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ISSN 1180-5218

**Legislative Assembly  
of Ontario**

First Session, 39<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Première session, 39<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Monday 23 March 2009**

**Journal  
des débats  
(Hansard)**

**Lundi 23 mars 2009**

**Standing Committee on  
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Chair: David Oraziotti  
Clerk: Trevor Day

Président : David Oraziotti  
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Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
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Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Monday 23 March 2009

Lundi 23 mars 2009

*The committee met at 1405 in room 151.*

**COUNTERING DISTRACTED DRIVING  
AND PROMOTING GREEN  
TRANSPORTATION ACT, 2009**

**LOI DE 2009 VISANT À COMBATTRE  
LA CONDUITE INATTENTIVE  
ET À PROMOUVOIR  
LES TRANSPORTS ÉCOLOGIQUES**

**ROAD SAFETY ACT, 2009**

**LOI DE 2009 SUR LA SÉCURITÉ ROUTIÈRE**

Consideration of Bill 118, An Act to amend the Highway Traffic Act to prohibit the use of devices with display screens and hand-held communication and entertainment devices and to amend the Public Vehicles Act with respect to car pool vehicles / Projet de loi 118, Loi modifiant le Code de la route afin d'interdire l'usage d'appareils à écran et d'appareils portatifs de télécommunications et de divertissement et modifiant la Loi sur les véhicules de transport en commun à l'égard des véhicules de covoiturage ; and Bill 126, An Act to amend the Highway Traffic Act and to make consequential amendments to two amending acts / Projet de loi 126, Loi modifiant le Code de la route et apportant des modifications corrélatives à deux lois modificatives.

**The Chair (Mr. David Oraziotti):** Good afternoon, everyone. I call the meeting to order. Welcome back to the Standing Committee on General Government.

**MINISTRY OF TRANSPORTATION**

**The Chair (Mr. David Oraziotti):** The first presenter is Minister of Transportation Jim Bradley. He'll have 10 minutes to make his presentation, followed by 20 minutes of questions divided among the caucuses. Whenever you're ready, Minister, go ahead.

**Hon. James J. Bradley:** Thank you very much, Mr. Chairman. Good afternoon. It's my pleasure to be here today with members of the committee. I appreciate the opportunity to speak with you, and I appreciate the work that you are doing on these two bills.

Last fall, our government introduced legislation that I believe will make great strides in preventing injuries and

collisions in our province. I think we recognize that the use of cellphones and other wireless devices while driving is a significant public safety issue. That is why we introduced legislation that would address dangerous distractions caused by the use of these devices while people are actually driving.

Another important component of this bill is a legislative amendment that, if the House passes it, would encourage more people to carpool.

In November, our government introduced the Road Safety Act to tackle road safety issues such as driving while suspended and impaired driving. At the same time, we announced changes to our graduated licensing system that would help novice drivers gain the skills and knowledge they need to survive on our roads. With more than two people killed and 10 seriously injured every day—yes, that's every day—we need to take aggressive action to make the roads we all share safer places for everyone, whether they're cyclists or pedestrians, drivers or passengers, and targeting some of the most persistent and dangerous behaviours on our roads will help to keep Ontarians safe.

We all know how new wireless technologies have become such important parts of our lives. They have created some tremendous conveniences and have enabled us to multi-task like never before, even when we're behind the wheel, but there are only so many things we can do at once and do well, and driving is something that requires our full attention every time we get behind the wheel.

We have introduced legislation that will put a stop to dialing, chatting, e-mailing and text-messaging using hand-held wireless communication devices while driving. Research shows that a driver who uses a cellphone when behind the wheel is about four times more likely to be in a crash than someone who is focused actually on the task of driving.

Our proposed legislation, if passed, adds Ontario to the list of more than 50 countries and several US and Canadian jurisdictions that have taken similar action to curb driver distraction. Hands on the wheel, eyes on the road—it's one of the basic tenets of safe driving. It reminds me of a song from many years ago that only Frank and I would remember: "keep your eyes on the road and your hands upon the wheel"—and something about Fred in there somewhere.

Anyway, the fact that driving is a complex and challenging task is not lost on a first-time driver. There's

a lot to learn, rules to remember and skills to develop. This takes time, and there's growing evidence to suggest that more time is indeed needed.

Statistics tell us that teen drivers are, on average, much more likely to be in a fatal collision than more experienced drivers. In fact, collisions are the leading cause of death among young people under the age of 33. Extending the time it takes to get a full licence from 24 to 36 months will give novice drivers more time to develop good driving skills and knowledge, making them better prepared for a lifetime of safe driving.

For the novice drivers who choose to ignore the rules of the road, we have introduced escalating sanctions for repeat violations of any graduated licensing restrictions and for convictions of Highway Traffic Act offences that result in four or more demerit points. This means these novice drivers would face sanctions that get tougher with each serious violation of our province's traffic laws.

Drinking and driving is another behaviour that continues to be a major problem on our roads. Research shows that the peak ages for drinking-and-driving collisions are from 19 to 21. That is why we're proposing that all drivers aged 21 and under have a zero blood-alcohol concentration when they're behind the wheel of a car. If passed, Ontario would join several countries with similar restrictions, places such as Australia and Switzerland. In fact, the United States is instructive: It has been cited as the one, single most important reason for a drop in driver collisions. These are young drivers that we're talking about, in this case.

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Of course, with more than a quarter of all collisions involving alcohol, we know that this is a much bigger challenge. We need to give police new tools to effectively deal with drunk drivers and get them off our roads once and for all. Anyone caught drunk-driving, or driving without an ignition interlock when one is required, would face the immediate impoundment of their vehicle for seven days. The same will apply to anyone who continues to drive while their licence is suspended.

Innovation in safety and public security is one of the defining characteristics of this government, and new approaches are needed to overcome long-standing challenges. As with all of the reforms we propose, our purpose is clear: to further improve Ontario's outstanding road safety record by saving more lives.

All of Ontario's drivers, regardless of years of experience, need to get the message: Safer roads are a shared responsibility. We cannot do this alone. We have received some very thoughtful input over the past three meetings of this committee. All contributions are greatly appreciated.

On a more personal note, I would like to thank the students from Robert Bateman High School in Burlington who made presentations nearly two weeks ago while I happened to be in the audience. Many of the measures proposed in these two bills directly concern youth, so to have them come forward and share their thoughts at these hearings is of tremendous value. So, many thanks to Dylan Gibson, James Gike and Chelsey Meehan.

Finally, I would like to thank members of this committee for their work on these two pieces of legislation. I certainly look forward to reviewing your final report.

One of the things I have noted—and you've noticed in the House that I've said this—is that this is one issue where I haven't seen partisan lines drawn. Each government that has been in power, regardless of political affiliation, has made a sincere effort to improve road safety in Ontario. So I certainly have appreciated the input from all members of the Legislature, not just the government side, where one would anticipate that a minister would, but from the members of the opposition. We are the ones who meet with people on an ongoing basis, who are aware of the issues that arise through our constituency offices, in conversations, and, for members of this committee, through the direct input of those who have presented, either in written form or in oral form, so we're in a position to be able to evaluate what some of these proposals happen to be.

There was wide consultation that took place before the development of this bill, with a variety of groups and organizations and individuals. Not everything contained in the bill is reflected in those particular pieces of input. Even though some of the provisions may not be found in the bill or subsequent regulations, I still appreciate very much the fact that people have brought forward these issues for consideration, and it may well be that in a future iteration of legislation of this kind, that will continue to be the case.

We've tried not to be punitive for the sake of being punitive. We have tried to provide legislation which makes common sense and will genuinely improve road safety in the province of Ontario.

I'm not sure how much time I have left from the Chair.

**The Chair (Mr. David Oraziotti):** About 30 seconds.

**Hon. James J. Bradley:** Let me wind up by saying that I know, particularly when I was in opposition, that one says, "Why doesn't the government always accept amendments?" As a minister, I always have an open mind, but of course I have to deal with a number of different individuals who provide information on why some of these amendments may not be able to be implemented. Nevertheless, I encourage all members of the committee to relinquish the fear of putting forward amendments that you believe would genuinely improve this legislation.

Thank you very much to members of the committee.

**The Chair (Mr. David Oraziotti):** Thank you very much, Minister, for your presentation. We'll start with the opposition. Mr. Klees. We have about six to seven minutes per caucus for questions.

**Mr. Frank Klees:** Minister, thank you for your presentation. I think you anticipated my question about amendments. My best advice to you is that when those people tell you why amendments aren't possible, instead of just simply accepting their response, tell them that that's what you, as the minister, believe is the right thing, and find a way to get it done. I think that that is your responsibility as minister.

Knowing you as I do, I know that you've got the courage to deal with your civil service that way. But that's just my advice for you.

**Hon. James J. Bradley:** I appreciate that advice, and I think it's sage advice. The department of the Attorney General often has comments to make on pieces of legislation because they are the people who look at things from a legal point of view, so that always has to be taken into consideration, and there are some peripheral issues that are impacted by changes.

But I want to assure members of the committee that I will give full and frank and serious consideration to any and all amendments that are proposed.

**Mr. Frank Klees:** Thank you.

Minister, one of the issues that has been brought to my attention—and I know that you've expressed concern about this—there was a lot of debate in the Legislature about one aspect of this bill that has fallen off the table. We're going to have a presentation later from Jan Perry, and I know what her concern is going to be. She worked with your ministry over a period of months, I believe, in anticipation of this legislation coming forward. When you announced this bill, you specifically made reference to the issue of restricting teenage G2 drivers from carrying more than one young passenger, aged 19 and under; in fact, I'll just quote what you said at the time:

"We will ... work to keep children and youth safe by extending the existing nighttime teen G2 passenger restriction to an all-day passenger restriction. Teenage G2 drivers have a high rate of collisions when carrying other teenagers." Then you said, "We will restrict teenage G2 drivers from carrying more than one young passenger aged 19 and under at any time during the first year of G2."

You repeated again today that inexperienced drivers have a higher collision rate. If we take all of that into consideration, I'm just interested to know what it was that caused the government to climb down from this requirement that I assumed was going to be implemented by regulation. Could you just enlighten us on that?

**Hon. James J. Bradley:** Well, as you will recall, you, perhaps, and many of your colleagues in the Progressive Conservative caucus, on an ongoing basis, launched a verbal assault, I'll call it, in the House on this particular provision and reflected what I believe—and there were members from other political parties as well—all members of the House indicated: what an imposition this would be; particularly for those residing in the north and in rural areas, the impact that it would have.

In addition to that, there were individuals who made known their representations, particularly younger people, to say that this would have a very adverse impact on such things as school sports, school extracurricular activities, students who had to go to work to make a little extra money, perhaps for their education, and so on. As a result of that input, which was pretty continuous and a pretty good cross-section of the Legislature, the government said that at this time it would not proceed with that section.

However, there are many other provisions in the bill which are very restrictive and which will have the effect of reducing the risk of that happening under those circumstances. There are also existing restrictions on the number of young people in a vehicle at certain times, for instance, from 12 midnight to 5 in the morning.

So there was clearly a large avalanche of opposition to that, and many pointed out that with the other provisions in here relating to alcohol, relating to suspensions upon conviction of various violations of the Highway Traffic Act and the graduated licensing system, that that would militate in favour of much more careful driving on the part of young people and that the necessity of that provision that was mentioned would not be there as a result. But I clearly heard it from members of the Legislature, time and again.

**Mr. Frank Klees:** Minister, I hear your explanation, and thank you for it. You said "at this time." Does that leave the door open for future consideration of a provision like this, depending on experience?

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**Hon. James J. Bradley:** It would certainly leave that open. I think the door may be open to any future changes when we look at further experience. Clearly, I had an opportunity to meet with Mr. and Mrs. Perry, who made a very compelling case to me, and I think to all who would listen. It was a very, very difficult decision to indicate that we would not proceed with that regulatory framework but that we would work within the changes that are already being made. There are many in the House who even think that some of the changes we have here are extremely onerous on young and new drivers.

**Mr. Frank Klees:** Chair, how much time do I have left?

**The Chair (Mr. David Oraziotti):** You have about 30 seconds.

**Mr. Frank Klees:** Just one quick question, Minister, with regard to the consequences for a conviction under the cellphone bill. There are no demerit points assessed under this legislation. Could you just give us an explanation as to why there are really no consequences for conviction under this legislation?

**Hon. James J. Bradley:** The consequences are there in terms of the penalties that are provided. We are open to consideration of further consequences. I was listening to your colleague Mr. O'Toole, one of the members who is very vociferous in wanting legislation of this kind brought forward. His recommendation, I recall, on a radio interview was that it not be in place. Your recommendation was that we do have demerit points in place. We're prepared to entertain any thoughts you may have in that particular direction. One of the consequences that police and the Attorney General will tell you about is the number of cases that will then go to court, further clog the courts and tie up police time. Whether that's a compelling enough reason, we shall see as the debate unfolds.

**The Chair (Mr. David Oraziotti):** Thank you, Minister. That's all the time for questions. Mr. Bisson?

**Mr. Gilles Bisson:** I don't have any questions. I heard what you had to say, and let's move on.

**The Chair (Mr. David Oraziotti):** Government side. Questions?

**Mrs. Linda Jeffrey:** No questions, thank you.

**The Chair (Mr. David Oraziotti):** Thank you very much, Minister, for your presentation. There are no further questions.

**Hon. James J. Bradley:** Thank you very much.

**Mr. Frank Klees:** Could I take the rest of the time, because I've got lots more questions?

**The Chair (Mr. David Oraziotti):** I don't think we have consensus for that, Mr. Klees..

**Hon. James J. Bradley:** I always enjoy a dialogue with my friend Mr. Klees, who had the opportunity and privilege of being a Minister of Transportation in years gone by. I don't want to say too many complimentary things, lest they appear in a leadership pamphlet or something like that. Thank you very much.

#### VINCE D'EON

**The Chair (Mr. David Oraziotti):** Our next presenter is Vince d'Eon, a licensed radio amateur. Good afternoon, Mr. d'Eon. You have 10 minutes for your presentation and five minutes for questions, should there be questions. Please just state your name when you begin your presentation for our recording Hansard. You can begin as soon as you're ready.

**Mr. Vince d'Eon:** My name is Vince d'Eon. I'm a licensed radio amateur. I'd like to thank you for your time today. I've recently moved back to my birthplace of Hamilton, Ontario, having been in Alberta for 11 years. I've been a licensed radio amateur for seven years. It's a hobby that's more often called ham radio. I am here to introduce you to that today.

There are more than 20,000 of us in Ontario and over 50,000 of us in Canada. I am a member of the Amateur Radio Emergency Service—ARES, for short—and I provide emergency communications services upon request in the absence of, or in supplement to, conventional emergency response services.

My presentation will demonstrate support for the essence of Bill 118. However, it requests that the ambiguous wording in Bill 118 with respect to hand-held electronic devices be clarified, and it seeks exemption for ham radio operators. This presentation will also explain what a ham is, what a ham does, and justify the request.

What's a ham? We come from all walks of life. We're lawyers, truck drivers, sign makers, computer programmers, doctors and mechanics. We are of either gender. We range in age from our young teens to our sunset years. We're communications enthusiasts and we're driven by as many different facets of our hobby as there is diversity amongst our ranks. We are the volunteers and sometimes the "volun-told."

A ham is somebody who knows how to get a message from point A to point B under the most challenging of conditions. When solar flares disrupt our cellphones and power grids, we have a solution. When ice storms bring down our telephone lines, we can get a message through.

When a tornado passes through, five or 5,000 kilometres away, and causes a swath of destruction, we help out.

Since the inception of Canadian licensing for hams in the early part of the 20th century, we've been granted the right to operate mobile radios under the federal Radio-communication Act and associated regulations. In 1976, the Right Honourable James Snow, the then Minister of Transportation, issued the first radio amateur licence plate in recognition of the contribution that radio amateurs make to mobile-based emergency communications for the province. These special call-sign licence plates are issued so that the OPP, the RCMP etc. can recognize us and use us as needed.

I have earned my privileges of ham radio as granted to me by our federal government by proving my competency in a variety of areas via standardized exams. As part of that, I'm responsible for ensuring that my equipment is installed and operated with safety in mind, wherever that shall be.

As I see it, the problem with Bill 118 today with respect to ham radio is that the wording is ambiguous in our area of interest. Please refer to exhibit 1 on the cover of the handout. It reads: "No person shall drive a motor vehicle on a highway while holding or using a hand-held wireless communication device or other prescribed device that is capable of receiving or transmitting telephone communications, electronic data, mail or text messages."

The first radio is a conventional mobile or base radio. If I want to use it, I push the button to talk, I say my message, and I release the button. Only one person can talk at a time in this fashion. If two people should happen to press the button and talk at the same time—hams are polite; we apologize. If we don't do that, when we send communications messages in times of duress, everything's going to become all gobbledygook; the message won't get through. So we practise this every day.

Exhibit 3 is a hand-held radio. Its function is similar but arguably much more agile; I can put it in my shirt pocket and move to the next vehicle when I need to, to provide these services.

Arguably, I'm holding a hand-held device, for exhibit 3, but for exhibit 2, most of it is over there. What part of it is hand-held? There's some ambiguity in the wording that we feel needs to be cleaned up.

There's a large difference between the technology used in cellphones and that used in two-way radios. Cellphones use what is called a full duplex technology; both people can be talking at the same time. This also means that the conversation can escalate very rapidly.

As I mentioned earlier, the operator of a two-way radio has to push the button to talk and release to listen. It's much more difficult to have a very fast-paced conversation in this sort of environment.

Why hands-free won't work for us: While widely used in cellphones, Bluetooth technology is not widely used at all in ham radio equipment. I can count on the fingers of one hand the number of ham radios that offer Bluetooth today, out of the hundreds of models that are available.

Trying to retrofit a true hands-free set-up to ham radio equipment is impractical from many technological

standpoints. Although a combination single earpiece and boom microphone is available at a relatively moderate cost, the application of even this limited, pseudo-hands-free capability to a variety of brands of radios is not always simple nor practical.

How we help out: Through the Radio Amateurs of Canada and affiliated clubs, hams who are members of ARES are spread throughout the country. We obtain standardized identification and insignia at our own expense. These help to identify us to authorities at checkpoints so that we can be allowed into the restricted zone to set up a radio station in order to send and receive messages. Frequently, other hams, while not members of ARES, will also help out in times of need.

We are recognized by EMO—Emergency Measures Ontario—and the Ontario Provincial Police, just to name a couple of agencies. We are integrated into their response plans. We follow the same communications protocol—incident command system, or ICS—so that we fit into their overall structure.

How I've helped out: In May 2002, at 1 a.m., my phone rang. The water was rising fast in High River, Alberta, an hour south of where I lived; I was needed. My job was to handle communications from the field and relay them back through the communications centre. I was on duty for a 24-hour period during that particular call-out: 16 hours, first, at that EMC, and then off to another, nearby town that didn't have protocols established for such emergency communications, and I established the EMC for them and got it off.

A month later I worked with the Salvation Army in downtown Calgary. I was providing food to the emergency responders and handling radio messages as required.

I've performed these duties for a variety of agencies: Red Cross, Salvation Army, provincial emergency operations teams, and local police and fire departments, and I perform these duties with or without the presence of the commercial power grid.

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While I can't quote first-person examples to you, I know that Ontario hams were active during the 1998 ice storms, 9/11 and Hurricane Katrina.

I also help out on a non-emergency basis, providing safety communications to a variety of events such as marathons, cycle tours, car rallies, Halloween evening patrols and parades. Rather than renting radios and issuing them to event staff who may or may not know how to use one, or, more importantly, don't have the training to pass emergency messages while under duress, they rely on hams to pass along their messages. Many of these events have thousands of participants, and we handle messages that vary from lost children to event logistics to paramedics required.

Earlier this month I was in Burlington for the Chilly Half Marathon—at minus 15 degrees, I might add—where I was one of 25 hams helping to effectively communicate. Three Aprils ago I was outside of Calgary with a car rally, where drivers were injured severely enough

that we needed radio to contact an air ambulance for a fly-in, as we were outside of the cellular coverage area. Each autumn I participate in a multi-day cycle tour for the MS Society. I'd work at more than a dozen events per year if I could fit them all in.

I give this work of my own free will. I am not compensated. I will do it again, and I was honoured to have been asked to help out. I'm only one of thousands across this province who do this kind of work, and Bill 118, as it's currently written, has the ability to impair it.

In conclusion, in order for amateur radio operators to assist the authorities to meet the needs of a community during times of emergency, we need to access our hand-held devices while in motion. Limiting the use of amateur radios to passenger use or to driver operation only when parked severely restricts the ability of the amateur radio operator to be of service to the community when the need is greatest.

Provinces such as Newfoundland and Labrador, Nova Scotia and Quebec have already enacted similar legislation to Bill 118 and have granted exemption for ham radio operators. Clearly, they've seen the benefits of this continued relationship between hams and emergency responders, and I trust you will as well.

The overwhelming majority of Ontario's 20,000 federally licensed radio amateurs are responsible people. It is that sense of responsibility that moves so many of us to volunteer our equipment and time in support of our communities and relief agencies.

When the safety-inspired improvements to our equipment are practical, we can be counted upon to make the changes, and entirely at our own expense. However, if Ontario's police forces start ticketing equipment operation that is similar to their own use of mobile and portable radios, many of the radio amateurs will be unable to comply with those regulations and would be forced to withdraw their voluntary services. The result is that the citizens of Ontario will be the net losers. I therefore respectfully request that Bill 118 have such wording as to allow for the continued operation of federally licensed radio amateur equipment within our vehicles, and without restriction.

I thank you for your time and the opportunity to present and I'll take your questions now.

**The Chair (Mr. David Orazietti):** Thank you very much, Mr. d'Eon, for your presentation. We have about two minutes for each caucus. Mr. Bisson.

**Mr. Gilles Bisson:** Do you have any particular suggestions, as far as language, that you would propose on an amendment?

**Mr. Vince d'Eon:** Sir, I'm not a lawmaker.

**Mr. Gilles Bisson:** Okay. I'm just wondering if your association had looked at it.

**Mr. Vince d'Eon:** No, sir.

**Mr. Gilles Bisson:** Have you been told, in discussions with the Ministry of Transportation, that your interpretation of how that section would prohibit the use of ham radios is correct?

**Mr. Vince d'Eon:** Sir, I have not. I'm acting on my own as a licensed radio amateur. I talk to many people on the air every day, and many of us are very concerned about the wording of this bill.

**Mr. Gilles Bisson:** So it's your sense that just the way the language is worded, it could encompass ham radios?

**Mr. Vince d'Eon:** Yes, sir.

**Mr. Gilles Bisson:** I guess I'll be looking, when the parliamentary assistant has a chance to give us a bit of an update, at the ministry's view of that.

**The Chair (Mr. David Orazietti):** No further questions? Government side.

**Mrs. Linda Jeffrey:** Thank you, Mr. d'Eon, for coming today. I appreciate what you do. I have many ham radio operators in my riding and they have been very helpful in emergency preparedness, so I know what you're able to do and how your services are truly valued. I think most people have no idea of how useful the amateur radio community is during a crisis, so thank you for all you do around Ontario, obviously, based on what you've told us.

I guess I'm trying to do some clarification from my own knowledge. When I talk to some of my amateur radio operators, I don't have the sense that they're in motion when they're using the radio to provide information about a crisis or what they're doing. I have the sense that they stick in one location and they provide communication to other health service providers or emergency service responders. Can you explain to me why you need that mobility piece of it?

**Mr. Vince d'Eon:** Certainly. Much like a police or an EMS responder is dealing with getting the first-hand knowledge of what's happening while in motion; by and large, 80% of what's done is while we are stationary, much like they are. We still need to receive that information while we're in motion so that we can respond.

**Mrs. Linda Jeffrey:** So would using a mobile or a stationary amateur radio, which is the exhibit that you brought here today, impede your ability to respond in case of an emergency?

**Mr. Vince d'Eon:** I wouldn't be able to respond if I couldn't talk while I was driving, if that's what you're asking.

**Mrs. Linda Jeffrey:** Right now, for example, on a CB radio, if it's connected and there's a wire that connects to the radio receiver in the vehicle, that's not what this legislation is speaking to, so that wouldn't be something that would be a problem. It's the hand-held, not connected to a wire, that we're talking about as a distraction.

**Mr. Vince d'Eon:** Fair enough. What I'm concerned about is that from an enforcement standpoint, somebody will see this as an electronic device and choose to enforce it. I'm asking that that be clarified. Certainly this is a hand-held electronic device. I'm asking that this be exempted.

**Mrs. Linda Jeffrey:** I guess I'm trying to understand the difference. If you're in an emergency situation, you don't want to be part of the emergency, so you need to be

pulled to the side to be able to make those emergency calls.

**Mr. Vince d'Eon:** Certainly.

**Mrs. Linda Jeffrey:** That's what we're hoping people will do, and this legislation would not be trying to prevent people from making those emergency calls and getting services, whether it's fire, ambulance or paramedic. Why does the amateur radio community need anything beyond that? If they have a fixed machine in their dash that allows them to call for an emergency and/or pull to the side and make that emergency call, how will that hamper their ability to be effective?

**Mr. Vince d'Eon:** Frequently, when I go out and do my volunteer work, I cover off many roles. I'm a communicator. I'm a first-aid provider. With cycle tours, there have been a number of times where I've been closest to respond to begin providing first aid. If I have to pull to the side of the road to get information on why somebody has injured themselves, I lose time responding to them. It could be a much more serious type of response than a skinned elbow, if you will.

**The Chair (Mr. David Orazietti):** Thank you, Mr. d'Eon. That's all the time we have for questions.

**Mr. Vince d'Eon:** Thank you.

**The Chair (Mr. David Orazietti):** Mr. Klees.

**Mr. Frank Klees:** Thank you again for the work that you and your colleagues across the province do for us. As you say, you're part of the emergency response system.

Let me ask you this: Of the 20,000 members that you have in Ontario who are ham operators, how many of them would have the licence plate identification?

**Mr. Vince d'Eon:** I don't know that. It's voluntary participation when we get our licence plates. Some people don't want to put one on their car for fear that it becomes a target, basically advertising electronics inside. I don't know what those numbers are, sir.

**Mr. Frank Klees:** I'm just thinking from the standpoint that if in fact there was to be an exception, as you say, how do you know whether it's legitimately being used or not? The licence plate could certainly very quickly announce—

**Mr. Vince d'Eon:** Part of our regulation requires us to carry our licence around with us at all times.

**Mr. Frank Klees:** While the minister is here—he's heard your presentation—I'd like to give the minister an opportunity to just respond as to how he feels about your request. That way we don't have to waste a lot of time around the committee. Minister?

**Hon. James J. Bradley:** Is that legal?

**Mr. Frank Klees:** It is, yes.

**Hon. James J. Bradley:** Is that what happens when you hang around?

**The Chair (Mr. David Orazietti):** It's up to you, Minister, if you want to respond to that.

**Hon. James J. Bradley:** We will give all representations made to the committee full consideration before making any final decisions. We appreciate all the representations that are made, and this is one of many that will be made, and we'll give it full consideration. All



members of the committee will have heard what you have to say and will make their recommendations as well.

Sometimes I'm at odds with members of the committee and members of the Legislature, as I have been on a couple of issues related to legislation, and they do represent all the ridings in Ontario, so we will give it consideration.

**Mr. Frank Klees:** Thank you.

**The Chair (Mr. David Orazietti):** Thank you very much, Mr. d'Eon, for your presentation.

**Mr. Vince d'Eon:** Thank you for your time.

#### JAN PERRY

**The Chair (Mr. David Orazietti):** Our next presentation, Jan Perry, please come forward. You'll have 10 minutes for your presentation and five minutes for questions, should there be questions from members. Just please state your name for our recording Hansard, and you can begin when you'd like.

**Ms. Jan Perry:** Thank you. My name is Jan Perry, and I'm here on behalf of my family, but I'm also here on behalf of teenagers who have lost their lives and the parents who have suffered through this loss. But mostly, I am here on behalf of our 16-year-old son, Drew. Thank you for the opportunity to speak to you today.

1440

As is often the case, and as you can imagine, I truly would rather not be here, but because of the circumstances, they've brought me here today.

On January 19, 2007, our 16-year-old son was killed as a passenger in a car coming home from school at lunch hour. He had called for a ride home, and we were unfortunately not there, so he just grabbed a ride home. A total of five teenagers were killed due to speed, inexperience and bravado. The driver of the car had his licence for four months.

While we supported and commended the Ontario government for making Ontario roads safer, with the proposed changes for Bill 126, with the omission of passenger restrictions as one of the changes, our son's tragedy would not have been prevented. So I am here to ask you again to reconsider this omission.

Following Drew's crash, we spent months gathering statistics on teenage crashes after this senseless and preventable tragedy happened, and we realized that what happened to our son occurs much more frequently than we were aware. In November 2007, we began an e-mail campaign telling people our story and asking them to send a letter to the Minister of Transportation requesting passenger restrictions for novice G2 drivers 24 hours a day for the duration of their G2 licence. In this letter were clearly stated statistics outlining the risks of teenage drivers carrying teenage passengers at all times during the day. We contacted safety organizations such as the Insurance Bureau of Canada, the Ontario Safety League, MADD, hospitals, public health services, insurance companies, municipalities, school boards, and they also

sent letters of support for passenger restrictions. To this end, we were granted an appointment with the Minister of Transportation in May 2008, and at the meeting, Mr. Bradley indicated that the graduated licensing system was under review and they were considering passenger restrictions. Needless to say, we were thrilled.

We continued to solicit support letters, and on November 18, we were invited by the Minister of Transportation's office to attend the media event held at the Toronto Police headquarters. This was followed by a meeting with the minister and his staff to view a Power-Point presentation of the proposed changes, and in our conversation, Minister Bradley fully supported passenger restrictions. We also attended the first reading, at their request, at the Legislative Building. Our understanding was that the government expected some backlash to the proposal, but they supported it totally.

After Mr. Bradley's presentation, it was apparent that the proposal was not clearly understood by the media, the general public and even government representatives, and especially, Facebook opposition was huge. But when speaking to many teenagers myself, it was clear that they did not fully understand the proposed changes. There was a lot of confusion with the zero tolerance and age of 21. It was also demonstrated by conversations with other parents, who told me that many teens were joining the Facebook protest unaware of the facts—it was just the thing to do.

I would like to take this opportunity to address a few of the issues that were raised by those opposing passenger restrictions. Some suggested that passenger restrictions would prevent teens from being or having a designated driver, thereby increasing the risks of teens drinking and driving. However, under the current restrictions, a teen G2 driver cannot carry more than one passenger under the age of 19 between midnight and 5 a.m., the time period most likely to require a designated driver. So, in essence, there already exists a restriction on their ability to be designated drivers.

Another concern was that passenger restrictions discriminate against rural teens who have no other options or modes of transportation, i.e., public transit. They wouldn't be able to hold down a job, participate in sports, get together with friends etc. I am a rural parent. Rural area or not, it is only one more year for parents to drive their teens and friends around while they acquire the needed driving experience. Most parents cite convenience as the best thing about their teen getting their licence. Teen crashes in rural areas can be more deadly than those in urban areas. In Grey-Bruce, where Drew's crash occurred, 79% of the deaths among youth were caused by motor vehicle crashes. This is higher than the Ontario average of 31% and the national average of 35%. Under the current and proposed changes, a teen G2 driver can still take a friend to work, to a movie or on a date, but, yes, parents in rural areas would need to be the taxis for larger parties for at least one more year, but at least their sons and daughters would be alive to have those parties.

A third concern was that passenger restrictions will prevent teens from getting to Scouts, church groups, sports activities and extra-curricular activities. Again, this is a question of convenience versus safety. There are responsible teenaged drivers, but statistics tell us that the greater the number of teen passengers in a vehicle, the greater the chance of fatalities. I know that both parents and teens believe they are responsible drivers and this won't happen to them. To a large extent, this was me two years ago. But what I knew two years ago is still true today: Parents don't always know whose car their children are getting into and whether those teens are responsible. Truly, teens don't actually know if the car they are choosing to get into is being driven by a responsible driver. Passenger restrictions would help to lessen the burden of having to make those evaluations and also lower the risk of passengers piling into cars at high schools.

This new proposal would be 24 hours a day for the first year of a G2 licence. Basically, so that we can all understand this, you will get your G1 at 16, your G2 at 17, and by the time you are 18, you could carry more than one passenger. A new driver can still drive a friend to work or go on a date, but they cannot and should not be learning to drive with a car full of friends.

On December 8, we were called by the officer of the Minister of Transportation and told that the proposed amendment to the legislation for passengers would not be going to second reading and had been removed. Many MPPs were swayed by the quantity of opposing responses, not the quality of their arguments. Given my conversations with parents and teens alike, the proposed amendment to the current regulations was poorly presented and misunderstood by many. We had provided the Minister of Transportation with quality and educated support letters and statistics. Brian Patterson, of the Ontario Safety League, said it best: "At the consultation with safety experts, it was in. After a bunch of aggravation on Facebook, it's out." Young people who are not clearly aware of the facts should not be the determining factor on this issue; adults should, as it is our job to protect them. And we should certainly rise to the occasion when the evidence and supporting statistics are so abundantly clear.

Teenagers are often full of bravado, even without being behind the wheel of a car. When they pass their G2 test, they have had little experience driving without their parents or a mature driver. Why do we then give them a vehicle, which becomes a weapon if used improperly, and allow them to fill it with their friends and drive down the highway? I maintain we shouldn't. We should allow them, legislate them, to gradually earn the privilege and responsibility to have passengers in their car, for their own safety as much as the safety of their friends.

On January 18, 2007, Drew had to write down his goals for one of his classes. One of them was to go to complete a post-secondary education at the highest possible level. On January 19, he was killed just trying to get a ride home. Before this tragedy, Drew might also

have disagreed with passenger restrictions, as many teenagers and parents would without the facts. They think crashes like this are rare and unpredictable and, besides, driving around with your friends is fun. Now that Drew has lost his life to an inexperienced driver, I think he would agree with me about passenger restrictions, especially if he had all the facts that you and I do now.

If I could draw your attention to a handout—it's a three-page handout—there's a large title that says "Passenger Restrictions for Teen G2 Drivers." I'll just briefly cover this. The first page has statistics, and though nighttime driving restrictions are important and valuable, these statistics would indicate that over half of teenage fatalities happen during daytime hours. On page 2 is the letter "N". In British Columbia they call them novice drivers; we call them G2 drivers. They have them display this in the back window of their car. For one year in Ontario, this would help police and other motorists identify them as inexperienced or new G2 drivers. Most important are education for parents and teens to the rules a G2 driver must follow, and that your insurance could be void or minimized if a crash occurs. I would suggest that insurance companies perhaps work with parents and have them sign a form with the rules listed and the consequences of breaking the law, so both parents and teen G2 drivers are aware.

The final page—I took it from the Internet—is a page from the Ministry of Transportation on class G2 drivers. And I just indicated the proposed amendment to be made which could save many young lives: one year to gain experience and focus on driving skills before they fill their car with friends and drive down the highway.

1450

**The Chair (Mr. David Oraziotti):** Thank you very much for your presentation, Ms. Perry. Questions? We have about two minutes for each caucus. Government caucus, Mrs. Jeffrey.

**Mrs. Linda Jeffrey:** I'm sure this was a very difficult thing for you to do, and I just want to say thank you very much. You made a very compelling argument, and I thank you for doing that. You've certainly honoured your son and you've certainly done a lot of homework to help us get up to speed. You've learned the hard way on this lesson.

I'm really interested in this "N" sign that you've talked about in British Columbia. I'm actually a bit surprised that we've never done it, because in England they have the "learner" in the back of the windows sometimes. How long has this been around? Can you just go through that suggestion you made again?

**Ms. Jan Perry:** Unfortunately, I don't know exactly how long it has been around, but in BC they actually have them put an "L" in for a learner or a G1 and then they have them put the "N" in when they become a G2. I did notice that in British Columbia they've made several changes. It was last modified March 31, 2007, but I'm not exactly sure when they started putting the "N" in the window.

**Mrs. Linda Jeffrey:** Thank you. No questions.

**The Chair (Mr. David Oraziotti):** Mr. Klees?

**Mr. Frank Klees:** Thank you, Ms. Perry, for your presentation. I'm sure all of us on this committee are giving careful consideration to what you've told us. I admit I was one of those MPPs who put pressure on the minister on this issue because of the perception that was there. I thank you for giving us some insight. I think you're right that there was a great deal of misinformation—not intentionally, but I think, with the fact that the same bill is dealing with zero tolerance to 21, there was perhaps a lot of misunderstanding that this, as well, would restrict young people up to the age of 21 from carrying additional passengers. Sometimes the issues of what teenagers want and what is good for them don't always mesh.

**Ms. Jan Perry:** That's right.

**Mr. Frank Klees:** Sometimes what adults want and what's good for them doesn't always mesh either. But I want to thank you for being here, and I'm sure that all of us are taking what you presented to us very seriously.

**The Chair (Mr. David Oraziotti):** Mr. Bisson?

**Mr. Gilles Bisson:** I can't pretend to understand how you feel. As a parent, God, I don't ever want to be there, so I say that it takes a lot of courage for you to come here and do what you're doing, and what you've been doing on behalf of your son and other kids out there.

A question: One of the criticisms that I've had in regard to our whole approach when it comes to licensing is that, number one, a lot of people see driving as a right and not a responsibility. Number two is that I've always felt we're not doing as much as we need to do in order to, in the front end, do the type of training and the awareness that needs to be done with young drivers and new drivers—sometimes they can be 30 years old the first time they go get their driver's licence—to prepare them to be on the road. Do you have any particular recommendations in regard to what could be done in order to strengthen our driver training system, other than what you've proposed?

**Ms. Jan Perry:** Actually, our middle son currently is going through driver training, and it has been interesting to see it. I think it's an excellent program. I personally think that we need more education out there for new drivers, whether they're a new driver at 30 or a new driver at 16, to follow the rules and understand what the laws and implications are. I think we need to stress, as a society, that driving truly is a huge responsibility and when you turn on that ignition you are responsible for every single person in that car and everyone on the road. So I think it's just a societal effect that we have to stress, that these are big cars and they can cause a lot of damage and we need to all be more responsible.

**Mr. Gilles Bisson:** It was interesting—during that whole time the debate was going on I went into one of the high schools. There was an auditorium packed with young teenagers 15 to 17 or 18 years old, so you could imagine which way the debate was going. But the interesting point was, there was a young Austrian woman who was 17 years old who was an exchange student, and she

couldn't understand the debate. She was saying that where she came from, when it comes to getting your driver's licence, you can't get it until 18. Her argument was that you are legally able to drink wine and alcohol at 16, but you can't get your driver's licence until 18. Her logic behind that was—and I'm not advocating, but this was her argument—to get it out of your system before you get your licence, number one. But the second thing is, once you'd go to get your licence at 18, it was a much more rigorous system than what we had here in Ontario and in Canada generally. It cost the average person trying to get a licence about \$1,500 to \$2,000 in our money just to get the licence, when it came to the amount of training that needed to be done to prepare them for their driver's licence, plus they had a graduated system at 18.

Your thoughts? Not that I'm advocating this, because I'm sure—but it was an interesting comment, I thought.

**Ms. Jan Perry:** I have lost a 16-year-old, and I currently have a 16-year-old and a 12-year-old. I don't have a problem with these young people learning to drive. As a parent, we give them wings and teach them to fly, but we teach them to do it responsibly.

The graduated licensing system is an excellent system, but when they get their licence—I can still recall sitting in my car that first day without my parent beside me and that sense of freedom—I think that they should be allowed to drive to work or take a friend to a movie and go on a date or whatever for one year, but they shouldn't be filling their cars with friends who are the same age and driving down the highway. So I don't have a problem at all with young people learning to drive; I just think they need to learn to drive responsibly.

**The Chair (Mr. David Oraziotti):** Thank you, Ms. Perry, for your presentation. That's all the time we have.

#### TRENTWAY-WAGAR INC.

**The Chair (Mr. David Oraziotti):** Our next presenter is Trentway-Wagar Inc., James Devlin.

Mr. Devlin, welcome. Please state your name for the purposes of our recording Hansard. You have 10 minutes for your presentation. There will be five minutes for questions by the members, should they be interested in asking questions.

**Mr. Jim Devlin:** My name is Jim Devlin, and I would like to thank you for the opportunity to come here today to share with you the concerns I have with Bill 118. During my presentation, each time that I make reference to Bill 118, I want to make it clear that the reference is only to that portion of the bill that deals with the carpool vehicles. The rest of the bill—okay; just carpool vehicles.

I've been the president of Trentway-Wagar since 1976, and have been with the company, both as an owner and an employee, since 1959. The company was established in Peterborough in 1956 and still maintains its head office there. We promote our services using the brand name Coach Canada.

Our company generates its revenue from three sources: 30% from scheduled intercity bus services, 46%

from charter trips throughout Canada and the United States, and 24% from contract services. We employ 275 people in Peterborough and another 645 at our facilities in Kingston, Port Hope, Whitby, Toronto and Niagara Falls.

Our intercity services cover three main routes: Toronto-Kingston-Montreal, Toronto-St. Catharines-Niagara Falls-Welland-Fort Erie, and Waterloo-Kitchener-Hamilton-St. Catharines-Niagara Falls. We have 65 coaches dedicated to providing those services, representing a capital cost of \$29 million. In 2008, we operated slightly less than 49,000 scheduled service trips, travelled more than 10.5 million kilometres in scheduled service and carried more than 1.44 million passengers.

We continue to invest in new buses each year, and this year we'll be taking delivery of 15 new double-deck buses, capable of carrying 81 passengers each, that will be dedicated to the Toronto-Kingston-Montreal route. It is the scheduled intercity line run services that are relevant to my submissions today.

I appear here today to tell you that the Public Vehicles Act and its regulatory system is seriously flawed. Going forward with the amendments to the act as proposed in Bill 118 will only satisfy the interests of a single commercial interest. The proposed amendments will only cause further damage to an already messed-up public vehicles regulatory system. There has been no comprehensive review of the act, and of the regulatory system it creates, essentially since the act was introduced more than 80 years ago. Along the way, there have been some amendments to the system that I will address.

Turning to Bill 118, my objections can be summarized as follows: There is no factual basis to support the proposed change in the definition of "public vehicle." In particular, the change in the definition is not required to facilitate carpool operations or to promote green transportation. The broadening of the definition of "public vehicle" would almost certainly result in an increase in unlicensed commercial transportation services. Using the broadened definition as a cover to provide commercial services will endanger the public and will erode the services now available to the public from public vehicle operators.

More broadly, amending only one section of the act underscores the deficiencies in the act as a whole and in the regulatory system it creates. It underscores the need for a comprehensive review of the act and of that regulatory system.

#### **1500**

Today, the Public Vehicles Act requires anyone proposing to provide a schedule in any city service to obtain a licence. The licence grants the operator a measure of exclusivity on a route. In return, an operator is expected to provide frequent service, a terminal that's accessible to the public in central parts of the community served, and to meet strict safety requirements imposed by the Highway Traffic Act. An operator is also required to provide wheelchair-accessible equipment when requested by a member of the public.

The services are particularly important to those with lower fixed incomes, including seniors and students. For example, between St. Catharines and Toronto, public vehicles provide essential commuter services. In that respect, they are an alternative to GO Transit, ensuring service to the public without the need for government-funded operating or capital subsidy.

The act appears, on the surface, to embody classic entry control economic regulation. However, there are material gaps in the act and therefore in the regulatory system it creates. For example, there is no regulation of the rates charged by bus operators. This requirement was deleted from the act as part of the 1996 amendments. In the classic regulatory model, the regulator protects the public against monopoly pricing; the Public Vehicles Act does not do that.

For years, the Ministry of Transportation enforced the licensing requirements of the act. That no longer is the case, as the bus industry has the task of doing so. This, as well, was part of the 1996 amendments to the act. The Ministry of Transportation enforces the safety requirements imposed on public vehicle licensees under the Highway Traffic Act; however, the Ministry of Transportation has had only limited success in enforcing the safety requirements of the Highway Traffic Act against unlicensed van operators. The deficiencies of the act and in the regulatory system it creates are illustrated by the operations of those unlicensed van operators.

One of the unfortunate effects of Bill 118 is that the proposed amendments to the act would provide a cover for an increase in the operations of unlicensed van operators. The amendments to the act in 1996, which resulted in a withdrawal of the Ministry of Transportation from enforcing the licensing requirements in the act, gave rise to an increase in the number of unlicensed operators. Almost immediately, we encountered them on the Toronto-Montreal route. The services are provided mainly in van-type vehicles.

Over the course of the past decade, we have filed dozens of complaints with the Ontario Highway Transport Board. Due to the 1996 amendments, we had to bring those complaints to the board because the board, on its own initiative, cannot commence enforcement proceedings. While the board issued orders requiring the unlicensed operators to stop operations and awarded us costs, those orders have largely been ignored, and in almost all cases, the costs have never been paid.

At the hearings into those complaints, it became clear from the evidence that the safety of the public is at risk by using those van services. In its decisions dealing with unlicensed van operators, the board has repeatedly expressed its strong concern over the danger to the public safety from unlicensed van operations. You will find in my brief that was handed out, three different decisions from the board expressing that view.

What you will also find on those decisions are statements by the Ontario Highway Transport Board indicating that a threat to public safety, repeatedly identified by the government's own regulator, had been allowed to

continue essentially unchecked for over 12 years, that is, since the act was last amended in 1996.

I would also like to share with you a quote from the decision issued by the Ontario Highway Transport Board in June 2003. It was concerning expert evidence that was presented on our behalf at a hearing about the road-worthiness of a particular type of van in commercial operations: "Safety is outside the jurisdiction of the board...." A copy of that decision is also included in my brief.

This points to the danger created by the unforeseen consequences of poorly conceived legislative amendments. When you end up with a regulator—in this case, the Ontario Highway Transport Board—who can't initiate enforcement proceedings on their own and is not able to address issues of safety in their hearings, that tells me that there is something fundamentally wrong with the system.

The amendments to the Public Vehicles Act in 1996 were not meant to be in effect for a long period. They were only meant to be part of the system for a short period leading to what all interested parties at the time, including the Ministry of Transportation, had agreed to: the deregulation of the public vehicles industry. At the time, the amendments made sense for the purpose intended, which would be in place for a year or two at most. However, 13 years later, we have what can be best described as an expensive and ineffective mess.

My first observation of Bill 118 is that it proposes a solution to a problem which does not exist. As far as I am aware, Bill 118 arises entirely as a result of a publicity campaign by one entity, PickupPal. Public vehicle services are the most fuel-efficient means of transportation, as illustrated by data from Transport Canada included in my brief at tab C. The data shows that a car emits approximately 215 grams of greenhouse emissions per passenger kilometre for urban travel and 110 grams for highway travel, compared to an intercity bus at 20 grams. The services that PickupPal proposes actually provide an incentive for people to use cars rather than a more fuel-efficient public inner-city bus service.

Accordingly, the second observation that can be made about Bill 118 is that the solution it proposes helps no one. The absence of any factual basis to support the changes proposed by Bill 118 is a major defect in the legislation. More importantly, the 10-passenger exemption provides a cover for unlicensed van operators. The proposed restrictions in the operation of the exemption will have no effect, because they are neither enforced nor enforceable. Bill 118 is an invitation to continued unlicensed operations. It provides continuing cover for operations which are a threat to public safety.

Rather than responding to the publicity campaign in one entity, the government should delete from Bill 118 the proposed amendments to the Public Vehicles Act and undertake a comprehensive review of the regulation of public vehicles with a view to determine: What are the essential services that public vehicles provide to the public? Is the regulatory system necessary to ensure the

continued provision of those services? If so, what changes to the regulatory system are required to maximize the benefit of public vehicle services to the public and protect the public from unsafe operators? In particular, should one regulatory body control all aspects of the regulatory system, including both entry and safety?

Bill 118 does nothing to protect the interests of the public and in particular does nothing to protect public safety and reduce the adverse impact of cars on the environment.

**The Chair (Mr. David Oraziotti):** Mr. Devlin, your time is up. If you want to wrap up in the next 30 seconds—

**Mr. Jim Devlin:** I'm finished; that's it. I'm open to questions now.

**The Chair (Mr. David Oraziotti):** Okay. Thank you very much. Mr. Klees, questions? We have about two minutes for each caucus.

**Mr. Frank Klees:** Thank you very much for your presentation. As is often the case, there are unintended consequences, all well-intentioned, but you've pointed out some issues here that I'm sure the government will want to address.

I'd like you, if you could, to answer that last question that you put rhetorically, and that is, should one agency be responsible for both the entry and safety of the industry?

**Mr. Jim Devlin:** I think, Mr. Klees, it would probably provide some consistency in the application of the system, but the four questions that I posed before that need to be addressed before that issue is addressed. We need to know what services that are necessary to the public are being provided by the public vehicle industry and if it's necessary to have a regulatory system in place to make sure those services are going to be provided to the public. I think we need to go through that step first before we get to what the makeup of the system is to make it work.

**Mr. Frank Klees:** I think the objective of this particular aspect—and I'm sure my colleague Mr. Bisson will have something to say about it, because I think he's been a strong proponent of allowing individuals a legal framework within which carpooling could take place. We've raised the issue that, along with allowing for that, there are also some liability implications that an industry such as yours assumes when you take on a passenger. These are questions that the government is going to have to address, not only relating to people who are operating in that industry now, perhaps illegally. But by creating this new framework and drawing others into what is essentially a business, as you're positioning it, there are some implications here that have not been considered yet, and it will be our responsibility as a government to do so. I'd be interested in your comments on that.

**1510**

**Mr. Jim Devlin:** Certainly. First of all, I am not against real carpooling, and the current Public Vehicles Act provides for carpooling. It's been there for quite some time, and carpooling has been going on for some

time. In fact, there are government agencies that have arranged carpooling for employees to come to Toronto. It's something that has been in place for quite some time.

Unfortunately, with the actions of one organization—and I have to admire it. It was a great publicity campaign, a lot of media attention, but the issue is that what is now proposed creates an even more difficult way to deal with those commercial entities that should have some kind of control. How much insurance should they have? What are the qualifications of the drivers?

For instance, most of the safety components of the Highway Traffic Act that cover us deal with commercial vehicles. Well, the way it's proposed in there, those vehicles will not be commercial vehicles, yet 10 passengers—my entire Peterborough-to-Toronto airport service is nine passengers plus a driver. If I have a driver make one trip a day, and they're all going to the airport, I guess that's exempt from the commercial requirements. There certainly is a legal argument there.

There are a number of issues, and I think the only way is really to open up a consultation process with the industry to address them.

**Mr. Frank Klees:** Thank you very much.

**The Chair (Mr. David Orazietti):** Mr. Bisson.

**Mr. Gilles Bisson:** No question. I guess we'll agree to disagree. Thank you.

**Mr. Jim Devlin:** Thank you.

**Mrs. Linda Jeffrey:** Thank you very much for being here today. I guess nobody would disagree with you that public vehicles are among the most fuel-efficient, as you state in your presentation, but I guess what we're trying to do in this legislation is provide people with some alternatives.

I think right now they're carpooling back and forth to school or from work, and I guess many MPPs around the table hear from their constituents, whether they live in Peterborough or Waterloo or Niagara Falls, "When are we getting GO train service?" There are a lot of communities that don't have any public transit that would allow them to get to where they need to go, and right now it's not technically allowed without this legislation. What would you say to those individuals who don't have those alternatives?

**Mr. Jim Devlin:** First of all, I disagree that it's not allowed; it is allowed. What's not allowed is the commercial operation. The way that this legislation is written and the conditions attached to it, there is no one on earth who can enforce those conditions—absolutely no one. What you're describing is available now—absolutely available—and has been going on for years. The only people who were complaining were the commercial operators.

Unlike a number that had gone to the transfer board and had their operations ruled illegal, PickupPal opted to go public with a very skilled media campaign to try to portray their commercial operation exactly the way you've described it—two very different operations. Without sitting down and having a thorough discussion so that we all understand the issues, how can it be addressed?

To my point about the 1996 amendments to the Public Vehicles Act, we have this disorganized industry because in 1996, those amendments that are causing us the problems now were only meant to be there for a very short period of time, until the industry was deregulated. It's 13 years later—in fact, I'm convinced I'm going to be dead before that happens.

**Mrs. Linda Jeffrey:** Thank you.

**The Chair (Mr. David Orazietti):** Thank you for your presentation, Mr. Devlin. That's all the time we have.

#### ONTARIO MOTOR COACH ASSOCIATION

**The Chair (Mr. David Orazietti):** The next presentation is the Ontario Motor Coach Association: Brian Crow, president; and David Carroll, director of safety. Good afternoon, gentlemen.

**Mr. Brian Crow:** Good afternoon.

**The Chair (Mr. David Orazietti):** You can begin your presentation when you like. You have 10 minutes for your presentation and five minutes for questions, should members wish questions. Please just state your name before each of you proceeds. Go ahead.

**Mr. Brian Crow:** My name is Brian Crow; I'm president of the Ontario Motor Coach Association. With me is David Carroll, our director of safety. OMCA is a voluntary trade association. We represent Ontario's scheduled intercity bus industry, the charter carriers, the contract carriers along with tour operators and related suppliers. We have 1,027 members. Thank you for the opportunity to express our concerns on one component of Bill 118.

We have no concerns with the hand-held electronic device component of the bill. As the number one concern of our association members is road safety, we fully support the government's action to reduce the distraction that can result from any driver's use of hand-held electronic devices. We are, however, very concerned with the component of the bill that would amend the current carpool exemption in the Ontario Public Vehicles Act.

Before this legislation was developed, we offered to meet with the government and outline our concerns with such legislation, but they didn't accept our offer and only agreed to meet with us six weeks after the bill was introduced.

We want to be clear: OMCA is not opposed to friends or acquaintances hooking up and riding together in order to share expenses for automobile trips to a common destination. After all, this sort of informal ride-share arrangement has been part of road transportation since the dawn of the automobile. This type of ride sharing is just common sense and should never result in enforcement action under the Public Vehicles Act; nor are we opposed to the current exemption in the Public Vehicles Act that addresses carpooling for commuters. This bill will broaden the existing carpool exemption by removing operating restrictions, thus enabling ride-share operations to also establish themselves as commercial enterprises that may put public safety at risk.

The existing legislation regarding carpool vehicles confines these operations to commuter-type operations where co-workers travel together on a regular basis. In other words, it's a recurring type of arrangement where riders generally know each other, minimizing safety and security concerns. Today, the likelihood of a commercial enterprise being established under the guise of "carpool vehicle" legally is limited.

Expanding the carpool exemption to enable ride-share-type operations to function outside the regulatory controls of the Public Vehicles Act will result in total strangers riding together on highways and all the inherent risks associated with that. It will enable profit or not-for-profit organizations to use the Internet to electronically match drivers with passengers who will not know each other.

We teach our children from a very young age not to talk to strangers and, above all, not to ride with strangers. For those of you who, like me, have sons and daughters, I've always told my kids, "You don't talk to strangers. You don't take rides with strangers." Even as they were going through university, they were not to ride home with a stranger.

Bill 118 says in effect that it's okay to ride with strangers. In fact, it promotes riding with strangers. The government's proposal will facilitate and promote "virtual hitchhiking" to occur via the Internet, with the same risks that go with picking up a stranger standing at the side of the road. It raises all sorts of safety and security concerns such as: Does the driver hold a valid driver's licence? Is the vehicle in safe condition? Does the driver have valid insurance? Is the driver fatigued or impaired by drugs or alcohol? Does the driver have a criminal record? Is the driver predisposed to violent or inappropriate behaviour?

The government and every police service across Ontario have long cautioned the public about the dangers of hitchhiking. We've all heard stories of tragic outcomes when drivers or passengers are riding in a car with a total stranger. In our opinion, the government is the last one that should promote ride sharing or hitchhiking amongst strangers.

We all know the risks of the Internet. It is our understanding from a recent media report that one of the popular social networking sites on the Internet removed 90,000 registered sex offenders who had pages on their site.

We don't believe that the government has considered the proposed bill from this public safety perspective, but it needs to before it implements a law that will put the public, and in particular college and university students, at considerable personal risk.

Bill 118, as it applies to ride-share activities, will be impossible to enforce. It will exacerbate the existing problem with rogue van operators that operate virtually unabated due to lack of effective enforcement. The OPP and MTO have admitted it's extremely difficult to enforce the Public Vehicles Act against these types of van operators. The same enforcement challenges will make it

almost impossible to enforce conditions around Bill 118's proposed ride-share amendment.

We have circulated a copy of my remarks today on our position. We thank you for considering our concerns and hope that, in the interests of public safety, the government will decide not to proceed with this Public Vehicles Act amendment.

**The Chair (Mr. David Orazietti):** Thank you very much. Questions? Mr. Bisson.

**1520**

**Mr. Gilles Bisson:** Obviously, I take a bit of a different view than you. I understand, however, that some of your concerns are based on where you're coming from and have some legitimacy. The question I have is—bills like this, as you well know, are often left to regulation when it comes to the details. Are you suggesting, then, that there needs to be some sort of a working committee to look at the regulations on how you make this work, to make sure that in fact some of the concerns you have are addressed in the regulations of the bill?

**Mr. Brian Crow:** I think what I'm saying is that the current law allows for carpooling; it allows for friends sharing rides with friends. What I'm saying is that there does not need to be any amendment.

**Mr. Gilles Bisson:** So, even properly regulated, you would not want to see this go forward?

**Mr. Brian Crow:** Properly regulated, properly enforced with the safety needs of the public addressed, I'd like to take a look at that. I don't know how that can be, but if you can draft legislation, we'd certainly consider it.

**Mr. Gilles Bisson:** I take a different view than you. Listening to the comments that you're making about, you know, "Don't trust strangers," I think that's part of the problem of our society: We don't trust each other sometimes. Yes, we need to be guarded; yes, we need to be careful; yes, we need to walk into all situations with our eyes open. But this whole sense that somehow or other we can't trust each other is just one that has always bothered me. I just want to say that up front.

As far as what the legislation is trying to do, it's trying to do what has been going on for virtually many years. As you well know, this practice has been going on probably longer than the wheel has been invented. Since we used to drag the cart with the horse, people have been getting into one form of carpool or other to much success. The legislation is trying to recognize what is going on out there now and trying to put at least some regulation around it to make sure that people are insured, to make sure there is a security check system, to make sure that we have some oversight over the process rather than just leaving it wide open.

**Mr. Brian Crow:** I sort of disagree with you. We've agreed to disagree, as you said earlier.

**Mr. Gilles Bisson:** That's fair.

**Mr. Brian Crow:** My understanding is, and our belief is, that this can't be enforced with the fences that they've put around it. It's not enforceable.

**Mr. Gilles Bisson:** My point is that it happens already, and a carpool—

**Mr. Brian Crow:** I agree with you, Mr. Bisson, I'd love to think that we can trust everybody, and I share your concern—

**Mr. Gilles Bisson:** But my point is that we already have carpooling in the province of Ontario, as we do across Canada and North America, and the incidents of people preying on each other as a result of carpooling—I haven't seen that borne out in any kind of study that has been done. So if you're saying to me as a legislator—and I understand the argument—that we need to take a better look at how we write the regulations on this, I'm prepared to listen to that. I think that makes some sense, and I would certainly welcome the opportunity for the minister to allow me to give some input into that. But to say that we're not going this way, I guess that's where we're going to have to disagree.

**The Chair (Mr. David Oraziotti):** Mr. Crow, the final comment to you.

**Mr. Brian Crow:** You mentioned the carpooling. This expands that a lot. We're okay with carpooling, and you mentioned that there have been no experiences—that's because the existing law on carpooling deals with people who are commuting every day, they work together and so forth. Do you think this act also—

*Interjection.*

**The Chair (Mr. David Oraziotti):** Mr. Bisson, let Mr. Crow finish, please.

**Mr. Brian Crow:** This is not just carpooling, Mr. Bisson; this is vanpooling. This is nine and 10 passengers. I haven't seen a car with 10 passengers, so this could also be called vanpooling. It's not just carpooling. It grows it largely.

**The Chair (Mr. David Oraziotti):** Thank you, Mr. Crow. To the government side, Ms. Jeffrey.

**Mrs. Linda Jeffrey:** Thank you, gentlemen, for being here today. You make a very compelling argument. I hadn't thought about it as virtual hitchhiking, as you indicate in your letter.

I kind of agree with Mr. Bisson: I would really prefer to hear what you would recommend as a positive recommendation with regard to the carpooling piece of this legislation rather than throw the baby out with the bathwater, because there are a lot of communities, as I indicated in my earlier question, that have no service at all, and they need to have something in the interim before we put GO trains in those parts of the world. So we need to find a way to provide safe alternatives and options. Clearly, the Ontario Motor Coach Association provides an alternative, and a good one, for many people, but not everybody can use that alternative, and you may not be operating in a place where they can access those services. Is there a way that you can look at the legislation in the next few days and provide some positive recommendations with regard to the safety considerations you've raised here today?

**Mr. Brian Crow:** I never want to say "never," but Dave Carroll and myself, we've talked about this a lot at our office. I hate to use the words, "Let's keep the status quo." We don't want that in our industry. We're trying

all sorts of new things, but here we are, on this particular one, saying, "Keep the status quo."

Dave and I have looked at a number of things, wondering how we could in fact answer your question and come to you with suggested changes. We haven't been able to find wording or legislation to bring forward here to recommend a change.

We know, when things come to these committees, it's ideal to come with—"Well, make a recommendation. If you don't like what's here, what would you do?" I've got to tell you, after a lot of thought between us and with our association, we're here to say, "Keep the status quo." I don't like saying that, but we can't come up with any recommendations that would do what you want to do.

We're still not opposed to carpooling. There are still those people—I think there are 1,200 communities in Ontario that get bus service. There are communities that are getting 49 and 50 trips a day between Toronto and that community. I think we provide a lot of service. If there is a community that does not have service, they can still carpool, if they're going to and from work, and fit the carpool regulation. And if they're travelling with friends, they can still travel with friends.

**Mrs. Linda Jeffrey:** Thank you.

**The Chair (Mr. David Oraziotti):** Thank you, Ms. Jeffrey. Mr. Klees?

**Mr. Frank Klees:** Mr. Crow, thank you for your perspective on this. Again, you've raised an issue that probably many of us haven't considered in the context within which you've presented it. I think the parliamentary assistant actually triggered the issue when she said, and rightfully so, that many communities don't have commercial service. However, as Mr. Devlin said, he operates a commercial service based on vans of 10, or nine passengers plus one. So there are services.

I think what's happening here is that we're really missing the point in terms of what we are trying to promote. If what we're trying to do is create transportation services for communities that don't have them, then perhaps there are some other things we should be doing to encourage commercial operators to get into that business and provide that community, rather than saying, "Look, we're going to open this thing and we'll call it carpooling," which, by the way, to your point—you're under all of the restrictions: safety restrictions, enforcement requirements and so on—that won't then exist. This is not about carpooling, is what I'm hearing you say, because that's already taking place.

I've raised the issue before in this committee: If what we're now saying is that if you're carpooling three, four or five students together and we want to formalize that, now we need an entire system that's going to deal with the issues of liability, with all of the other issues that you've raised here.

I think this committee does have some serious thinking to do. I hope the government is listening, because I don't think this bill does what the government intended it to do. I think it may be creating more problems, and more restrictions, actually, when people look at what the im-



plications are: restrictions, on the one hand, and problems to a commercial industry, and potential liabilities to people who are now driving up and down the 404 or between Peterborough and Toronto because they're carpooling as students, as co-workers and so on.

We need another look at this. I want to thank you for giving us your perspective on it.

**Mr. Brian Crow:** You're welcome. Thank you.

**The Chair (Mr. David Oraziotti):** Thank you very much for your presentation.

#### MUNICIPAL LAW ENFORCEMENT OFFICERS' ASSOCIATION OF ONTARIO

**The Chair (Mr. David Oraziotti):** Our next presentation, the Municipal Law Enforcement Officers' Association of Ontario: Jon Popple and Stephen Skyvington. Good afternoon, gentlemen. Welcome. You have 10 minutes for your presentation and five minutes for questions, should the members wish to ask questions. Please state your names for the purposes of our recording Hansard. You can begin when you like.

**Mr. Jon Popple:** Thank you. Good afternoon, Mr. Chairman and members of the committee. My name is Jon Popple. I currently serve as the vice-president of the Municipal Law Enforcement Officers' Association of Ontario. I am joined today by Mr. Stephen Skyvington, from Blackstone Public Affairs Group.

The Municipal Law Enforcement Officers' Association of Ontario is pleased to participate in these deliberations. As members of this committee, your work is of great importance to the people of Ontario. On behalf of our members, we thank you for your commitment and hard work.

The Municipal Law Enforcement Officers' Association is an active and well-established organization representing over 1,300 members throughout the province of Ontario. Our membership ranges from small rural communities to large urban centres. Our members can be found in every region of Ontario.

**1530**

Municipal law enforcement officers are appointed by council under provisions of the Police Services Act or other provincial statutes. They enforce local municipal bylaws and applicable provincial statutes. Our members' responsibilities include traffic, animal control, firearms, environmental offences, livestock, property standards, parking, zoning and other areas related to health and safety in the province of Ontario.

As public safety officials, we strongly support Bill 118 and applaud the McGuinty government for moving decisively to protect Ontarians. Our association would also like to acknowledge the significant contributions made by Mr. John O'Toole, MPP for Durham, for tirelessly advocating for similar legislation through a variety of private members' bills over the last 10 years.

Municipal law enforcement officers understand the significance of Bill 118 and the importance of public

safety. It is estimated that driver distraction is a contributing factor in about 20% of all collisions in Canada. Research shows that the most frequent distraction is the use of hand-held wireless communication devices. Furthermore, studies have shown a four-fold increase in collision risk when drivers use cellphones.

As law enforcement professionals, we are very supportive of public safety initiatives. In our view, Bill 118 will make a significant contribution to safer roads. We are convinced that Bill 118 will save lives—the lives of family members, friends and our fellow citizens.

As you know, some 50 countries worldwide have banned the use of cellphones by drivers, including the United Kingdom, Germany, France, Japan and Australia. A number of US states are moving in the same direction. In Canada, provincial legislatures in Newfoundland, Quebec and Nova Scotia have passed similar legislation. The province of Manitoba also recently introduced its own version of Bill 118. We believe that Ontario must act in a timely fashion to ensure that our roads are made safer and our citizens are protected against drivers who operate their vehicles in an unsafe manner.

However, the Municipal Law Enforcement Officers' Association believes that Bill 118 may inadvertently contribute to unsafe situations. We come to this conclusion as a result of the legislation's failure to provide an exemption to our members in the same manner as police, fire and ambulance department employees. As members of the law enforcement community, we believe our members should also be exempt in the performance of their duties.

Municipal law enforcement officers are confronted on a daily basis by situations where the need to communicate quickly and effectively is of paramount importance. A delay in such communication may prolong an unsafe environment and contribute to unsafe situations. Our members are frequently dispatched to school zones where parked vehicles place the lives of school children at risk. Municipal law enforcement officers respond to calls related to blocked fire routes at high-rise buildings or nursing home facilities that, in the event of a fire, would endanger the lives of the occupants.

In the course of carrying out our duties, municipal law enforcement officers are also called to emergencies such as aggressive animal attacks or potentially diseased wildlife. In my own jurisdiction of Wasaga Beach, we are often the primary searchers for lost children, visitors or seniors. We use our vehicles during searches to provide the last whereabouts and descriptions of individuals to other agencies such as the Ontario Provincial Police. Our officers are frequently dispatched to deal with burning bylaws which may require immediate communication with our fire departments if we believe the fire creates an unsafe, dangerous situation. Frankly, from my personal perspective, I would find it more difficult to carry out my duties and serve the public under Bill 118.

Municipal law enforcement officers work in geographic environments that are not conducive to stopping to receive dispatches or communicate essential infor-

mation without impeding traffic. Particularly in large urban centres, the opportunity to stop on a regular and frequent basis to exchange information being dispatched to an officer to carry out his or her duties would pose more of a danger than receiving the dispatched message.

In its present form, Bill 118 recognizes the work of emergency personnel. Accordingly, the legislation provides exemption for police, fire and ambulance drivers. The exemption, as it currently stands, is appropriate and necessary. However, Bill 118 fails to address the role of municipal law enforcement officers. As partners in law enforcement, we believe such oversight will result in increased risks to public safety in our communities.

We therefore urge members of this committee to support our position and recommend the necessary amendments to Bill 118 in order for municipal law enforcement officers to be exempt from this legislation.

We thank you for the opportunity to present our brief and welcome your questions.

**The Chair (Mr. David Oraziotti):** Thank you very much for your presentation. We have about two and a half minutes for each caucus. We'll start with the government caucus, Ms. Jeffrey.

**Mrs. Linda Jeffrey:** Thank you for being here today. As a former municipal councillor myself, I'm trying to understand the nature of your argument, so I'm going to be a little bit of a devil's advocate, if you don't mind. Do you use a BlackBerry when you're communicating with your office with regard to trying to get something resolved, whether it's a blocked school zone or a fire route? How are you communicating now?

**Mr. Jon Popple:** If I speak from personal experience, in my office we communicate either via cellphone or with two-way radios, so CB radios from vehicle to vehicle or from vehicle to a base station at city hall.

**Mrs. Linda Jeffrey:** So right now you would have a CB radio that was attached with a wire and a hand-held. That's not the issue. It's the cellphone, really, that's going to be limited by this legislation if it goes through. Have I got that right?

**Mr. Stephen Skyvington:** Yes, as well as those who use BlackBerries. He's in Wasaga Beach. Municipal officers, let's say in downtown Toronto, will have different situations.

**Mrs. Linda Jeffrey:** Okay. Essentially, the CB part would not be a problem, but you're thinking you'd need an exemption for anything hand-held in order to carry out your duties.

I'm trying to think of the emergency situation, whether it's a blocked fire route—I don't know that you need to be driving while you're informing somebody that a fire route is blocked. You can park, write down the licence plate number—I think that's what a bylaw or a municipal officer does, kind of describes the vehicle, which I don't think you would want to be doing while you were distracted, or have I got that wrong?

**Mr. Stephen Skyvington:** I can actually give you a very good example in Toronto in the Beaches with the wolf—a wolf or fox, I forget which it was—

**Mrs. Linda Jeffrey:** It was a wolf.

**Mr. Stephen Skyvington:**—where they were trying to track that down. That's where somebody would have to be driving to keep on the trail of that animal, just for one quick example. You may want to throw a few others out.

**Mr. Jon Popple:** In terms of your question, it's not the fact that we require the cellphone or the BlackBerry to deal with that person in the blocked fire route. It's being dispatched, the call. A lot of officers don't use CB radios; they have a cellphone, so their office is calling them on a cellphone. So they're having to pull over every time they receive a cellphone call to receive that dispatch information? Like the presentation says, in downtown Toronto it might not be feasible to pull over to receive that information.

**Mrs. Linda Jeffrey:** And a hands-free option wouldn't be feasible? At the end of the day, I'm trying to understand the situation. If you're driving and you're following a wolf, I don't know that you want to be holding something to your ear while you're trying to drive and follow a wolf. So distracted driving is—

**Mr. Gilles Bisson:** The wolf is faster than the car.

**Mrs. Linda Jeffrey:**—definitely a problem, but add something erratic like that, and I'm thinking that's not helpful to the bylaw officer, who needs to be calm, cool, following the rules of the road and not becoming an impediment themselves. Is it something you need to go back to your council for to get additional funds so you can have the hands-free, if that's not available, so that you're able to do your job more effectively? Does that make sense?

**The Chair (Mr. David Oraziotti):** That's about all the time we have for questions, so if you want to just quickly respond to that, you can go ahead.

**Mr. Jon Popple:** That certainly is an option, but all municipal councils may not support the purchase of hand-helds with the budget restrictions that are currently facing most Ontario municipalities. It certainly is an option. I don't know if I have the exact answer to that. Sorry.

**Mrs. Linda Jeffrey:** Okay. Thank you.

**The Chair (Mr. David Oraziotti):** Thank you. Mr. Klees.

**Mr. Frank Klees:** I'm sorry that I had to step out for a couple of minutes. Would you be willing to take the parliamentary assistant along on a ride with you some time so that she can observe first-hand this kind of wolf chase that you might be on? It'll help her better understand why you need an exemption.

**Mr. Gilles Bisson:** It would have to be a fox. A wolf ain't that stupid.

**Mr. Frank Klees:** We have the government already agreeing to exemptions for police, fire and ambulance drivers. You people know your business and the kind of activities that you're engaged in. I'm assuming by the fact that you are law enforcement officers that you're responsible, you have a good sense of what you can and cannot do and what would be safe.

1540

For the record, I certainly would support an exemption such as you're requesting. We've got a long list of people who've come forward giving us reasons why they should be exempted. Personally, I have concerns about this legislation to begin with. I've actually asked on a number of occasions, if the government is so serious about this and they really do believe that it's important, then why are there not consequences for people who are actually convicted under this provision? The answer that the minister gave again today is, "Well, people may challenge it and then we'll block up the courts." I really think that it's a cost of doing business for people.

My point simply is, thank you for your presentation. I think you're making a reasonable request and hopefully the government will acknowledge that as well.

**The Chair (Mr. David Oraziotti):** Mr. Bisson.

**Mr. Gilles Bisson:** I'm going to take a bit of a different tack. I have sympathy for where you're going, but as I read the legislation, if I'm a police officer or a fireman, I can be ordering pizza on my BlackBerry and it would be legal. It's not in the carrying out of duty. I think that's the amendment that's needed—that BlackBerry and other devices, while carrying out the duties of the police officer or the firefighter etc. It's a blanket exemption for anybody who's in the legal profession—for firefighters. I think it's got to be tightened up to say "only when being used in the carrying out of duties," and then add you into the amendment under that particular area. I raised that just to get the government thinking a little bit, because as I read it, it was fairly wide open to interpretation.

The other part is that under section 1, there's an ability for the minister to make amendments to add people to be exempted. I guess what you're saying is that even though the minister has the right by way of regulation to exempt you, you want to see it written out in legislation; you don't trust it to happen in regulation.

**Mr. Stephen Skyvington:** Basically, having been involved in a lot of legislation over the years and been part of a lot of hearings, I've often heard governments say, "Well, this was our intention." One of the things to remind government is, it's not the intention that counts; it's what's actually in the legislation. We don't want to have to come back a year from now or two years from now to try to get an amendment or to try to get a minister to put something in to that effect. We'd like to get it right at the beginning.

We're very much in support of the bill. We're quite pleased with what government is doing with this. We just think that it would make sense to add the municipal law enforcement officers at this point. We don't want to have to rely on somebody's goodwill, waving a magic wand. We want it in the legislation.

**Mr. Gilles Bisson:** But under the proviso for the carrying out of their duties—you'd be fine with that?

**Mr. Stephen Skyvington:** Absolutely. We don't need to order a pizza.

**Mr. Gilles Bisson:** Well, ordering pizza is a good thing, but not necessarily on a BlackBerry while you're

driving, especially if you're texting it out to 9-11 or whatever they call those places—241 Pizza. Don's Pizzeria in Timmins—best pizza in town.

**The Chair (Mr. David Oraziotti):** Thank you very much, Mr. Bisson, for your questions.

Thank you for your presentation.

#### ONTARIO SAFETY LEAGUE

**The Chair (Mr. David Oraziotti):** Our next presentation is the Ontario Safety League, president Brian Patterson. Good afternoon, sir.

**Mr. Brian Patterson:** Good afternoon.

**The Chair (Mr. David Oraziotti):** You have 15 minutes for your presentation. I understand you're going to be speaking to Bill 118 and Bill 126. Just state your name for the purposes of Hansard, and you can begin as soon as you like.

**Mr. Brian Patterson:** Brian Patterson. I'm the president and general manager of the Ontario Safety League.

It will come as no surprise to members of this committee that we support both of these bills in the direction that they're going, in the tenor and tone that they are putting forward with respect to safety in the province of Ontario and on our roads.

I'll split my comments quickly as to the two issues that we see in play with respect to distracted driving.

It's become more and more evident—and I think the last presenter may have touched upon that—that there are going to be more reasonable accommodations for hands-free devices, Bluetooth etc. The cost of these devices is dropping. The acceptability of them is significant.

I am a cellphone user—some would say; my close friends—extraordinaire. I've found the adoption of the Bluetooth workable. I didn't find it workable a couple of years ago, but the technology is in place.

Our concern is that we put a very significant standard of safety on original equipment manufacturers of any standard in this province. So if you purchase a vehicle that has OEM equipment in it related to either GPS or cellular phone technology, or future technology, they seem to have spent an awful lot of time on safety. That is not the case with non-OEM, non-original equipment manufacturer items. And that's where we're seeing the problem today. You can put equipment in a car that fighter pilots would have used up until quite recently. We see lots and lots of that in how the equipment is being installed. There is no vetting of non-OEM equipment that's going to make it into the marketplace. So this is forward-thinking legislation, in our minds, with respect to that. Because it will become a problem for them to put their equipment out that is either unsafe or difficult to operate, it's going to discourage those pieces of equipment from being widely sold in Ontario.

I can tell you that on any given day the Internet is full of ways to disable any safety features on any of this equipment. So if you have an OEM GPS, you can't punch addresses and adjustments in as you're driving for the simple reason that the safety override wouldn't allow

for that. But if you're carrying a GPS and driving and adjusting and answering questions, those sorts of things are happening.

What we're finding is that some people have two, three or four separate distractions in front of them at exactly the same time. So whether it's Sirius radio and a cellular phone and GPS or ongoing streaming video or just getting those CP24 breaking-news updates as you're driving, it's getting to be more and more cluttered.

I think we're going in the right direction. From our perspective, greater public education as to where these issues arise is in place.

I had the benefit, with Operation Red Nose, on the impaired driving side, to get in and out of a number of people's cars. I have to tell you, I got into a Mustang, and the radio opened up into a television screen, and the music video started to play, and the GPS flashed on, and there were lights around. But at the end of the day, I don't think any of that would have made it through any sort of safety review. So we've got to allow common sense on the part of some people, and I think that's by way of education.

On the issue of the fine, I don't believe that the enforcement side of this measure carries weight on the safety side. The significant benefits in the province of Newfoundland resulted in, I think, 500 tickets over eight years, or 800 tickets over five years. Ticketing is not the issue; it's the ability to remind people that it's an unsafe practice and that they should refrain from it wherever possible, and people do adopt that. So on the distracted driving, you're going in absolutely the right direction with this legislation.

The on-duty issue is something that we believe should be in there as well, because in fact the blanket exemption, when we know people use cellphones for personal business all day long—so if we exempt couriers, for the courier who is going to get the emergency rush order by cellular phone, he could also be calling home or doing whatever is not required. At \$100 a unit for Bluetooth technology—and I'm told you can swap phones regularly, so your entire team, whoever is in that car, can link up to that Bluetooth and operate it safely and successfully. So that's not going to be an issue.

**1550**

To the Road Safety Act and the amendments with respect to impaired driving, we really think that this is an opportunity where we better focus what we want the public to mirror in good, safe behaviour, and that's to actively look at zero as the amount of alcohol they want to have in their system. Unfortunately, we've spent way too much time on the science of trying to decide by body weight, size, volume, composition, meal etc. whether or not you're impaired. Well, we do know that the numbers contained in this bill are supported with science as to impairment and decision-making while driving. Again, a good public education campaign attached to that will create that.

I see that in my work on impaired driving. We delivered 10,000 drivers home this year with the Operation

Red Nose program. I'll tell you that in the three years that I've been actively involved on the face of that impaired driving program, we're seeing what would perceivably be better, safer behaviour on the part of people, many of whom get a ride home because they've been drinking somewhat—not because they're impaired, not because they feel they're over the line, but because they think it's safer for their community and for others. So we support this.

My only issue is an operational one. I would take this opportunity to suggest that we think the roadside testing equipment, at about \$1,500, may require a significant investment from the Legislature into those devices so that the second test can be undertaken in all municipalities where there's a limited number of officers on the road. If I'm pulled over and fail a roadside screening device and if, in fact, I want a second test, there's quite a complex method of doing that.

My suggestion is that you buy a second machine for all of those vehicles or those jurisdictions where it's appropriate, and the second device is taken. If you fail on both devices, you fail twice at the same location; we're not trying to coordinate police officers and moving people around and trying to get it all sorted out within two hours. We think that's doable, and we think it's at a cost of about \$1.5 million for the province to put 1,000 additional devices out there to help deal with this matter. It'll certainly save lives. Thank you very much.

**The Chair (Mr. David Orazietti):** Thank you, Mr. Patterson, for your presentation. We'll start with the Conservative caucus. Mr. Klees? You have about three minutes for questions.

**Mr. Frank Klees:** Thank you, Mr. Patterson, for the good work that you do and that your organization does. I want to follow up on the issue of this double testing. It seems to me that it presents a problem by virtue of the fact that it's even being proposed in legislation. What we're really admitting is that the technology that's out there can't be relied upon. The way that this legislation is structured, it's up to me, as the driver, to request the second test, and that may be some distance away from where the initial test takes place. I don't understand how accurate that's going to be and what the implications of that time delay are.

What you're suggesting now is that you simply give each car two devices, and if you're stopped, you're going to take one test and then you'll administer a second. Now you've got two devices that are apparently the same technology. Why can't both fail or why can't both be inaccurate? I don't understand, first of all, that we cannot today rely on the accuracy of this kind of testing equipment. Second, I don't understand the logic of what you're proposing, to have two of the same pieces of equipment that may well give the same result.

**Mr. Brian Patterson:** All the evidence I've seen is that the equipment is accurate and that the second test requirement is purely a result of how we've structured case law surrounding impaired driving, that we allow for that under the legislation and that it's an issue. What I'm

saying is, if you step on weight scale number one and you're overweight, the other scale comes out if you request it; and if you step on scale number two and you're overweight, then you're overweight.

**Mr. Gilles Bisson:** Damn scales.

**Mr. Brian Patterson:** I'm not a fan of scales, personally. But they're both accurate.

I think there's this feeling among the legal community that unless we remove every possible opportunity—it used to be that roadside sobriety and evidence of impairment was sufficient. Now we require an accurate measurement provided by a device approved by the—fine. We're now in a situation where you may require two of these devices for that second issue. It's not an issue for major municipalities that might have 10 units on the road at any given time. So that's not an issue. But in smaller communities where they might only have one officer out on an impaired program, or the Ontario Provincial Police, where the next officer might be 25 minutes away or 30 minutes away, it's there.

It's not an issue of the accuracy of the machine, because the temperament of the individual changes over time. So if I'm in an escalating impairment situation, I've had five beers and I've left the bar and I've blown over, if I wait two hours I'm going to be more impaired. So I may go from a cautionary zone to impairment and loss of licence. Conversely, if I've gotten up in the morning and the evidence is that I'm impaired, and I blow in the machine two hours later, I might be less impaired. So you've got both issues and the number between one test and the other. I just think the likelihood of having two fully calibrated machines both make the same mistake—for the court, it's there.

I don't want to give impaired drivers the opportunity to play that two-hour window, play notice to the defence lawyer or, for example, in municipalities where you've got a limited number of resources on at night, that we've got to bring officers in off duty to go back to the station and collect a second device or send people to the station and they get lost. I just think that if you fail on door number one, we'll let you look through door number two if that's what you want, but there is no evidence that I've seen that these testing devices are in any way inaccurate, and that has been the finding in the court. If the court says you need to allow for two tests, I say make it very practical and make it very immediate.

**The Chair (Mr. David Oraziatti):** Thank you, Mr. Patterson. That's all the time we have for Mr. Klees. Mr. Bisson?

**Mr. Gilles Bisson:** Thank you; you've been very clear.

**The Chair (Mr. David Oraziatti):** Ms. Jeffrey?

**Mrs. Linda Jeffrey:** Thank you for being here today. Certainly, the Ontario Safety League and you have been good partners in almost all the legislation I've ever been around in the House. You've always had a comment on it, and you've tried to be proactive and constructive in your suggestions, so thank you.

I have in my notes here that you were consulted in summer 2008 on the graduated licensing system suggestions that we were putting forward at the time. I understood that at the time you had some concerns about it. Are you happy with the way it has been written out now? Are you satisfied with it? Were your thoughts conveyed in the proposed legislation now?

**Mr. Brian Patterson:** Yes. The graduated licensing provisions contained in the bill are the ones that we considered in the fullness of those discussions with other stakeholders. I think the ministry listened to those issues as we brought them forward, on the practical side, and I think they're workable. Graduated licensing, as you know, hasn't been looked at aggressively for about 15 years, and these are positive steps in the correct direction.

**Mrs. Linda Jeffrey:** Thank you very much.

**The Chair (Mr. David Oraziatti):** Thank you for your presentation.

#### ELECTRO-FEDERATION CANADA

**The Chair (Mr. David Oraziatti):** The next presenter is the Electro-Federation Canada, Milos Jancik, President.

Good afternoon, Mr. Jancik, and welcome. You have 10 minutes for your presentation, so you can start when you'd like. Just please state your name for the purposes of our recording Hansard and you can go ahead.

**Mr. Milos Jancik:** Milos Jancik, president of Electro-Federation Canada. With me is Christa Groisboeck, president of Kenwood Electronics Canada Inc.; and my assistant, Kathryn Cosgrove, who will operate the computer if we can get it hooked up. While it warms up, I'd like to thank the committee for giving us the opportunity to present today. This is with respect to Bill 118, An Act to amend the Highway Traffic Act to prohibit the use of devices with display screens and hand-held communication and entertainment devices and to amend the Public Vehicles Act with respect to car pool vehicles.

#### 1600

Our association, Electro-Federation Canada, is a national, not-for-profit industry association. We represent over 300 member companies that manufacture, import, distribute and service electrical, electronic and telecommunications products. Amongst our members, we have virtually all of the major companies in consumer electronics or telecommunication equipment. We represent an industry which employs some 130,000 Canadians and contributes some \$50 billion to the national economy.

The government of Ontario has recently introduced Bill 118, the Countering Distracted Driving and Promoting Green Transportation Act, 2008, legislation aimed at improving road safety in Ontario, which as currently proposed will prohibit the use of devices with display screens and hand-held communication and entertainment devices. We at EFC recognize the importance of smart regulation and welcome the opportunity to provide input to the government of Ontario on shaping the pending changes to the Ontario safety regulations.

The legislation, as currently proposed—assuming we're reading it right—raises significant concerns for our members, who produce and market both original equipment as well as aftermarket vehicle electronics and multimedia equipment. There are two issues that cause us concern within this bill. The first one is the ban on the use of all hand-held devices in vehicles. Note that we're not disputing the ban on drivers using hand-held cellphones or any device using texting or other forms of messaging or Internet access. The second concern we have is the wording on the use of display screens visible to the driver in automobiles. Again, we're not disputing a ban on visual entertainment being visible to the driver while the vehicle is in motion.

Let me say a few words about the ban on all hand-held devices in automobiles. We support the ban on the use of hand-held cellphones by drivers. However, regarding hand-held communication, we're concerned that it only, as we understand it, exempts police, fire and ambulance users. There are many businesses which rely on hand-held devices for communication: dispatch and service operations, couriers, taxis, repair services and so on. We feel that the ban on all hand-held devices is unnecessary. The distinction we make is with the operation of devices such as CB radios and other high-frequency wireless equipment, neither of which has connectivity to the public telephone network. Typically also, dispatch-oriented communications are minimally distracting in that they are generally of short duration, well structured, and pass a limited amount of information.

We believe that the main thrust of this law is to eliminate hand-held usage of cellphones, and that other two-way communications devices not in general use by the public and not connected to any public telephone or other network are not a problem, and hence such usage should be exempt. So I guess the ask would be an exemption for all businesses which involve dispatch services not using cellphones or the public switched network for such services.

The second issue is the ban on the use of display screens as they pertain to entertainment devices; and again, it's our reading of the language of the bill. Many modern vehicles come equipped with display screens visible to the driver either as standard OEM equipment or in the aftermarket form, which can be installed later into an automobile. In many cases, these are touch screens that are used only for control of vehicle and audio systems. Features may include weather information, backup safety cameras, and navigational systems. Most do not have TV-DVD entertainment capability, and when they do, if properly installed as per the manufacturer's instructions, their use is inhibited while the vehicle is in motion. In other words, it can only be used if the vehicle is parked and the hand brake is engaged.

The ban on the use of display screens as they pertain to entertainment devices: We believe that driver-visible TV-DVD screens should be banned while the vehicle is in motion and we have no issue with such a ban. However, as currently proposed, the law seems to disallow

having any screen visible to the driver, with the exception of navigation and vehicle location systems. To comply with this requirement would require modification to many vehicles sold in recent years with a display screen as part of OEM equipment, as well as many new cars even before they are sold.

In addition, in regard to the aftermarket industry, products with display touch screens that enhance the interface with audio entertainment products are actually safer to use while driving. Often menu structures and buttons are easier to navigate through and access via a touch screen. Therefore, we believe that eliminating display screens providing visual entertainment which is inhibited while driving does not achieve the desired objectives. Our recommendation is that this section of the law should be amended to provide exemption for display screen devices visible to the driver provided that if the device does have a video entertainment capability, then that must be inhibited while the vehicle is being driven.

In your handout you will find there is wording which we found in a similar law in California which seems to address that. We've also in the handout given you a link to [digitaldriver.org](http://digitaldriver.org), which was put together by the Consumer Electronics Association in the United States and which has a lot of information that is relevant to the use of electronics in vehicles.

Finally, this is not in our presentation, but there are new developments with mobile electronics; for example, Microsoft and Ford developed Sync, which is a platform for mobile electronics. Again, all of those devices are disabled while the vehicle is in motion, but they provide a lot of functionality, such as mobile office and so on. They're open to new software developments on a collaborative basis, so the expectation is that we will see a lot more of mobile electronics in the future.

And that, Mr. Chairman, is our presentation.

**The Chair (Mr. David Oraziotti):** Thank you very much for your presentation. We're going start with Mr. Bisson. Questions? You have about two, two and a half minutes.

**1610**

**Mr. Gilles Bisson:** You actually raised a question here, because I thought section 78 actually dealt with this, and once we get into the clause-by-clause, leg research could maybe give me a definition. But as I understand it, (d) says "instrument display screens that are used to provide information to the driver regarding the status of various systems of the motor vehicle." I thought that included things like backup cameras—

**Mr. Milos Jancik:** Right.

**Mr. Gilles Bisson:** It does?

**Mr. Milos Jancik:** It does.

**Mr. Gilles Bisson:** I got it right. So then—

**Mr. Milos Jancik:** You got it right. Our concern is that some of those are combination devices which have this capability as well as other capabilities. We're saying those other capabilities, such as TV-DVD, are not operational while the vehicle is in motion and therefore should be allowed in vehicles.

**Mr. Gilles Bisson:** Such as operating your radio types of touch screens? Is that what you're talking about? Give me a concrete example of a device that would be prohibited under this legislation that you think—

**Mr. Milos Jancik:** I used the qualifier “if we're reading it right,” because I read that paragraph and it said some things are exempt; they're itemized. There will be other things that are not itemized. The example we use is screens which could be used, for example, for DVD. As long as those are disabled while the vehicle is being driven, then we believe they should be allowed. I don't see anything here that says they're not allowed, but it's a matter of interpretation in how those regulations are written.

**Mr. Gilles Bisson:** But now you buy a vehicle or you get an aftermarket product, for example, to operate your DVD player, which is for music—I'm not talking about watching television. It's a touch screen. Those are allowed?

**Ms. Christa Groisboeck:** Right.

**Mr. Gilles Bisson:** All right, so I'm missing something. I'm sorry.

**Ms. Christa Groisboeck:** Some of the newer products that are being offered, both by OEM manufacturers as well as aftermarket, are multi-use. So on the same what we call double-din screen, a screen where it's two typical single din, you'll be able to have GPS, which is allowed, you'll be able to have touch screen control of your audio functions—

**Mr. Gilles Bisson:** Which is allowed.

**Ms. Christa Groisboeck:** —and then there are additional functions such as DVD features which are only enabled when the vehicle is not in motion.

**Mr. Gilles Bisson:** Oh, I see. Okay.

**Ms. Christa Groisboeck:** It's all together in one unit. So as long as it's not in use while the vehicle is in motion, it should be allowed.

**Mr. Gilles Bisson:** Okay.

**Mr. Milos Jancik:** Not usable by physical interlock.

**Mr. Gilles Bisson:** I hear you. Okay.

**The Chair (Mr. David Oraziotti):** Just before we get to Mrs. Jeffrey, sorry, can you state your name for the record?

**Ms. Christa Groisboeck:** Christa Groisboeck.

**The Chair (Mr. David Oraziotti):** Thank you very much. Mrs. Jeffrey?

**Mrs. Linda Jeffrey:** Thank you for coming today. I appreciate your presentation.

I'm just trying to clarify your first issue. You're concerned that we're going to ban the use not just of cell-phones but of any hand-held devices by couriers, taxis, repair services or any business that relies on a dispatch service for efficient operation. I think in the last three days of deputations we've seen lots of requests for

exemptions from the commercial trucking industry and certainly from bylaw officers. They ask for some exemption for logistical tracking of their vehicles and the dispatch component. Certainly, we're not trying to ban the usage of it. I think what we're trying to do is make sure people who are driving aren't using a cellphone at the same time they should have both hands on the wheel. So I don't think that's what we're trying to do.

And although you indicate that the dispatch-oriented communications are minimally distracting, I don't know that you can determine how much is minimal and how much is maximum and medium distraction if there is a distraction in place. I think what we're trying to do is capture what is a reasonable distraction for anybody and trying to get you to narrow down where you think the exemption should be for what industry.

Certainly, if you have a dashboard-installed radio and you have a wire connecting it to a hand-held receiver, that's allowed and it's not part of this legislation. Do you have difficulty with that, or have I misunderstood—

**Mr. Milos Jancik:** We weren't sure, so we thought we would address that.

**Mrs. Linda Jeffrey:** Okay, but that isn't a difficulty with you? You see that as reasonable.

**Mr. Milos Jancik:** Basically somebody picks up the microphone and says, “Ten-four” and goes to the address, so that was the concern. Our members market the communications devices used, the high-frequency devices, wireless devices.

**Mrs. Linda Jeffrey:** Certainly I would say that this legislation does want to make sure that GPS units that are integral to the unit or that are purchased after the fact—they are part of the safe driving tool, and we want to make sure people use that. So long as people pull to the side if they are going to change the direction they are going, or to the location, as long as they're doing that, and/or using any other component of the vehicle's aftermarket or before-market process, that's what we're looking for too, so I think we're on the same page.

**Mr. Milos Jancik:** That's very reassuring. Thank you.

**Mrs. Linda Jeffrey:** Good. Thank you.

**The Chair (Mr. David Oraziotti):** Mr. Klees?

**Mr. Frank Klees:** That was very straightforward. Thank you for requesting that clarification.

**The Chair (Mr. David Oraziotti):** Okay. Thank you very much for your presentation.

**Mr. Milos Jancik:** Thank you.

**The Chair (Mr. David Oraziotti):** Just a reminder for committee members that proposed amendments need to be filed with the clerk by noon on Friday, March 27, 2009.

The committee is adjourned until clause-by-clause on Wednesday, April 1.

*The committee adjourned at 1616.*









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