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**Official Report
of Debates
(Hansard)**

Thursday 12 June 2008

**Journal
des débats
(Hansard)**

Jeudi 12 juin 2008

**Standing Committee on
Justice Policy**

Highway Traffic Amendment Act
(Speed-limiting Systems), 2008

**Comité permanent
de la justice**

Loi de 2008 modifiant
le Code de la route
(systèmes limiteurs de vitesse)

Chair: Lorenzo Berardinetti
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Thursday 12 June 2008

Jeudi 12 juin 2008

The committee met at 0900 in committee room 1.

**HIGHWAY TRAFFIC AMENDMENT ACT
(SPEED-LIMITING SYSTEMS), 2008**

**LOI DE 2008 MODIFIANT
LE CODE DE LA ROUTE
(SYSTÈMES LIMITEURS DE VITESSE)**

Consideration of Bill 41, An Act to amend the Highway Traffic Act in relation to the use of speed-limiting systems in commercial motor vehicles / Projet de loi 41, Loi modifiant le Code de la route relativement à l'utilisation de systèmes limiteurs de vitesse dans les véhicules utilitaires.

The Vice-Chair (Mr. Jeff Leal): It being 9 of the clock, we'll commence today's proceedings of the Standing Committee on Justice Policy. This morning we're dealing with clause-by-clause consideration of Bill 41, An Act to amend the Highway Traffic Act in relation to the use of speed-limiting systems in commercial motor vehicles, 2008. Are there any comments, questions or amendments to any section of the bill, and if so, to which section?

Mr. Frank Klees: There are indeed. I believe they are before us.

The Vice-Chair (Mr. Jeff Leal): So we'll commence our work this morning. There are a couple of e-mails that came in a little bit late. I'd just like some guidance as to whether to accept them at this time.

Mr. Frank Klees: I certainly think we should accept them and express regrets that people had not had more time to submit their opinions on this legislation.

Mr. Michael A. Brown: We'd echo that and also share the view that the subcommittee did its work and all parties agreed to the timelines we're following.

The Vice-Chair (Mr. Jeff Leal): I'd also note that we do have the research package from the research staff. Plus, I have some additional e-mails that are attached to the research package.

So, without any further ado, we'll commence our proceedings this morning. The first amendment is one by Mr. Klees to section 68.1(1.1). Mr. Klees.

Mr. Frank Klees: I move that section 68.1 of the Highway Traffic Act, as set out in section 1 of the bill, be amended by adding the following subsection:

“Definition, commercial motor vehicle

“(1.1) In this section,

“commercial motor vehicle’ means a commercial motor vehicle as defined by regulation but does not include a bus.”

The Vice-Chair (Mr. Jeff Leal): Do you have some comments, Mr. Klees?

Mr. Frank Klees: Yes. I'm going to set the context for this amendment. Before I do, however, I'd like to point out that I am disappointed that this process is being rushed. I would have preferred that we have much more time. I actually would have preferred that this committee did some travelling over the course of the summer and allowed people from various parts of the province to come forward to express their views.

I had a discussion, very briefly, with the minister in the House yesterday in terms of the urgency of this and why it is important for the government to have this legislation dealt with before we rise for the summer. His response was that it's a function of implementation. Apparently, the Quebec Legislature has passed their speed-limiting law, and the province of Ontario wanted to coordinate the implementation date with the province of Quebec. I accept that explanation, but, having said that, I really do believe that we should have had more time.

To the parliamentary assistant's comments about the subcommittee: He's absolutely right. I participate in that subcommittee. There was agreement in the subcommittee in terms of the timeline, but that was really pursuant to what we were advised was an agenda that the government wanted. We are a minority in this Legislature, and so I think the parliamentary assistant will agree that there really was not much that we could have done other than to express our objection.

Having said that, we now have before us—this is the first time that I have seen this truckload of paper, and we're now coming into committee to do clause-by-clause. That's what we're mandated to do here. Just a cursory breezing through this research shows not that it would have changed the opinion of the government or government committee members, but it certainly would have given all of us a better understanding of the issue. None of this research—and I compliment the researchers for having done all of this work—will have any impact on how we deal with this legislation. It will make for interesting reading, it will give us some reference for third reading debate, but at the same time, it's not how we would hope that business is done.

At the outset, I will say that the more I learn about this proposed legislation, the less I like it. The more I learn about how it came forward, the more concern I have with the motivation behind it. The more debate and representation I hear about how this is all about safety—I expressed here in committee when we last sat that I need a much better understanding about how people from the same industry can be arguing opposite ends of the rationale for this legislation.

Very well-meaning, hard-working people in the trucking industry are saying that this is not good, that it will be harmful to the industry and in certain cases will create safety issues. Then we have on the other hand—largely, from what I've seen now—the large carriers that have advocated this legislation. They are arguing that this is all about safety; some reference to the environment, some reference to saving money and fuel and so on, but it still leaves me puzzled.

I had many more amendments, but it's very clear that the government is not prepared to move off of implementing this legislation. I have communicated that to stakeholders who have serious concerns, that we have a majority government, that the majority of the members on this committee are from the government side. We'll see how many amendments will be accepted by the government; I'm hoping that at least one out of however many we have will be. The reason I didn't present more amendments is because I know it's futile to present amendments here that would substantially change this bill.

However, my first amendment is perhaps what I see at least as a desperation attempt to ensure that this legislation is limited to those people who have at least half of the industry, or 25% of the industry—depending on whose numbers you believe; the people who have requested the legislation—that at least it's contained to their sector of the industry.

I'm proposing that in the legislation, we exclude passenger buses. To provide some support for this, I am going to refer to a letter that was written to Mr. Brian Patterson of the Ontario Safety League by Brian Crow, the Ontario Motor Coach Association's president. He makes, I think, some excellent points in his letter. I want to read them into the record for the benefit of members of the committee who haven't seen this letter and certainly anyone who is following the discussions of this committee.

0910

Mr. Crow states the following:

"We are disappointed with your ... remarks to the media with respect to speed limiters on motor coaches. We are disappointed that you did not contact us for our comments before you decided to include motor coaches in this truck-initiated issue. You have been quoted as saying that you will ask the MTO to include motor coaches in the speed-limiter regulations.

"You have chosen to put passenger-carrying motor coaches into the same category as freight-carrying trucks. In order for you to be consistent, we assume then that

you include passenger cars, vans, taxis, and school buses in your demand for speed limiters.

"First let me say: We do not condone excessive speeding whatsoever. We estimate that 50% of motor coaches already operate with speed limiters not necessarily set at 105 km/hr.

"Second: Government has decided that the maximum speed for the safety of the public is 100 km (on major highways in Ontario) and it is their responsibility to enforce this limit—not doing so is an abdication of their responsibility. This has created an unofficial speed limit of 120 km/hour—so what is excessive? With the OSL concerned about safety, why not put effort into having the real speed limit enforced on all vehicles? Our understanding is that most fatalities are caused by cars, so why not promote speed limiters for cars in addition to commercial vehicles?"

I made this precise point during second reading debate: that if this is all about road safety and if we believe that we need the technology of speed limiters in trucks to ensure that drivers of those vehicles comply with the speed limit, it's only logical that we extend this same legislation to every vehicle on the road. I fail to understand the justification for saying, "This is all about safety. It's about saving lives," and yet it's the truckers who somehow don't have the capacity to limit their speed to the posted speed limit, and somehow we have to zero in on this one industry and this one class of drivers to say, "Government is going to help you keep the law." I find it inconsistent and I find it still most puzzling, and I think the rationale for the argument that this is all about safety breaks down very quickly on this basis alone.

I want to continue with Mr. Crow's letter:

"Third: Enforcement tools such as photo radar can slow down all vehicles, not just trucks, but the Ontario government has rejected this for what we believe to be political reasons. If the chance of getting caught was increased and the penalty for speeding was significant, most speeding would be reduced. For those that speed regardless of the penalty—they will break the speed-limiter law as well."

Again, I raised this issue during second reading debate. We already have speed limiters in the province of Ontario. They're called speed limits. They're posted on every highway and every roadway. What we don't have enough of, obviously, is those who are enforcing those speed limits. The issue is not to overlay more regulation and red tape. I would much rather that we would be here debating a piece of legislation that mandates appropriate levels of funding for our front-line police officers, an appropriate level of funding for our justice system, or a certain number of justices of the peace to sit in our courtrooms, so that 90% of tickets that are issued aren't thrown out of court because there's no justice of the peace when the officer and the accused show up.

I get regular reports from York region Chief Armand LaBarge that tell me how many times his officers go to court and there is no justice of the peace, and those officers spend their time waiting, simply to have those

tickets thrown out. The other side of the report shows the number of times these tickets are bargained away—we heard a report this past week on our speed-racing law. I am frustrated and disappointed to know that a small percentage of the tickets that are issued are ever really dealt with. They're either plea-bargained away or, for one reason or another, don't get dealt with.

I'd like to continue with the rationale for the amendment I'm putting forward here:

"Fourth: You say that this is a safety issue. Can you name one fatality on Ontario highways caused by a motor coach travelling at a speed greater than 105 km/hr? In fact, can you name one collision on Ontario highways caused by a motor coach travelling in excess of 105 km/hr? There may be, but we don't know of one. So if there are few, if any, collisions caused by motor coaches travelling over 105 kilometres per hour, is it not fear-mongering to suggest, albeit indirectly, that our industry is unsafe and needs speed limiters?"

"Fifth: You support speed limiters in motor coaches because it will achieve a reduction in fuel consumption. We point out the contrary. If motor coaches are restricted to 100 km/hr ... and our competitors (the passenger cars) are allowed to travel over 120 with impunity, then our commuter passengers will leave the coach and take their car to work. If buses transporting commuters between Barrie to Toronto, for example, are restricted to 100 km/hr and cars continue to travel at 120 to 130, the bus passengers looking out the window are going to decide that they can get to work" much "faster in each direction if they take their car."

Mr. Chairman, you know what the real speeds are on the 400-series highways. You've travelled them; I travel them every day. If I travel at 100 or 105 kilometres per hour, I can tell you that I will be considered to be driving dangerously because the speed limit is 120, and most of the time I feel I'm going slowly if I travel at 120. I try to keep it at 118, because that at least keeps me in the flow of traffic, and I'm told the chances are pretty good that radar won't stop me at 118. The point is that what we're creating here is an artificial limit of 105, according to this legislation. What does it do to the traffic flow, and what does it do to the passenger vehicles, which, according to all the appeals, are the better way and quicker way to get to work, when all of a sudden that's no longer the case?

I continue with the letter: "For those that support speed limiters in motor coaches, there is a competitive issue that they are missing. The proposed speed-limiter law for trucks can be considered fair, as all the 'competitors' hauling freight on the highways have to abide by the same rule. As mentioned" previously, "if one can get to work faster in a car, bus passengers will leave the bus and drive their car. Coach companies lose. You are putting the safer mode at a competitive disadvantage. To ensure fairness (in addition to the previous point), the OSL—the Ontario Safety League—"should be advocating speed limiters on cars in addition to commercial vehicles."

And they should, if they're going to be consistent in terms of this argument.

0920

Mr. Chairman, I've made my points here. I think that Mr. Crow has made his point well. I, therefore, would ask the committee to seriously consider at least putting into legislation that passenger buses will be excluded from this legislation.

The Vice-Chair (Mr. Jeff Leal): Thanks, Mr. Klees. Just to remind members of the committee, section 108 of the standing orders clearly says that at committee you're allowed to speak for 20 minutes, unless unanimous consent is given to go beyond that 20 minutes.

Mr. Bisson, you're next.

Mr. Gilles Bisson: I don't know if that's a warning or just—

The Vice-Chair (Mr. Jeff Leal): No; the clerk just doing her job.

Mr. Gilles Bisson: My reputation somewhat precedes me, I guess. I don't know.

First of all, I want to say that we'll support this amendment for some of the reasons that were raised by my colleague. But I just want to go back and talk a little bit about where we're at and the impossible position we find ourselves in. Hardly anybody argues that we shouldn't do something in order to deal with greenhouse gas emissions. I don't think anybody's going to argue against that. I don't think anybody, including people in the trucking industry, is going to make an argument that we shouldn't do all that we can in order to try to make our highways safer.

However, we embarked on this process of this legislation saying that we were going to refer this bill to committee so that we can hear from people, hear what they have to say, to see if the bill is right, to see if things are the way that they should be, and then adjust our positions from there. Clearly, what we saw at committee—and unfortunately I wasn't able to be here last week. I had to be in my constituency for something else, hence the job of members, always having to be at five places at one. It is really clear: The overwhelming deputations that we got on this committee were that people had significant problems with this legislation.

So here's a conundrum. The committee is now going to sit. It had one day of hearings, 10 minutes per hearing per person. Maybe that was an error. The subcommittee probably should have given more time. I take part responsibility for that. I think all of us have our hands on that one.

But clearly, I think there was enough said in the last week's presentations that should tell this committee that we're not ready to send this bill to the House. This is the conundrum that I find myself in. I sit here representing a caucus that—I'll say it up front—is split on this legislation. We have some people who are in favour of it because of the environmental concerns. We have others, like myself, who are opposed to it, because I don't think this is going to make our highways safer; I think it will make them probably less safe in the longer run.

The environmental argument can be bought, to a certain extent. I look at the information that we were

given. It was probably about a 2% savings on fuel, if we can average all the trucks out to 105 and have a 2% reduction in greenhouse gases. I think the reality is that most trucks are already driving 105. So what are we saving? In the end, are we really doing anything environmentally?

If this was part of a green plan where the government says, "We have a green plan that includes a whole bunch of other things: emissions from industry; how we're going to deal with motor vehicles, including cars when it comes to emissions from the tailpipe; everything from how we deal with coal-fired plants in our province etc."—and this is part of an overall plan—I guess there may be an argument. But this is a stand-alone piece of legislation that's put out there as if it's going to make a huge difference to the greening of our environment.

I'm not going to say that it's not going to have any impact, but I come from the premise that most trucks are already driving 105 and sometimes slower. Why do I know that? I drive, as Mike Brown does, highways in northern Ontario that are part of the Trans-Canada Highway. We're often behind those trucks because there are not a lot of passing lanes where we come from. There are some, a little bit more on Highway 17 than in my part of the province, but on Highway 11, the Trans-Canada Highway, often we're behind those trucks and we're not able to pass because there aren't any passing lanes. Why? They're doing 105.

My point is, what are we doing here? If it is to help green our environment, why isn't it part of a larger green plan? Number two, if it's for safety, is this going to make our highways any more safe?

I've heard the submissions—I haven't heard, but I read the submissions that were heard last week. I've had the chance to have, last week, about 40 e-mails on this issue alone, which is quite a bit, quite frankly. You don't normally get 40 e-mails on one issue in one week. And it's not just from the trucking industry. This is the part that I thought was interesting. If it was all truckers, you'd say, "Somebody is doing a great job organizing." Certainly there's some organizing going on, but it's from the public who drive cars and who have to interface with large trucks on highways. They're worried about things such as the elephant races that'll ensue out of this. If you're on Highway 401—and I got a number of e-mails from eastern Ontario and from people down in the Windsor way who said, "Two trucks tried to pass each other on the 401, side by side"—you're going to have a whole bunch of angry, frustrated drivers of cars standing behind them, trying to figure out how to get by these two trucks trying to pass each other that are both doing 105 kilometres, which will lead to a more unsafe situation because the drivers, in frustration, might do something rash. We saw that in the presentations of the professor from Manitoba, who spoke at great length. I see we have the report here.

Here's where we're at: I'm wondering if there's any appetite on the part of the government side to say here in the committee, "Okay, you guys wanted to get this bill

done now; you wanted to get it done this spring." I'd be interested to see what the members on the government side have to say when it's their turn to speak. Are we prepared to allow this bill to have a little bit more time in committee to listen to the rest of the people who are e-mailing us on a regular basis and to hear what they have to say about this, and then go back and really look at this bill from the perspective of: If you're going to have speed limiters, how are you going to make this work, and what does it really mean to safety?

I'm going to support the amendment that was put forward by the Conservative caucus, in light of trying to find some way to ameliorate the effects of this bill on industry and on the motoring public. But this process that we're into, with one day of committee hearings and one day of clause-by-clause, I think serves huge dissatisfaction to the motoring public and to those people who are going to be most affected by this bill.

I look forward to the comments from the government. You're going to say, "Yes, we want more public hearings and we want to give people their say. We believe in democracy." So I look forward to that "yes" answer.

The Vice-Chair (Mr. Jeff Leal): Mr. Brown, please.

Mr. Michael A. Brown: Yes, I'll speak directly to the amendment put forward by my friend from across the floor. The amendment, in our view, is unnecessary. The bill provides regulation-making authority to the government to define a class of vehicles by weight, by year and by vehicle design, which would include buses. There is no intention of the government to include motor coaches—buses—in this regulation. We understand that this has to be done by regulation, as I think you would understand. We're working very hard with the province of Quebec at this moment. They have already passed similar legislation to ours. We want to, and I think all truckers and the public would want us to, rationalize the two regimes for speed limiting between the two provinces as much as possible. We are working very hard to that end. We will not move on including any other class of commercial motor vehicle until we've had full discussion with all the stakeholders involved.

I think those in the motor coach industry should take some comfort in the fact that the government wants to move forward in a step-by-step, reasonable fashion of implementing speed limiters to achieve our absolute top priority, and that is the environment. The reason the government brought this forward is that it is the government's view that we'll save 280,000 tonnes of greenhouse gases going into the atmosphere every year. That is why we are doing this. That is the primary reason. Safety aspects, although important, are not the primary motive here. We believe that this will also achieve greater safety on our roads, as witnessed by at least half the presentations we received last week at this time.

I can't support this. I think we need the flexibility to match it with Quebec, and Quebec has shown no interest in regulating motor coaches. So that's what we want to do.

The Chair (Mr. Jeff Leal): Mr. Bisson is next.

Mr. Gilles Bisson: If I were moving this motion, that wouldn't make me feel any better. The reality is that, first of all, we all know that the power of making regulation, or sometimes the problems most legislation, is that legislators put forward legislation with an intent to do A, and then bureaucrats, the minister and the PA get together after and have a discussion, and the regulations move us in direction B. What this motion is trying to do is to say clearly, "Let's set out that we don't give people with regulatory powers the ability to do this," even though the government said that it won't.

0930

First of all, in the end I don't trust just the word of the parliamentary assistant, and I don't mean that in disrespectful way, because I trust the honourable member. I've known him for many years. He has actually been here longer than I have; I've been here since 1990. I know him to be a truthful person. But you know as well as I do, Mr. Parliamentary Assistant, that once the bureaucrats get their hands on this bill, there's absolutely no guarantee that the regulations aren't going to do quite the opposite of what this amendment is trying to do. So on that basis I have no confidence. I've seen that show and you've seen that show too many times not to know that that's what has happened with legislation.

The other thing you're saying is that you're going to do the regulation in full discussion with the stakeholders. My God, what kind of discussion have we had with stakeholders up to now, and why should I trust that it will be any different when we do the regulations? If we can't give proper time to the stakeholders now to come to this committee and tell us what they're going to tell us about how this bill should or shouldn't be done, why should we trust that in a regulation process the stakeholders will be consulted adequately?

I look at my good friend the member from Algoma-Manitoulin, not Kapuskasing—that's the other guy.

The Endangered Species Act: As a northerner you will know that there are a lot of really upset people across northwestern and northeastern Ontario on exactly that issue. We had a bill that came into this House, this bill came into committee, amendments such as these were not accepted because we said we'd leave it to the regulation—"Trust us, it'll be okay"—and the forest industry, the communities in which the forest industry finds itself in and the workers were apoplectic at the process of regulation-making because the regulations are not doing anything near what people expected would happen under regulation. I don't trust that for two seconds.

On the last point, in regard to the point that this is going to save us a whole bunch of emissions going into the atmosphere: If everybody bought the argument that everybody is currently speeding, doing over 105 kilometres, the numbers stand up. But at the end of the day, do you know what is going to be the biggest speed limiter? It's the price of fuel. I drive a Ford F-150 up in northern Ontario, and now, when I drive up to Kapuskasing, as I did last Friday, I do 100 kilometres an hour for a really simple reason: It's 140 bucks to fill up

the truck with gas. There's no advantage for me to go to 110 kilometres and burn more gas.

The biggest speed limiter to the trucking industry is the price of fuel. My point is this: If I were to buy the argument that, yes, the price of fuel is cheap and that every truck on the highway was speeding and that speed limiters will bring them down to 105 kilometres, then the argument holds true that there would be an offset saving on the environmental side. But I think it's minimal compared to the reality: Most trucks are already doing the speed limit. A whole bunch of trucks, especially in large fleets, are already using speed limiters voluntarily, and those that are not are driving at the speed limit. Why? Because the price of fuel is expensive enough to deter you from doing anything like 115 or 120 kilometres.

The last reason—probably two. One is that they want to stay safe as drivers. They're among the safest drivers on the road, and the stats will show that, but the Ontario Provincial Police do a pretty good job of patrolling our highways. There's no upside for getting a ticket because, if you get too many tickets, you're not going to be making a livelihood driving a truck. My point is, let's not say that this is an environmental bill. At the end of the day, it will have some impact—I don't say that it won't have any—but it's not going to have the types of savings that my good friend Mr. Brown says. I reject the arguments of the parliamentary assistant.

I fully expect that regulations will come forward and that there will be very little in the way of consultation, and industry will be just as frustrated as the forest industry was over the Endangered Species Act, and still is. I will continue to support this particular motion.

The Vice-Chair (Mr. Jeff Leal): Mr. Klees, please.

Mr. Frank Klees: To my good friend the parliamentary assistant: I'm concerned about his response because it's the words he used that we've heard so many times in this place.

Let's parse his sentences a bit. He said, "We have no intention of including buses." The broader interpretation of that could be, "We have no intention"—and I'm sure you don't now, but that could change tomorrow. So I'm just concerned about the choice of words.

The next thing the parliamentary assistant said was, "We are taking a step-by-step approach to this." This is the first step. My concern is that the next step is to include passenger buses and all of the other classes. That's precisely what we want to avoid.

Finally, having had the privilege of sitting at the cabinet table, I know full well why you want to reserve these kinds of definitions in regulation: because you don't have to come back to the Legislature when you do want to include buses. It's an order in council. All you have to do is make a decision in cabinet. It'll take 30 seconds, sometimes quicker, and it's done. You affect an entire industry with that kind of decision-making. So that is why I brought forward the proposed amendment.

Finally—and I hesitate to do this, in one sense, but I feel compelled to—the parliamentary assistant assured us

that the ministry would consult with stakeholders in terms of the regulations. I'm sure that you also consulted with stakeholders, albeit a very narrow group of them, when this bill was crafted.

I'm going to read into the record part of an e-mail that relates specifically to this legislation. In preparation for debate, in preparation for this committee, I sent out a number of e-mails to stakeholders across the province asking them for their proposals for amendments. Here's what I got back from one of those stakeholders with whom the Ministry of Transportation consulted:

"As for the amendments, we have none, and in fact I would go further and say that we would be strongly opposed to any amendment. This is our bill. Every period, every comma, every semi-colon was put there by us, and we would be very, very unhappy were it to be amended in any way."

It goes on to say, "Sorry to be so blunt, but this is very important to us and the PC caucus needs to understand that we took their critical comments about the bill during second reading as criticisms of us and our view of what a responsible trucking industry should be. Again, this isn't Bradley's bill, this is our bill, and any comments about it—or proposed amendments—are not criticisms of him or the Liberals; they are criticisms of us and what we stand for, and we take them as such."

As a member of this Legislature who's been here now for some 13 years, I took serious offence to this. I can tell you that if consulting with stakeholders means that you consult with these people only, and that they'll have the same kind of control of your amendments as they claim to have had, to the point where "every period, every comma, every semi-colon was put there by us," then it's our responsibility in this committee to protect the rest of the stakeholders.

For that reason, I'm appealing to members of the government. The parliamentary assistant has said that there's no intention to include passenger buses. In that case, if there isn't, why don't we provide the assurance for this very major part of the industry and simply pass this amendment, be done with it, settle the affair and move on? Please, I appeal to members of the government to support this amendment.

0940

The Vice-Chair (Mr. Jeff Leal): Thank you, Mr. Klees. Further discussion? All those in favour of the amendment?

Mr. Frank Klees: A recorded vote.

Ayes

Bisson, Klees.

Nays

Aggelonitis, Brown, McNeely, Rinaldi.

The Vice-Chair (Mr. Jeff Leal): The amendment is defeated.

Mr. Klees, you have proposed another amendment?

Mr. Frank Klees: I have.

I move that subsection 68.1(6) of the Highway Traffic Act, as set out in section 1 of the bill, be struck out and the following substituted:

"Seizure of tampering device

"(6) If a police officer or officer appointed for carrying out the provisions of this act finds a device or equipment prohibited by subsection (3) in the course of any inspection of a commercial motor vehicle, he or she may,

"(a) request that the driver of the vehicle detach the device or equipment and submit it to the officer; or

"(b) detain the vehicle until the device or equipment is detached and submitted to the officer."

The reason for this is really for the protection of the officer or whoever may be involved in the roadside detection. It's very simply this: Enforcement officers are not qualified mechanics, and to allow them or require them to remove a device that may be hard-wired and attached to the vehicle may well cause damage to the vehicle, thereby, I think, implying potential liability not only to them but also perhaps to the ministry. The rationale is to protect the operation of the vehicle, as well as the liability of the province should an officer cause damage in the removal process.

The Vice-Chair (Mr. Jeff Leal): Discussion?

Mr. Gilles Bisson: It's an interesting amendment. I was actually holding off on deciding on what we were going to do on this amendment until I just heard that explanation. It would be interesting—and I don't know if anybody has an answer to that question. The device itself, as far as I understand it, is the computer that's already installed in the truck at the time of construction, at the time that the truck was built. So my understanding is that you activate the speed limiter by going to a garage and plugging it into one of those computers—whatever they call it—in the garage that programs the chip or that operates all of that.

My question to the parliamentary assistant and the mover of the motion is: Could you install a device of that type in the truck? I always thought that you couldn't put an on-switch or an off-switch on these things. I thought it had to be plugged in or hard-wired into the harness and then reprogrammed with the equipment in the garage. So a short answer to the question: "Can a device actually be hard-wired into the truck where the person can turn it on and off?" I don't know.

Mr. Michael A. Brown: I would not profess to be an expert on how these work, but I'm told that it would be highly unusual and probably counterproductive to hard-wire a device in. The reason for that is that you would hope to be undetected if you were tampering with the speed limiter. To hard-wire it in would be like telegraphing to anyone who knew anything about the engine that there was some tampering done. That's not to say that it won't happen. As we all know, technology moves at rapid speeds, and if there's a way to circumvent our regulations, someone's going to work very hard to find a market to do that, I presume, just because that's the way the world works.

I want to tell the member that I appreciate it. We've given this a great deal of thought too, and I think I understand where Mr. Klees is coming from on this. We do have some concerns, though. I think the problem is that it takes away the authority of the officer to do it if the officer feels very confident that he or she could do it without harming the vehicle in any way. The act does not require the officer to do it; it doesn't require the officer to do anything. The officer does have the authority now, or will have under this act, to hold the truck at the roadside until it's removed. The driver could remove it or a mechanic, either the driver's mechanic or the company's mechanic, could come and remove that, but the officer has the ability to hold that truck exactly where it is until that happens. Just to help the member: It doesn't require the officer to remove it; it just permits him to. There's quite a difference between "require" and "permit."

I'd kind of like to support this, but I don't think it does exactly what the member wants it to do, and therefore I think it's redundant. It doesn't really help.

The Vice-Chair (Mr. Jeff Leal): Mr. Bisson.

Mr. Gilles Bisson: For the parliamentary assistant: First of all, I'm not sure if I got an answer to my question. I'm not sure if you can actually install such a device. I wish there was somebody here who could tell me if that's possible or not.

The Vice-Chair (Mr. Jeff Leal): Mr. Bisson, we have some staff—

Mr. Michael A. Brown: I think we do have some people who could answer.

Mr. Gilles Bisson: That's why I'm asking.

The Vice-Chair (Mr. Jeff Leal): Sir, if you could identify yourself for the sake of Hansard and then respond to Mr. Bisson's question.

Mr. Gilles Bisson: Then I have one more little part to that. Thank you.

Mr. Mike Dodds: My name is Mike Dodds, with the Ministry of Transportation, carrier safety and enforcement branch.

The Vice-Chair (Mr. Jeff Leal): Mr. Dodds, could you respond to Mr. Bisson's question?

Mr. Mike Dodds: What we envision is very much similar to the radar detectors that the police are currently seizing—actually, a couple of weeks ago. We believe, in anticipation to this legislation being passed, that there are already devices on the market for about \$279. They fit in the cup holder of the truck. They plug into the cigarette lighter and into the port by a little cable that can be quickly removed and hidden from an enforcement officer. What it does is disguise the revolutions per minute of the engine so that the engine thinks it's running at a certain revolution per minute but actually it's running much faster, and you can gear it down to go slower.

Mr. Gilles Bisson: So the answer is that, yes, you could install it?

Mr. Mike Dodds: Yes.

Mr. Gilles Bisson: And it's not a huge job to plug it into the harness?

Mr. Mike Dodds: No.

Mr. Gilles Bisson: I always thought the harness was under the hood. That's why I was—

Mr. Mike Dodds: No. The harness is usually under the steering column or along the door well.

Mr. Gilles Bisson: Okay. Let me just ask this question: I'm the truck driver and I've got one of these devices. All of a sudden, MTO or OPP or whoever pulls me over. Am I able to easily unplug this device while I'm still driving my truck and have control of my vehicle? Or do I have to—

Mr. Mike Dodds: Yes. It's like pulling a power cord out of the wall.

Mr. Gilles Bisson: Including the hard wiring to whatever port you have to plug it into?

Mr. Mike Dodds: Yes. Instead of a three-pronged plug, it's a nine-pronged plug.

Mr. Gilles Bisson: That answers the first part. I understand the logic of the amendment now. Thank you very much. That was helpful.

To the parliamentary assistant: Your argument is that your current amendment says it only gives the officers the right to if they decide they need to. In simple English, it's "may"; it's not "shall." As I read this, it gives the officer the ability, if she or he decides, to ask the person to take it out—right?—which is the same effect that you have now in section 6 of the bill. If the person refuses or for whatever reason that doesn't happen—because the person doesn't know how or whatever—then you can detain the truck, which means that the truck is off the road.

The only thing that I think you could do to fix this, in order to make you comfortable, is by adding a (c), which says that in the event that all of it fails, then the person has the right to disconnect it if there's no co-operation. I'd be willing to support such an amendment to the amendment.

Mr. Michael A. Brown: This does not help in any way that I can tell. The officer has the right to detain—still does—for any reason under this act or for an unsafe vehicle, period, when it doesn't meet the regulations of the Ministry of Transportation. I'm trying to determine exactly what the member thinks is the advantage to this.

Mr. Frank Klees: If I may: It's very straightforward. As the parliamentary assistant indicated before, the legislation as it sits now gives permission to the enforcement officer to remove, to tamper. Personally, whether he or she may feel they're capable of doing it or not, there is a potential that damage may well be done to the vehicle. I just don't think we want that permission to be there. Yes, he can detain, and under this amendment he or she has the opportunity to direct the owner of the vehicle or the driver to have the mechanism removed. We lose nothing in the efficacy of what the intent is.

0950

Singularly, what we're saying here is that we don't want the enforcement officer to be the person to tamper with the vehicle. We believe that it can result in damage. To the parliamentary assistant: If damage is done, then we are now into an entire process for the vehicle owner

to have to claim damages, and we all know what that's like when you're dealing with government.

We're already laying on regulation here. Why are we creating one more potential for a business owner to have to get into a fight with government over claiming—whether it's a \$100, a \$500 or a \$5,000 bill, why would we expose the enforcement officer to that? Don't give them the permission; that's the very point of the amendment. I don't think they should have the permission. They should be required to take the step as it's outlined in the amendment.

That's the rationale. I thought it would be helpful to the government. I leave it at that. I think it's very simple, very straightforward. I thought it was a helpful amendment, and I would hope that government members would reconsider.

The Vice-Chair (Mr. Jeff Leal): Mr. Brown, do you have anything?

Mr. Michael A. Brown: I understand the spirit of the amendment. I guess I just don't share the view that our enforcement officers do not have the necessary knowledge and discretion to decide whether they could possibly do this without harming the vehicle. I have great confidence in the ministry inspection people to do that.

Mr. Gilles Bisson: To the parliamentary assistant: If that's the case, if that's the position the government is taking, would you support what I would term a friendly amendment that keeps your subsection 6(a) together, but in (b), have that say that the officer has the right, if there's no co-operation, to remove the equipment?

The Vice-Chair (Mr. Jeff Leal): Mr. Bisson, are you moving an amendment to the amendment?

Mr. Gilles Bisson: I'm asking, first of all, if he would be supportive, because I'm not going to bother otherwise.

Mr. Frank Klees: Certainly, I'll accept that.

Mr. Michael A. Brown: We do not.

Mr. Gilles Bisson: At the end of the day you wouldn't support the amendment anyway, so why go through the process?

The Vice-Chair (Mr. Jeff Leal): Valid question.

Mr. Michael A. Brown: I'm just cutting to the chase.

The Vice-Chair (Mr. Jeff Leal): Mr. Klees, do you want a recorded vote?

Mr. Frank Klees: Recorded vote.

Ayes

Bisson, Klees.

Nays

Aggelonitis, Brown, McNeely, Rinaldi, Zimmer.

The Vice-Chair (Mr. Jeff Leal): The amendment is defeated.

Mr. Bisson, you're next.

Mr. Gilles Bisson: I move that section 68.1 of the Highway Traffic Act, as set out in section 1 of the bill, be amended by adding the following subsection:

“Application to drivers

“(10.1) Where this section applies to a driver of a commercial motor vehicle, it only applies to the following classes of drivers:

“1. A driver who has not successfully completed a trucking training program,

“i. that is offered by a trade union, as defined in subsection 1(1) of the Labour Relations Act, or by a private career college registered under the Private Career Colleges Act, 2005, or

“ii. that meets the prescribed criteria.

“2. A driver who has been charged with an offence under section 128, 172 or 214.1, while driving a commercial motor vehicle, more than twice in the immediately preceding five years.

“3. A driver who has been convicted of an offence under section 253, 254 or 255 of the Criminal Code (Canada) committed in relation to driving or having the care, charge or control of a motor vehicle or street car within the meaning of this act or a motorized snow vehicle within the meaning of the Motorized Snow Vehicles Act.”

The rationale is a fairly simple one. First of all, I want to go back to my original comment: Are we throwing the baby out with the bathwater with this legislation? I come from the premise that the majority of truck drivers—and the stats prove this—are already driving within the speed limits. If you look at the research that we've got, that we've asked for as a committee, truck traffic, by far, is within the speed limit in comparison to the rest of the traffic on the road. Number two: As I said earlier, most people are slowing down their vehicles because of fuel prices.

So if, at the end of the day, it is questionable that this is really going to add to truck safety and the safety of people driving on highways, why not apply this to the culprits, the people who do the speeding in the first place? That's basically the argument: that we apply the speed limiters to those companies or people driving beyond the speed limit as a deterrent for them not to do so. We would end up back in the same place again. It's deterrent legislation. Those who are the most guilty are the ones who would have to have the speed limiters—that would be the premise—the same way that if a person has unsafe trucks and they don't have a good CVOR, they get themselves into trouble.

The Vice-Chair (Mr. Jeff Leal): Discussion?

Mr. Frank Klees: Again, I think it's a reasonable proposal. If safety is a key issue for the government, if it has to be, then let's apply the mandatory requirement to those who obviously are a threat to safety. I'll support this amendment.

Mr. Michael A. Brown: I appreciate the amendment, but this would hinder the legislation's ability to provide the spectrum of environmental benefit across the board by restricting it to a relatively small number of vehicles and drivers within the system.

We don't see speed limiting as a penalty. We think this is something that is good for the environment and

should be practised across the board. I think the member is believing this to be a penalty for bad behaviour. That is not how the government sees this. The government sees this as an opportunity to save 280,000 tonnes of greenhouse gases. By restricting this to a certain number of drivers, we fail to see how that would achieve the end goal of the legislation.

Mr. Gilles Bisson: First of all, I listened to the minister's speech. The minister did say that there were two reasons he was doing this bill; one was the environmental angle and the other one was safety on roads. Clearly, the government sees this as an issue of trying to increase safety on our highways. So, just like speed limits and the fear of being caught by the police officer for speeding in your car or speeding in a truck deters people from speeding on highways and the high price of fuel that we have today deters speeding on highways, this would be another deterrent. That's the spirit in which this is brought forward.

I agree with the premise that most truck drivers are driving at the speed limit now. Most fleets already have speed limiters inside their trucks by their own choice. They want to make sure that their drivers don't drive over a certain speed because of the fuel costs. This would get to those others as a deterrent, by saying, "If you decide to speed you could be caught for speeding with radar by a police officer on the side of the road, and if you are caught, then we're going to put a speed limiter on and you're not going to be able to drive a truck unless there's a speed limiter." So it is a deterrent. That's the way I see it.

Mr. Michael A. Brown: That may be, but we don't see it as a penalty. We see it as something every truck should have, for the environmental benefit of the province of Ontario and, indeed, the planet.

Mr. Gilles Bisson: People who came here before us did see it as the opposite of what you make it out to be. Most truck drivers are saying, "We're responsible business people and operators of our trucks. We drive our trucks safely. Why? Because it not only makes sense from the motoring public's perspective of safety on highways, but it's also our own safety, and it makes more sense economically to slow down, take care of our vehicles and be better drivers."

1000

My thinking—again, I just bring this forward as an idea—is that fuel prices are already bringing the speeds down on highways. We heard Sergeant Cam Woolley, I think it was at the beginning of the week, on CBC Radio talking about how the OPP is now seeing an overall reduction in speed on our roads and highways because of gas prices. So we know anecdotally that people are slowing down because of the price of fuel, and—I don't like this idea—it's more than likely the price of fuel is not going to come down any time soon. I come from the premise that we're already seeing speeds come down, so we're already helping with the environment indirectly with sort of a carbon tax—it's not a carbon tax, if you know what I mean. The price of the fuel itself is making people slow down.

On the other side, from a safety perspective, we've heard all kinds of people talk about the dangers of putting governors on trucks when it comes to all of the trucks that are on the 400 series, Highway 17, Highway 11 etc. We will end up in a situation where the motoring public may become very frustrated, stuck behind two trucks trying to pass themselves on the 401 or in a passing lane somewhere on Highway 11 or Highway 17. This legislation allows us to increase driver and motoring public safety, and I just think that at the end of the day the price of fuel is really going to be the deterrent and will bring speeds down and offset the amount of gas emissions that we have into the atmosphere.

The Vice-Chair (Mr. Jeff Leal): Further discussion? Mr. Bisson, do you want a recorded vote on this one?

Mr. Gilles Bisson: Yes, I do.

Ayes

Bisson, Klees.

Nays

Aggelonitis, Brown, Rinaldi, Zimmer.

The Vice-Chair (Mr. Jeff Leal): It is lost.

Mr. Gilles Bisson: That's it. I quit.

The Vice-Chair (Mr. Jeff Leal): Amendment 3A, Mr. Klees, please.

Mr. Frank Klees: I move that section 68.1 of the Highway Traffic Act, as set out in section 1 of the bill, be amended by adding the following subsection:

"Exemption

"(10.1) This section does not apply to a commercial motor vehicle to which number plates that were issued in the United States of America are affixed."

I am, again, hoping to minimize some of the damage that I think potentially would arise from this. I have a number of e-mails in response to this proposed legislation, from truckers, carriers and owner-operators who operate out of the United States and do their business in Ontario or carry goods across Ontario, from Michigan into Ontario, who have said to me, and made it very clear, that if this legislation is implemented, they will be precluded from doing business as they have done because, as we know, there isn't a state in the United States of America that has this requirement. I believe that New Jersey is contemplating it, if I'm not mistaken. That was the research we had.

So, by passing this legislation, there is a serious implication to those carriers that are American-based, that do business now in Ontario. Because of the differentials in speed limits between Ontario and some of the US states, to have this speed limiter installed in their vehicles as a requirement of Ontario law would hamper their doing business as they're doing now in several states in the United States of America. Basically, they're saying that they won't do business anymore in Ontario.

I find it passing strange, at a time when Ontario is suffering, when all the warning signs are going up about impending economic doom here in this province, that we would put legislation in place now that would hurt business as it's being done today in the province of Ontario—I just find it passing strange.

I have here a notice that “a claim will be brought against the government of Canada, filed under chapters 6, 9 and 11 of NAFTA, as a result of” this legislation being proclaimed by the government of Ontario “requiring the mandatory installation of speed limiters on all trucks entering and operating in Ontario. The Owner-Operated Independent Drivers Association, which will be bringing this claim, has been advised by its Canadian counsel, Ogilvy Renault, that the mandatory requirement to install a speed-limiter system will cause prejudicial and unfair treatment of US truckers entering the province.”

We've seen before how this government barrels ahead with breakneck speed with legislation that they had warnings about from the opposition and from stakeholders. But they always know better and, on a number of occasions, have had to backpedal and, after all of the process, have actually been ordered by the courts to go back to the drawing board and revise their legislation—the most recent about two months ago with regard to the adoption legislation. Our own privacy commissioner raised concerns about that legislation. Nevertheless, the government passed it and then was ordered by the court to revise their legislation. What I'm hoping to do with this amendment is to save the government some of that agony, because the rationale, quite frankly, makes some good sense.

For the benefit of committee members, I want to provide some information regarding some of the inserts included in that NAFTA challenge for your consideration:

“According to studies and data, 96% of the American trucking industry is comprised of small business owners. Approximately 70% of small business owners do not activate the speed limiter, that is, calibrate the electronic control module to limit the vehicle to the maximum proposed speed. OOIDA represents approximately 162,000 small business owners with approximately 240,000 trucks on the road. Based on an OOIDA survey of its membership, 39% regularly operate in Ontario. When asked in that same survey if those members will continue to provide transportation services to the province if Bill 41 passes, 88% said no. That's over 60,000 individuals and 80,000 trucks that now haul literally hundreds of thousands of loads each year into and out of Ontario that would no longer do so. These members will be disproportionately impacted by this legislation. Please note: OOIDA only represents approximately half of the existing small business owners in the United States; therefore, the numbers should be doubled, which would be estimated at 120,000 small business owners and 160,000 trucks controlled by small business owners.”

The claim goes on to say, “OOIDA has also been advised by its counsel that the NAFTA challenge will

stand because NAFTA prohibits the imposition, enforcement or requirement of a purchase that accords a preference of goods or services provided in Ontario. Under Bill 41, small business owners who wish to continue conducting business in Ontario must activate a speed-limiter setting in compliance with the statute or lose their competitive advantage when operating in the United States, particularly in those 23 jurisdictions with posted speed limits above 105 km/h (65 mph). Therefore, in order to continue conducting business in Ontario, it would become necessary to visit a mechanic at the border of Ontario to enable the speed setting and to visit a mechanic upon exiting the province to readjust the setting. Our research indicates that this service will cost approximately \$250 to \$300 per visit, which does not include the downtime and loss of productivity the small business owner must contend with.”

1010

Again, in the interest of helping the government avoid a NAFTA challenge and the embarrassment of losing, I would expect that members of the government would support this amendment.

Mr. Gilles Bisson: I think this is a question I want to have somebody from the ministry come before us to—let me ask the question and you can decide who's going to come and answer it. I understand full well what the member is trying to do, and I have some support for him not applying this legislation to trucks outside the province of Ontario. I understand the logic of the argument, so I'm not opposed to what he's trying to do. I'm just wondering, if we end up saying that this legislation doesn't apply to trucks outside Ontario, will that put the Ontario trucking industry in the position of registering trucks outside of Ontario driving within the province? If somebody could come and answer that question, that will help me decide what I'm going to do with this amendment.

The Chair (Mr. Jeff Leal): For Hansard purposes, could you just identify yourself, please?

Mr. Chris Brant: Yes. I'm Chris Brant. I work with the carrier safety policy office with the Ministry of Transportation.

The Chair (Mr. Jeff Leal): Could you respond to Mr. Bisson's question, please?

Mr. Chris Brant: Yes. There is always the risk that carriers—although you can never predict reliably how people react. They do have businesses set up in Ontario, but it's not unusual for companies to set up for registration purposes in other jurisdictions under the international registration program. In Canada it's not an uncommon practice to do that. So certainly it's not out of the realm of possibility to do that.

Mr. Gilles Bisson: It could happen but not necessarily, I guess is what you're saying.

Mr. Chris Brant: That's right.

Mr. Gilles Bisson: Just as a supplementary question: If I'm an independent truck driver and I have one or two trucks and let's say I'm doing business out of Sudbury, how difficult would it be for me to register my truck in Manitoba, for example, and operate in Ontario?

Mr. Chris Brant: I don't know the Manitoba registration requirements, but I imagine you would need, at a minimum, a post office box. Some may require some sort of place of business in the province that demonstrates that you've got some sort of a—

Mr. Gilles Bisson: There would be a cost associated with it, so they may not go that way.

Mr. Chris Brant: Yes.

Mr. Gilles Bisson: Okay, that answers my question. Thank you, I appreciate that. That was my only thinking. I'd just like to hear what the mover of the motion feels about that, because I don't want to be in a position where we're allowing our trucking industry to flee Ontario. We have enough job loss in this province, given what this government's record is on joblessness in this province, in northern and southern Ontario. What are your thoughts on that?

Mr. Frank Klees: If everything we hear from the ministry—that there is such overwhelming support for their legislation—is true, then we have nothing to fear. But I do think we have a responsibility in this Legislature to ensure that business overall, first of all, is not negatively affected, that we're not driving people away from Ontario who are doing business today, and that we're not imposing our legislation—which, by the way, I don't think is good legislation—on another jurisdiction. The underlying issue, that there will be a NAFTA challenge—as a legislator, I don't want the embarrassment on my shoulders, to be seen to be driving business from a jurisdiction that desperately needs business.

Mr. Gilles Bisson: It's a good explanation or a good answer to the question. I guess the answer is: At the end of the day, although it is possible that people can do this, what I heard from the ministry is that economically it probably doesn't make a lot of sense. If I have to prove that I have a place of business in the States or in Manitoba etc., that might preclude me from taking that option, because God knows the independents aren't making a heck of a lot of money now and can't add anything to their cost structure.

I thought the point by the parliamentary assistant was interesting. If this is such great legislation, people should be jumping out of the woodwork to sign up, right? I appreciate that. I think it speaks to the larger problem that we have with this legislation, and that is, what do you do with legitimate truckers who operate from outside this jurisdiction and have to transport across Ontario or come to Ontario? And what do we do with drivers from Ontario who have to go into the States and Manitoba and other places? One of the things I've been hearing a lot from the trucking industry is, "I do business out of Trenton"—or Kingston or Sudbury or Hearst, wherever it might be—"and I long-haul into the United States. I have a speed limiter, because by law I have to have it here in Ontario, but then I go into another jurisdiction that has speeds above the speed I can legally drive at with a speed limiter in Ontario."

It puts them at a cost disadvantage with other drivers, because they are driving within the speed limit of the

jurisdiction. And correct me if I'm wrong, but some of the interstates are as high as 120 kilometres per hour. Clearly, those jurisdictions have felt that 120 is safe for the highways they have, and we all know that speeds are based on the highways that we have. The straighter the highway and the more lanes you have, the faster you can go, probably. The more winding and hilly the road, the lesser the speed should be.

The long and short of the story is that we're going to have an economic disadvantage for the haulers from Ontario going into other jurisdictions because they're going to be limited by their speed limiters. They're not going to be able to shut them off once they drive into that other jurisdiction. So that's one side of the argument. And it puts them at a cost disadvantage, possibly not being able to compete for the business of hauling into the United States. The government says the answer to that is, "We'll apply the legislation to those in the United States," right? Hence what this amendment is all about.

For those people who are hauling in from the United States—and let's say that only part of their business is hauling into Ontario; 40% or whatever it might be—they may very well decide that they can't haul in from the States at a positive cash flow. If they've put the speed limiters on their trucks and they're not allowed to turn them off, how are they going to compete when they're hauling the rest of the loads into the United States?

I think the amendment, although not perfect, speaks to the issue or at least addresses one side of the problem. It doesn't address the other side, which is the Ontario trucks trying to get out of Ontario. I'd like to hear the parliamentary assistant talk about how we deal with those people who are in Ontario and doing business outside of Ontario. At what point does this put them at a disadvantage, and vice versa, those people operating outside of Ontario coming in? I'd like to hear what the parliamentary assistant feels and has to say about that in his own wonderful way.

Mr. Michael A. Brown: I'm shocked, absolutely shocked, that anybody would suggest that you can operate a motor vehicle in Ontario and not comply with our laws, whether it's the length of the truck, axle weight, all of those things. Every trucker who operates in Ontario has to follow the rules of Ontario. And I am shocked that any member of the Ontario Legislature would put forward a position that Americans don't have to obey the laws of Ontario. We are confident that we will win any NAFTA challenge on the basis of the environment and safety.

If there are members in this Legislature who want to give up Canada's and Ontario's sovereign right to govern our province, go ahead and advocate it. We're voting against it.

Mr. Frank Klees: I've never seen Mr. Brown so animated.

Mr. Michael A. Brown: I am.

Mr. Frank Klees: He must have been practising in front of a mirror this morning.

No one is suggesting that anyone not obey our laws. What I'm proposing is that we create good laws here and

that the law of Ontario would not require trucks operating out of the United States to comply with what I think is flawed legislation here, notwithstanding that the government insists on applying it to Ontario truckers. So from that standpoint, certainly, everyone has to comply, and from the tone of Mr. Brown's rhetoric, apparently this amendment won't fly either.

1020

If it is in place, I'll be the first one to say that American-based trucks will have to comply, of course. I'm simply trying to save the government some embarrassment. I'm trying to save a lot of Ontario businesses that now do business as a result of products being transported into Ontario by American-based trucking companies. I think that there will be an impact to Ontario businesses as a result of this flawed legislation being put into place. That's the rationale behind this proposed amendment.

Mr. Gilles Bisson: I'm in a conundrum, because I partly support the argument by Mr. Brown. I think we are a jurisdiction and we have—you didn't convince me. That's the reason I raised these flags at the beginning, quite frankly. But we haven't dealt with the essential issue, which is: How do we as Ontario industry compete with an industry that is North American if we limit our people in how they're able to drive as they get into other jurisdictions? Effectively, what we're doing is we're taking an Ontario regulation or law, and even though there's no law in the other jurisdiction, we're forcing them to follow an Ontario law even when they're outside of our own jurisdiction. The speed limiter can't be turned off when you go into the other—

Mr. Michael A. Brown: It can be.

Mr. Gilles Bisson: How are you going to do that? You can have a device to turn it off? This is interesting, because—I want to hear more—the parliamentary assistant is saying that Ontario truckers will be able to turn off their device when they go into the United States. Tell me how, please.

Mr. Michael A. Brown: I think I'd ask somebody from the ministry to come up and explain that for you.

Mr. Gilles Bisson: Thank you.

The Vice-Chair (Mr. Jeff Leal): Sir, could you identify yourself for Hansard?

Mr. Gilles Bisson: This is news to me because I've been lobbied quite the opposite.

Mr. Mike Dodds: Mike Dodds, again.

Mr. Gilles Bisson: Mike Gods?

Mr. Mike Dodds: Dodds.

Mr. Gilles Bisson: Oh, Dodds. I was going to say, "Thank you, Lord."

Mr. Mike Dodds: Was the question how to turn it off, or how are Ontario trucks going to be productive in the States?

Mr. Gilles Bisson: My point is that you heard my argument, and in making the argument, the parliamentary assistant says that Ontario trucking industry trucks will be able to turn off the speed limiters as they drive over the border into Manitoba or into the United States. If so, how is this going to be done?

Mr. Mike Dodds: There are several ways. Initially, when you go to set it up—you are actually very familiar with it—it's just a setting in the computer. It takes under an hour of shop time, so \$100 usually, if you don't have a speed limiter equipped to set it the first time. There are a number of different ways of setting it on the fly. We expect that most people will just leave it, because cost-benefit analysis has shown that you're 6% more productive if you're operating at 105 kilometres, even if the speed limit is 75 miles per hour or 120 kilometres.

The first way would be to purchase a laptop computer with your specific engine manufacturer's software. The estimated cost of that would be anywhere between \$1,500 and \$3,000. Then you have full control over your engine. You can change any setting you'd like.

Another option is that some engine manufacturers like Cummins have smaller, inexpensive devices; they have a QC5100. It's a little PDA-type device that allows the driver to optimize his fuel economy, power settings and everything on the fly. He can plug that in, and for \$700, he can have full access to control the speed-limiter setting that way.

There are other companies, such as Magtech out of Alberta, which offers a product for \$2,000 installed, in addition to all kinds of other features. It offers dispatchers, or automatically for the truck to be speed-limited. They've set a geo-fence around Ontario. As soon as a truck crosses into Ontario, it automatically limits the speed to 105. Upon exit, it will ramp it up to whatever the driver would like it to be.

Mr. Gilles Bisson: I guess the first obvious question is this: I thought it was illegal under this legislation to have a device that tampers with the speed limiter, so are any of these devices illegal in Ontario under this legislation?

Mr. Mike Dodds: We wouldn't consider these devices illegal. If we see a laptop computer with the settings open, it will be an enforcement matter to be dealt with. Our officers will be trained on these laptop computers with the specific engine manufacturer's software to determine, if the speed limiter is on, what other settings might be tampered with. It also creates a log as to when the speed was set and reset. It's a computer, so it maintains a constant flow of data.

Mr. Gilles Bisson: But somebody could write a program that tricks the log, right?

Mr. Mike Dodds: Correct, yes.

Mr. Gilles Bisson: My simple question is about the QC5100, which is the \$700 option: If I'm driving in the province of Ontario and driving out of the jurisdiction, you're saying that I can press some buttons or some combination of things that allow me to do what I've got to do in the other jurisdiction?

Mr. Mike Dodds: Exactly. It would require you to stop the truck, plug it in, HotSync with the truck and start the engine again to reboot the engine's computer so it has the settings.

Mr. Gilles Bisson: But if I have that device in my truck, would that be considered an illegal device under

this legislation if it's found in my truck at a way station or being pulled over for speeding?

Mr. Mike Dodds: With the studies, we don't know. We wouldn't consider that. We'd consider a tampering device a tool the driver uses to optimize his fuel economy. The device I mentioned earlier is definitely a tampering device; its only function is to tamper with the speed limiter.

Mr. Gilles Bisson: I'm going through these in a particular order because one of the concerns that we have is the issue of: What do you do when you get outside Ontario? What do you do when you come back? What I've been hearing from every submission that we've had up to now and all the e-mails I've gotten up to now—and I didn't hear anybody say to the contrary—is that the legislation says that you will not have any device in your vehicle that could be used to tamper with a speed limiter.

I want to put this on the record really clearly: I'm company A and I've got 1,000 trucks, or I'm broker 1 who's got one truck. I buy a laptop with the software for 1,500 to 3,000 bucks. I'm driving down the highway. I get pulled over in Ontario. It's not plugged into my machine; it's not plugged into my truck. I won't get charged?

Mr. Mike Dodds: That's correct.

Mr. Gilles Bisson: I want you to put this clearly on the record: I will not be charged?

Mr. Mike Dodds: We foresee the tampering devices coming. That's why we need that regulation, making power in the regulation, so we can specifically state that, say, this ProScan speed-limiting tool is a tampering device. That's what enforcement officers can seize, not a laptop. Strictly by policy and procedure, no, enforcement officers and police will not be mishandling or seizing these other devices.

Mr. Gilles Bisson: Okay, so as long as my laptop is not turned on, plugged into my truck, I can have it in my truck and I won't be charged?

Mr. Mike Dodds: In my mind, yes, that's exactly the way I see it.

Mr. Gilles Bisson: Okay, because at one point this will be used in a ticket somewhere, I'm sure, right?

QC5100 or similar devices, same thing: If it's in my truck and it's sitting there dormant and it's not being utilized, and I get pulled over and the enforcement officer, the police officer, sees it, he or she will not charge me for having that in my truck if it's dormant?

Mr. Mike Dodds: Correct.

Mr. Gilles Bisson: I think this other one is really interesting. You learn so much in committee.

We already know that most trucks are tied to GPS and this is, I take it, how this would work, right?

Mr. Mike Dodds: It works on GPS, satellite communication or cellular, any of the above.

Mr. Gilles Bisson: So if I'm the fleet and I have 1,000 trucks, I can put in a device, tied to my computer somehow, that says that once I get out of this jurisdiction—and that's defined by the satellites, because we all know that we can define pretty closely where the

border is on a GPS device—it would automatically turn off the speed limiter leaving the province of Ontario. First of all, that's how it works.

Mr. Mike Dodds: Correct.

Mr. Gilles Bisson: And if that thing is hardwired—because it has to be hardwired—inside my truck, I will not be charged if it's hardwired in my truck, if it's not set to reduce the speed while I'm in Ontario?

Mr. Mike Dodds: Correct, yes.

Mr. Gilles Bisson: Could a dispatcher inadvertently or purposely bypass this system?

Mr. Mike Dodds: Right now I don't know. We're actually going to meet with this company to discuss their technology a little further on the 18th.

Mr. Gilles Bisson: So it's a dispatcher or somebody back at the central office who would turn—or is it just a computer?

Mr. Mike Dodds: Originally, before this legislation was even conceived, it meant that if a truck got hijacked the dispatcher could ramp it down in increments of 10 miles per hour at a time until the vehicle was totally inoperative.

1030

Mr. Gilles Bisson: I wouldn't want to do that in an airplane, because eventually I'd fall out of the sky. If there's anything called the stall speed—thank God it's not on my GPS.

I'm just curious about this technology being hardwired inside the vehicle. Could it be turned off—just simply a dispatcher goes in and he has an arrangement with a buddy who's on the truck? Could that happen?

Mr. Mike Dodds: I'm not familiar enough with it to state that absolutely clearly, so I'd rather not.

Mr. Gilles Bisson: Because the question becomes: How does MTO prevent truckers from using the legal device to speed, right?

Mr. Mike Dodds: Exactly.

Mr. Gilles Bisson: So for the record, you're saying that there will be an ability for people to turn these things off as we go outside of Ontario by some means, and as long as it's not active but passive while in Ontario, it will not be seized and you won't be charged under this act.

Mr. Mike Dodds: Correct.

Mr. Gilles Bisson: That's interesting. Thank you very much.

The Vice-Chair (Mr. Jeff Leal): Further discussion? Mr. Klees, you want—

Mr. Frank Klees: A recorded vote, please.

Ayes

Klees.

Nays

Aggelonitis, Bisson, Brown, McNeely, Zimmer.

The Vice-Chair (Mr. Jeff Leal): I declare it lost.

Mr. Gilles Bisson: I will withdraw my next amendment because it was related to the other one.

The Vice-Chair (Mr. Jeff Leal): I was just going to ask you, Mr. Bisson. Thank you so much.

Mr. Gilles Bisson: Oh, I always try to help. You know me; I'm just a source of helplessness.

The Vice-Chair (Mr. Jeff Leal): Extremely helpful.

Mr. Michael A. Brown: Which one are we at?

The Vice-Chair (Mr. Jeff Leal): We're now on PC amendment 5. Number 4 has been withdrawn by Mr. Bisson.

Mr. Frank Klees: I move that clauses 68.1(11)(g), (h), (i) and (j) of the Highway Traffic Act, as set out in section 1 of the bill, be struck out and the following substituted:

“(g) requiring that an operator of a transportation enterprise keep records related to the maintenance, activation and function of a speed-limiting system and, upon request, make the records available to a police officer or officer appointed for carrying out the provisions of this act.”

This simplifies the requirements to have maintenance records maintained. There is already significant imposition on the part of government on private business in this province. I think the prescriptive provisions, as set out in the bill as it is now, will be potentially onerous and potentially costly—unnecessarily so—to the operator. This still maintains the requirement for record-keeping and maintenance but streamlines and simply removes the onerous aspect of the legislation.

Mr. Michael A. Brown: We see this as reducing the regulation-making powers with regard to the legislation, particularly with regard to inspection, the documents to be carried by the drivers and exemptions. It adds a requirement that operator records will be produced.

I think the member needs to understand that we are working very hard to harmonize our regulations with the province of Quebec, which is doing the same thing. We also know of two other Canadian provinces that may be proceeding down this path. We would like to have the regulation power to ensure that we have the ability to line up our regulations with the other provinces. We would not be making regulations—and I know the argument's going to be, “Why don't you put it in legislation?” But we would not be putting the regulations in place without consulting with the industry and making sure that while the enforcement people get the information they need, it should be not be unduly restrictive or onerous upon the driver, the operator or the carrier.

The Vice-Chair (Mr. Jeff Leal): Further discussion? Mr. Klees?

Mr. Frank Klees: I've made my point.

The Vice-Chair (Mr. Jeff Leal): Mr. Bisson.

Mr. Gilles Bisson: I'm trying to get my head around this one, quite frankly, because I missed the beginning of it. Can you explain again, Mr. Klees, how it's different, just so I clearly understand what you're trying to do with this?

Mr. Frank Klees: Very simply, what I'm trying to do is streamline the requirements for reporting and maintenance records. I think the government's requirements are very prescriptive. We're dealing with many independent owner-operators who don't have the resources of clerical support to put the requirement in place that there has to be a maintenance record, that it must be produced when it's requested, and there are obviously consequences if they don't. It's simply a matter of trying to reduce the red tape, the regulatory burden, on independent business.

Mr. Gilles Bisson: What's the argument against?

Mr. Michael A. Brown: The argument is that we intend to do this by regulation. But we do have, as you would appreciate, some difficulty when we're talking to Quebec. We'll be talking probably to at least two other jurisdictions about this, and we want to make sure that, as Mr. Klees is making the case, these regulations are not onerous, that they are reasonable and that the driver and the owner-operator, the carrier or whoever it happens to be will be able to comply, with the least amount of intrusion. We would like this to be the same across the board, and across the country eventually, I think. We want the ability to do it by regulation.

The argument here is whether it's by regulation or by legislation, and our view on this is that, because we are in negotiations with other provinces, we would prefer that it be by regulation.

Mr. Gilles Bisson: I don't see this amendment being in the way of trying to harmonize what we're doing between Quebec and Ontario, and I agree with the argument from Mr. Klees that, at the end of the day, the last thing we want to do is burden people with even more of the administrative burdens that they have under this act, or any other. So I'll support it on that basis.

Mr. Frank Klees: A recorded vote, please.

Ayes

Bisson, Klees.

Nays

Aggelonitis, Brown, McNeely, Zimmer.

The Vice-Chair (Mr. Jeff Leal): It is lost.

Mr. Bisson, please: number 6.

Mr. Gilles Bisson: I'll read the motion first. I know it's going to be supported, so I'm looking forward to the support on the government side.

I move that section 68.1 of the Highway Traffic Act, as set out in section 1 of the bill, be amended by adding the following subsections:

“Annual report

“(12) The minister shall prepare an annual report on the implementation of this section which shall include,

“(a) a list of regulations made under subsection (11) in the previous 12-month period;

“(b) an assessment, including statistics, on the impact of the use of speed-limiting systems in commercial motor vehicles;

“(c) an estimate of the costs relating to the use of speed-limiting systems in commercial motor vehicles; and

“(d) the number of charges laid under subsection (8) in the previous 12-month period.

“Report tabled

“(13) The minister shall table the annual report in the Legislative Assembly if it is in session or, if not, at the next session.”

The rationale to this is actually quite simple. I think that one of the problems we get into here in the Legislature is that often we draft legislation with good intention. I’m not saying that the government introduced this bill with bad intention; I’m sure that’s not the case. We think we get it right, we have a debate at second reading, we hope we’re listening to each other—probably not, sometimes—we bring it to committee, and we allow the public and those affected by the bill to come and tell us why it’s wonderful or why it’s terrible. Then, based on the submissions that we hear, we supposedly amend the legislation to make sure we get it right, that we listen to those affected and learn from them what we could do better to make the legislation work.

Unfortunately, that process is flawed. We know that in this committee by way of Bill 41 we’ve had very limited public hearings. We haven’t really had a chance to listen to the rest of the people whom we needed to listen to on this particular bill and, clearly, as we’re going through clause-by-clause this morning, we’re not amending the bill in any way, shape or form to respond to the issues that have been raised by the public that came before this committee.

The purpose of this amendment is quite simple. It’s to say, “All right, if this is good legislation, the minister should table the report in the House every year” so that we understand how this bill is affecting the motoring public both from an environmental perspective, because there is something environmentally positive to this bill—arguably, how much is the other question—and to see what it means to road safety so that we as legislators could at least look at the report and say, “Ah, this thing is working the way it should.” “Hooray,” says the government, and gives itself accolades, or we see that there are some problems that need to be re-looked at by this Legislature and we can amend the bill in the future in order to make it do what it was intended to do in the first place.

I see this as a friendly amendment, and I look forward to the support of the government side of the Legislature, because I know they believe in democracy and want to do the right thing.

The Vice-Chair (Mr. Jeff Leal): Question period will commence in five minutes. I know that Mr. Klees has to leave in preparation for question period. We’ll recess now and come back at 2 o’clock this afternoon.

The committee recessed from 1040 to 1403.

The Vice-Chair (Mr. Jeff Leal): We’ll bring the meeting of the Standing Committee on Justice Policy back to order.

When we left this morning, Mr. Bisson had the floor, so we’ll go back to Mr. Bisson.

Mr. Gilles Bisson: I made the argument this morning, but just to recap very briefly: We want to insert a section in this legislation that allows this bill to be reported back to the House as far as what the effect of the bill has been. We do that often with a number of other pieces of legislation, where we’re able to learn whether it’s working: if there are problems, if we need to adjust, if we need to tweak it. That’s the sense in which this particular motion is put forward. So, as I said earlier this morning, I look forward to support from the government side on this amendment, and I look forward to the comments from the members across the way.

Mr. Michael A. Brown: I would just tell my honourable friend that as a normal course of business within the ministry, we monitor all programs to see that they achieve the goal. The ministry has a very effective quality control system.

Mr. Gilles Bisson: They’re understaffed. They haven’t got the power to do that stuff. You have to give them some more staff.

Mr. Michael A. Brown: Therefore, we think this is redundant. The information is available. Reporting to the Legislature is probably a burden that is not necessary.

I want to tell the member that it is not the intention of the ministry, once the regulations are put in place—that we aggressively, overnight, put these in place. There will be a transition period where the trucking industry understands what is required of them. There will be an education component so that the truckers know what is required of them, why it’s required of them and what they will have to do. It is not something that is going to be imposed overnight, because I don’t think that would work for the industry, nor would it work for government. This requires some good buy-in by the participants, and we intend to do that. As we move through this process, I think there will be a higher level of comfort for members with the way this is going forward.

Mr. Gilles Bisson: I guess there are two points. The short answer was no. So let me respond to why I think it needs to be asked. No disrespect to the staff at MTO; they’re fine professionals who work very hard. I know that because I’ve been here for some 19 years and have had the chance and the privilege of dealing with MTO staff at the regional and local offices across this province. So this is not an attack on the people who work there. The problem is that they’re pretty overstretched. More and more has been asked of them, and there are fewer and fewer of them. When I first came to this Legislature in 1990, there were far more MTO staff than there are today. So I think it’s difficult to ask the ministry—unless we’re prepared to give them the dollars—to do the job of monitoring this at the end, once it’s finally implemented. I’m sure there are great intentions within the ministry, but I just don’t believe they have the capacity.

The other thing I would say to my honourable—
Interruption.

Mr. Gilles Bisson: It's not me; I don't carry those things around. Who has their BlackBerry running?

Mr. Frank Klees: The parliamentary assistant.

Mr. Gilles Bisson: I can't believe it. I can't believe the PA would have his BlackBerry on.

The other point is that the parliamentary assistant, my honourable colleague from Algoma-Manitoulin, said that it would be a burden to bring this back to the Legislature. It's never a burden to bring matters before the Legislature. Quite frankly, that's what we're there for. Is it a burden on the ministry? No, because they don't have the capacity to deal with it. So I don't believe that having to report back to the Legislature is a burden on anybody. The issue is, we need to make sure that we get this right, and if there are problems, this is a mechanism to deal with that. Quite frankly, I would see this as a positive amendment to the legislation and wonder why the government would take the position they do.

Mr. Frank Klees: I'd like to support this amendment for precisely the reason the parliamentary assistant made reference to: quality control at the Ministry of Transportation. I'll be the first one to support the quality of work that's being done in that ministry—very dedicated people. But I do believe that it would be the very people working at the Ministry of Transportation who would also support this, and the reason is this: I would suggest that probably nine times out of 10, if something falls through the cracks, it's because of a lack of resources available to the staff there. The reporting back allows an identification of that lack of resources and would give a great deal of strength to the civil servants who have responsibility for implementing it. It gives them an opportunity in the course of that report back to identify where we need some shoring up of resources. So I don't think this should be viewed in any way as an affront to the quality of service that's being provided. I do think it should be seen as an opportunity to support the ministry in doing its job.

Mr. Michael A. Brown: Just to recap, the ministry will be auditing this program to see that it meets the targets it has in front of it. That will be available, and we all know around here that there are certain accountability mechanisms available to members. One would be a freedom of information request, but more important would be the estimates committee, if you choose to ask the ministry to come before estimates, where you can explore this—any member could, to their satisfaction—or the public accounts committee, which is always vigilant in making sure Ontario's tax dollars are spent appropriately.

The Vice-Chair (Mr. Jeff Leal): Further discussion?

Mr. Gilles Bisson: I get the sense that I'm going to lose this amendment. I don't know. Maybe it's just the way I'm feeling today; I'm very sensitive. I know that Mr. Levac always likes to support me, because we're good friends.

I just say that estimates process is—

The Vice-Chair (Mr. Jeff Leal): I'm sure Mr. Levac can speak for himself. He always has. So continue, Mr. Bisson.

1410

Mr. Gilles Bisson: I'm sure he can. He's very good at it.

I would just say that estimates committee—a bit of a different process. You ask questions of the ministry and the ministers who are here and you're sometimes provided answers to questions, but it doesn't give you the type of analysis that you need. Estimates is a very different process, as you well know. It allows you to ask specific questions around particular spending areas and allows you to look at policy direction—there's no question about that—but it doesn't allow you to do the type of analysis that needs to be done. Public accounts maybe, but there's no guarantee—and this is the point—that public accounts, because it's a selection by the subcommittee, as to what is going to be reviewed, or that this would be reviewed at all. That's the reason that I wanted this particular amendment.

The Vice-Chair (Mr. Jeff Leal): Further discussion? Mr. Bisson, do you want a recorded vote on this?

Mr. Gilles Bisson: I certainly do, boss.

Ayes

Bisson, Klees.

Nays

Aggelonitis, Brown, Levac.

The Vice-Chair (Mr. Jeff Leal): It is lost. Shall section 1 carry?

Mr. Gilles Bisson: Recorded vote.

Ayes

Aggelonitis, Brown, Levac.

Nays

Bisson, Klees.

The Vice-Chair (Mr. Jeff Leal): It carries.

Shall section—I'm sorry. Mr. Bisson, please. Sorry about that. I apologize.

Mr. Gilles Bisson: No, you caught yourself, Mr. Chair, and that tells me you're paying attention and you're on the ball.

I move that section 2 of the bill be struck out and the following substituted:

“Commencement

“2. This act comes into force on January 1, 2012.”

The reason for this amendment is pretty straightforward. Industry needs some time—

Mr. Frank Klees: It's when everything else comes into force.

Mr. Gilles Bisson: That's right. You stole the line. There's a great song: when they say, "You took the words right out of my mouth."

The Vice-Chair (Mr. Jeff Leal): Mr. Bisson, please proceed.

Mr. Gilles Bisson: No, I'm just saying—

The Vice-Chair (Mr. Jeff Leal): I know it's Thursday afternoon, but please proceed.

Mr. Gilles Bisson: There's a great song—I think it was Meat Loaf—that said, "You took the words right out of my mouth." Mr. Klees did exactly that.

Anyway, the reason for this is twofold: One, it gives industry the time to do the adjustment they need to do to get to this. I don't believe, quite frankly, that we have to do it according to the timetable that the province of Quebec put forward. I'm sure my brothers and sisters there are working very hard, but we don't need to follow them any more than we need to follow the United States. That was the argument that was put forward by my good friend Mr. Brown.

The other thing is, I just want to put this in keeping with everything else the government is doing. Most of the stuff they're going to do is not going to come into force until after the next election, and I want to be in keeping with government policy.

The Vice-Chair (Mr. Jeff Leal): We appreciate your unqualified support. Mr. Brown, please.

Mr. Michael A. Brown: I oppose the change of date to 2012, because I oppose an extra one million tonnes of greenhouse gases going into the atmosphere.

Mr. Gilles Bisson: I don't pretend for one second that there isn't a positive effect on the environment with this bill. I don't pretend that for one second. There is going to be a positive effect to a degree, but I believe that the figures that the parliamentary assistant used are over-exaggerated. Let me explain. As I said earlier, first of all, this is not part of a central greening strategy on the part of the government. The province of Ontario has said it's going to come forward with a comprehensive green strategy, but I've yet to see it, and this is not part of one of those strategies. To pretend that the government is moving forward on the reduction of greenhouse gas emissions by way of this legislation, I think, is a pretty big stretch.

The other part is that, as we said, this bill, when enacted, if passed, will make sure that speed limiters are put in trucks to hold the speed at no more than 105 kilometres an hour on our highways. I point to the following fact: If every truck on our highways was doing 115, and we knew that, and we decreased them by 10 kilometres an hour to 105, your argument would hold water. But you know as well as I do, parliamentary assistant—you drive Highway 17; I drive Highway 11. We're stuck behind those transports. Why? Because they are driving at 105 kilometres an hour and sometimes less. Why? Because the majority of the big fleets have speed limiters on their trucks, so we already know that we're getting the effect of reduced emissions into the atmosphere; and number two, the biggest speed limiter you can

buy is unfortunately the price of fuel that we have to pay for driving our trucks on the road.

Mr. Frank Klees: And potholes.

Mr. Gilles Bisson: Potholes are the other one. On some of our highways you've got to go slowly. That's a good point. But the point is that most trucks are now running at about 105 kilometres.

Mr. Michael A. Brown: That's not true.

Mr. Gilles Bisson: You'll get a chance to refute that once I'm finished. Cam Woolley, for example—whom we all know well, and who works for the OPP—was on the radio earlier this week and said, "The anecdotal evidence is that people are driving slower on our highways. Why? Because of the price of fuel." So I'm just saying: Yes, there's going to be a reduction in greenhouse gases as a result of this bill; I don't argue that for a second. But let's not pretend that this thing is going to hit the target numbers that the government is purporting it's going to, because, quite frankly, a large part of the trucking fleet is already there.

The Vice-Chair (Mr. Jeff Leal): Further discussion?

Mr. Gilles Bisson: I'm looking for a good response.

The Vice-Chair (Mr. Jeff Leal): Mr. Bisson, you want a recorded vote?

Mr. Gilles Bisson: I would like to have a recorded vote, yes.

Ayes

Bisson, Klees.

Nays

Aggelonitis, Brown, Levac, Zimmer.

The Vice-Chair (Mr. Jeff Leal): It is lost.

Shall section 2 carry?

Interjection.

The Vice-Chair (Mr. Jeff Leal): On a recorded vote.

Ayes

Aggelonitis, Brown, Levac, Zimmer.

Nays

Bisson, Klees.

The Vice-Chair (Mr. Jeff Leal): It's carried.

Mr. Bisson, section 3: You have an interesting amendment here.

Mr. Gilles Bisson: I just thought we should—let me read the amendment first and make the argument after, as per the standing orders.

I move that section 3 of the bill be struck out and the following substituted:

"Short title

"3. The short title of this Act is the Not Necessarily Safer Roads Act, 2008."

Seeing as I lost the previous amendment, I've got to keep it "2008."

The argument is that the government makes this out to be a huge safety initiative. Again, I want to say up front, lower speeds are better for safety on highways. I don't pretend for one second that that assertion is wrong. But I come back to the point: There are parts of this bill that, quite frankly, are probably not going to lead to safer roads. In fact, if we listen to a lot of the testimony that came before this committee—I've had a chance to go back and read it, and I'll also read the report from the professor from Manitoba—there are people who argue that it very well could lead to more unsafe conditions on our roads.

Just to qualify that a bit, one of the arguments put forward is that if all trucks have speed governors on them and are doing 100 to 105 kilometres and one truck tries to pass the other, it's going to be very difficult for those trucks to overtake each other, and you'll have what you call elephant racing, where you've got two trucks running parallel and everybody is trying to get around them, if they can. That's extremely dangerous on Highway 401, where there are only two lanes—Windsor area, Kingston area, and the other side of Oshawa. Where Mr. Brown and I come from, there ain't—good English—a lot of good passing lanes on many of our highways, so when you do get to a passing lane, you'll end up with multiple trucks trying to get by each other, with the motoring public behind being frustrated. Frustrated drivers lead to more accidents; we know that. When drivers become frustrated and cut corners, we know that's the leading cause of accidents.

I think that this bill has sections in it that are not going to lead to safer roads, and I don't think we should pretend any differently. That's why we propose changing the title from what it is now to the Not Necessarily Safer Roads Act, 2008.

The other point I would make as well—and it comes back to the environmental point, the last argument: We know that most trucks are already holding the speed limit. I don't think—

Interjection.

Mr. Gilles Bisson: I see the parliamentary assistant saying no, but he hasn't come in yet and proven me wrong by giving me some kind of stat that says otherwise. All I know is, if I looked at the highways five, six or 10 years ago, trucks on Highway 11 were probably running at about 120 kilometres an hour. I don't pretend that for a second. But as I run down Highway 11 now—and I don't mean “run” in the case of running, because I'd have a hard time these days with my cane—but as I drive up and down Highway 11 servicing the communities in my riding, trucks are not running at 120 kilometres an hour. How do I know? I set my speed limit at about 103, 107, as I go down the road. I've done that for economical reasons trying to save gas, because it's a 100-

kilometre speed limit, so you try to stay within that limit. I'm not being passed by trucks anymore; they're staying behind me. Very seldom do I get passed by a truck.

The anecdotal evidence is that people are already going slower. So my point is that this is the Not Necessarily Safer Roads Act, 2008.

The Vice-Chair (Mr. Jeff Leal): Thank you, Mr. Bisson. Mr. Klees, did you want to—

Mr. Frank Klees: No.

The Vice-Chair (Mr. Jeff Leal): Mr. Brown?

Mr. Michael A. Brown: I would just say that we disagree.

Mr. Gilles Bisson: That raises a whole other debate, and the debate is that I disagree with you too.

The Vice-Chair (Mr. Jeff Leal): Mr. Bisson, do you want a recorded vote on your—

Mr. Gilles Bisson: Of course I do.

Ayes

Bisson, Klees.

Nays

Aggelonitis, Brown, Levac, Zimmer.

The Vice-Chair (Mr. Jeff Leal): It is lost.

Shall section 3, the short title of the bill, carry?

Mr. Gilles Bisson: No.

The Vice-Chair (Mr. Jeff Leal): On a recorded vote?

Mr. Gilles Bisson: Sure.

Ayes

Aggelonitis, Brown, Levac, Zimmer.

Nays

Bisson, Klees.

The Vice-Chair (Mr. Jeff Leal): It carries.

Shall the title of the bill carry? Carried.

Shall Bill 41 carry? Carried.

Shall I report the bill to the House? Carried.

That concludes our deliberations this afternoon.

Mr. Gilles Bisson: Oh, no. I was having so much fun.

The Vice-Chair (Mr. Jeff Leal): I know you were.

Mr. Michael A. Brown: We all were.

The Vice-Chair (Mr. Jeff Leal): Thank you, members of the committee, for your co-operation during the hearings and the clause-by-clause deliberations today.

The committee adjourned at 1422.

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