 towards Ottawa from Toronto and vice versa, that it would increase the number of accidents because of people trying to weave in and out in order to get by these two trucks that are both going at 105 kilometres per hour and taking maybe five kilometres to get by each other; one won't give anything while the other is going by. So have you any kind of evaluation of that?

Ms. Carol Layton: You're asking about speed limiters and the 105 kilometres that they're held to. I've got two very anxious folks to jump in and actually respond to your question, Chair, but I'll turn first to Rob Fleming.

Mr. Rob Fleming: I'd like to start with our safety record, which shows that our total fatalities have been dropping quite significantly over the last two years. In 2009, there was a further drop from 645 to 540, and a decline, also, in commercial-motor-vehicle-involved collisions.

There may be more frustration on the highway; I've driven that highway a number of times myself, but the statistics don't bear out that it's causing collisions. In fact, reducing speed for sure is a good thing, and it does have a calming effect on speed. Speed is still the number-two cause of fatal collisions in Ontario.

The Chair (Mr. Norman W. Sterling): Okay. Any further questions? Thank you very much for your presentation.

Mr. David Zimmer: What's number one?

Mr. Rob Fleming: Impaired driving.

The Chair (Mr. Norman W. Sterling): Thank you very much for your presentation. Perhaps the members of the committee would just stay a few minutes and we can instruct our researcher as to what we would like to prepare in a report.

We'll go into closed session.

The committee continued in closed session at 1024.

CONTENTS

Wednesday 6 April 2011

2010 Annual Report, Auditor General	
Ministry of Transportation	P-233
Ms. Carol Layton	
Mr. Rob Fleming	
Mr. Peter Hurst	

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Chair / Président

Mr. Norman W. Sterling (Carleton–Mississippi Mills PC)

Vice-Chair / Vice-Président

Mr. Peter Shurman (Thornhill PC)

Mr. Wayne Arthurs (Pickering–Scarborough East / Pickering–Scarborough-Est L)

Hon. Aileen Carroll, P.C. (Barrie L)

M^{me} France Gélinas (Nickel Belt ND)

Mr. Jerry J. Ouellette (Oshawa PC)

Mr. David Ramsay (Timiskaming–Cochrane L)

Mrs. Liz Sandals (Guelph L)

Mr. Peter Shurman (Thornhill PC)

Mr. Norman W. Sterling (Carleton–Mississippi Mills PC)

Mr. David Zimmer (Willowdale L)

Substitutions / Membres remplaçants

Mr. Gilles Bisson (Timmins–James Bay / Timmins–Baie James ND)

Also taking part / Autres participants et participantes

Mr. Jim McCarter, Auditor General

Clerk / Greffier

Mr. Trevor Day

Staff / Personnel

Ms. Susan Viets, research officer,
Legislative Research Service