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**Wednesday 4 May 2016**

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**Mercredi 4 mai 2016**

**Standing Committee on  
Estimates**

Ministry of Transportation

**Comité permanent des  
budgets des dépenses**

Ministère des Transports

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
ESTIMATESCOMITÉ PERMANENT DES  
BUDGETS DES DÉPENSES

Wednesday 4 May 2016

Mercredi 4 mai 2016

*The committee met at 1551 in room 151.*

## MINISTRY OF TRANSPORTATION

**The Chair (Ms. Cheri DiNovo):** Good afternoon, everyone. We are here to resume consideration of vote 2701 of the estimates of the Ministry of Transportation. There is a total of four hours and 11 minutes remaining. When the committee adjourned yesterday evening, the official opposition had three minutes and 54 seconds left in their rotation.

Mr. Harris, the floor is yours.

**Mr. Michael Harris:** All right. We were talking about LRVs yesterday. There are 182 that were purchased, correct? Yes?

**Hon. Steven Del Duca:** There were 182 that were purchased.

**Mr. Michael Harris:** It was the deal, right? Could you provide a list to the committee where those 182 vehicles' homes will be and—

**Hon. Steven Del Duca:** You mean which projects they'll be assigned to?

**Mr. Michael Harris:** Yes, right—and then delivery day? I'm assuming that Waterloo—sorry?

**Hon. Steven Del Duca:** It's okay. Go ahead. I was just checking—

**Mr. Michael Harris:** You will provide that?

**Hon. Steven Del Duca:** You're talking to me, so go ahead.

**Mr. Michael Harris:** You'll be able to provide that to us?

**Hon. Steven Del Duca:** It sounds like you have a second part to your question. Sorry.

**Mr. Michael Harris:** Waterloo would be the first delivery. Would they be the first project to be delivered? In 2017, I'm assuming.

**Hon. Steven Del Duca:** I believe that is the plan, but I could ask Vinay—

**Mr. Michael Harris:** So of the 182, how many has Waterloo bought? Waterloo region, that's where they'll go first, correct?

**Hon. Steven Del Duca:** Please identify yourself for the committee.

**Mr. Vinay Sharda:** Vinay Sharda, director of transit policy branch, Ministry of Transportation.

Correct, the total order for the LRV purchase is 182, and the first vehicles are expected to be distributed to the Waterloo project for the ION.

**Mr. Michael Harris:** Great. Okay, perfect. Will you be able to provide a list of the LRVs in terms of the 182 and what projects they will be dispersed to and the expected delivery dates of those 182 vehicles?

**Hon. Steven Del Duca:** I can look into that.

**Mr. Michael Harris:** You have that information, though?

**Hon. Steven Del Duca:** I don't have that information with me right now, but I can look into it.

**Mr. Michael Harris:** So you bought 182 LRVs, but you don't know where they're going?

**Hon. Steven Del Duca:** I know which LRT projects we're building in the province of Ontario. You might be aware, we're doing Crosstown LRT through the middle of Toronto, Finch LRT, Hurontario LRT and Mississauga, and of course ION LRT in your home region of Waterloo.

**Mr. Michael Harris:** So will you be able to provide a list as to where—

**Hon. Steven Del Duca:** Sorry, I didn't hear the first part, Mr. Harris.

**Mr. Michael Harris:** Will you be able to provide a list as to where those LRVs will be assigned?

I guess my next question is, do you have confidence in Bombardier to meet the first delivery?

**Hon. Steven Del Duca:** Yes. I'll echo what I said yesterday. Obviously lots of media reports out there with respect to—

**Mr. Michael Harris:** Do you have confidence?

**Hon. Steven Del Duca:** I'm in the process of getting to that—

**Mr. Michael Harris:** Yes or no?

**Hon. Steven Del Duca:** You kind of asked the same question yesterday where I did express concern about the fact that we are hearing information that's flowing out of some of the other procurements, like the streetcar issue here in the city of Toronto. We have a very strong appetite for more transit service in all communities that we're trying to build LRTs in, including your home region. So at the end of the day, we want to push forward and make sure that we're putting the projected or the promised service into service when we committed to making it happen—

**Mr. Michael Harris:** Are there penalties actually built into the contract for Bombardier? Are there penalties for delivery?

**Hon. Steven Del Duca:** I don't have that contractual information off the top of my head at this point in time.

**Mr. Michael Harris:** Does somebody? Sir, do you have information as to whether there are penalties built into the arrangement with Bombardier?

**Mr. Vinay Sharda:** I would have to take that back.

**Mr. Michael Harris:** You'll let me know?

**Hon. Steven Del Duca:** We'll look at it.

**The Chair (Ms. Cheri DiNovo):** Thirty seconds left, Mr. Harris.

**Hon. Steven Del Duca:** We'll take a look at it—

**Mr. Michael Harris:** So you don't know if there are penalties built into this contract?

**Mr. Vinay Sharda:** I would want to make sure that I have accurate information for the record. So I would want to take that back—

**Mr. Michael Harris:** Do you think there are penalties built into the contract?

**Hon. Steven Del Duca:** It's best for us not to speculate here at committee, so we'll take that back.

**Mr. Michael Harris:** I'm just assuming, if you sign a contract for 182 LRVs, you would know if there are penalties built into a contract or not.

**Hon. Steven Del Duca:** What I can confirm is that we'll take that back, because it's not helpful even for you for us to speculate here at committee.

**Mr. Michael Harris:** I'm just saying you should know this.

**Hon. Steven Del Duca:** Again, I'm not going to speculate here at committee, so I'm happy to take a look at that.

**Mr. Michael Harris:** Am I done?

**The Chair (Ms. Cheri DiNovo):** You have 10 seconds. Wrap up.

**Mr. Michael Harris:** I'll pass it over to the NDP.

**The Chair (Ms. Cheri DiNovo):** Thank you. We move to the third party. Mr. Gates.

**Mr. Wayne Gates:** I'll just say that wasn't very productive on your part. I just thought I'd throw that out there.

It's great to be here today. I'm going to do a little opening statement. Seeing as it's my 20 minutes, I guess I can do what I want.

Minister, I just want to start off with some general remarks about what I'd like to talk about today, and hopefully we can get through all the topics. One of the concerns that has been raised in this committee for several years now, at least, is the lack of detail that comes with government bills and with estimates. I know that the Chair, who's here today as well, has raised this issue multiple times when she has been asking questions, and I'm going to be doing some of the same.

For example, this government has repeatedly said that they are committed to bringing two-way, all-day GO train service to Niagara Falls. You all know what my thoughts are on that project, and I won't bore you with that. But my real concern lies in the lack of detail.

Every time the government announces that they are supporting a project, they fail to introduce a timeline for the project and they fail to introduce a funding plan—a serious lack of detail that you would think would be easy

to provide if you were serious about the project moving forward quickly.

As such, as a project of this particular hearing of the estimates committee—it's bill after bill, committee after committee, where the government simply does not provide enough detail for the members of the House to be truly informed about what the impact of the bill would be. That's going to be the main theme for me here today, Minister. We need more details than you have been providing if we're going to do our work properly.

Some of the issues that we'd like to get to in more detail are changes in the amount of capital expenditure year to year, division of capital between the GTA and non-GTA projects, non-conformance reports from winter maintenance contractors, Nipigon bridge, Highway 3, HOT lanes, 427 expansion, and obviously I'll touch more on the GO train project as we go through. These are just a few of the topics that I think it's going to be very important for us to consider through this committee process.

I'll start with something that I'm sure you're expecting to be asked about today, and that's winter maintenance. The NDP has put in a freedom-of-information request asking for a summary of non-conformance reports of the ministry area maintenance contractors, including performance penalties. The MTO, surprisingly, has asked us for nearly \$1,000 to pay the labour costs for fulfilling this request, which apparently will require more than 30 hours of work.

Given all the public attention on this issue, as well as an Auditor General's report, how is it possible that the MTO cannot instantly produce copies of all such reports on demand? How does the administrator of the area maintenance program remain informed of the performance of these contractors when it takes hours of work to attain this information?

**Hon. Steven Del Duca:** Thank you very much for the questions and for the opening comments. You mention a wide variety of issues that you're hoping to discuss over the course of your time here at committee, so I'm looking forward to the dialogue that we're going to have on that.

In your question with respect to winter maintenance, you talked a little bit about the Auditor General's report. Obviously, everyone here would know that's something that I personally have taken very seriously. From what I recall, there were essentially eight recommendations in the auditor's report. Immediately upon its release, I accepted her findings. I know that staff at the ministry have been working very hard and very closely, not only with our area maintenance contractors, but with me and my office, to make sure that we respond to those eight recommendations, that we take a strong and proactive approach to dealing with them.

It's from those recommendations that we were able to pivot towards introducing and now deploying what I like to call our action plan. There are a number of items that are included in the action plan. I won't go through the whole list, to keep an eye on time. I'm trying to be respectful of that today. For example, improving the Ontario 511 website, including providing public access to

roadside cameras, was something that was referenced in the auditor's report. We've launched a Track My Plow program. It started in the Owen Sound and Simcoe areas. It has now been expanded to additional areas, and I expect that that will continue to expand to more and more areas right across the province. We've worked very closely with our contractors to ensure that they have reliable equipment and trained operators available. I think over the course of this past winter season, which, of course, would be the first winter season following the auditor's report, by and large, we saw a stronger performance from our contractors. I would say that we continue to have to do work on this to make sure that we land in a good spot and provide that winter—not just winter, frankly, but year-round maintenance on all of our highways, because that's, of course, what the public expects and deserves.

**1600**

There has been a lot of back and forth with respect to some of the outstanding issues, or the outstanding non-conformances, as you mentioned. There are some numbers that are out there already in the public domain, some of which I have commented on to the media and elsewhere.

As for the rules and procedures that the Ministry of Transportation has in place, like all other ministries, with respect to freedom-of-information requests, we follow those processes. We follow those rules. We make an assessment based on the parameters of those rules and procedures, and, frankly, we follow that to the letter. It's a process that, from what I know, is not unique to the Ministry of Transportation. I think that similar circumstances or parameters would exist across all ministries if FOI requests were being made.

**Mr. Wayne Gates:** That's a nice story. I guess what I'll ask is: Will the MTO please provide a summary of non-conformance reports of the ministry's area maintenance contracts, including performance penalties, covering the period from January 1, 2014, to the present time? I don't believe that you should need 30 hours. They should all be—I mean, you've been investigated before. This should be readily available to the MTO.

And then the second part—

**Hon. Steven Del Duca:** Yes, and—

**Mr. Wayne Gates:** No, let me finish.

**Hon. Steven Del Duca:** Sorry, I thought you were finished. My apologies.

**Mr. Wayne Gates:** I was told you're going to talk a lot, so I want to make sure that, at least, I get a few words in here.

**Hon. Steven Del Duca:** Thank you for the compliment.

**Mr. Wayne Gates:** I want to compliment you on the fact that you said that the winter maintenance program had a strong performance this year. I agree, because it didn't snow most of the year, so we didn't have as many problems.

**Hon. Steven Del Duca:** Clearly, you weren't in northern Ontario.

**Mr. Wayne Gates:** Snow was down. So—

**Hon. Steven Del Duca:** Ask MPP Thibeault about snow in northern in Ontario.

**Mr. Wayne Gates:**—will you provide that to us?

**Hon. Steven Del Duca:** First of all, it's not clear to me whether that's the focus of the freedom-of-information request that you've submitted. I'm going to assume that, either in part or in total, it is what you submitted an FOI request for, so I'm going to let that process run its course. I know there's lots of information out there in the public domain already, including media reports, which I have commented on over the last number of weeks. I believe this has come up in the Legislature in the past. We'll continue to follow through on the action plan as per the commitment, which, again, flows from the eight recommendations that the auditor made.

Assuming that I accept the premise of your concluding comment, where you said that it didn't snow this year and that's why things went well, I think it's important for us to remember that—and I do want to emphasize this so that nobody can be confused about what I'm saying right now—there is recognition. There was even recognition in the auditor's report itself that, notwithstanding the fact that we need to do additional work—we have done additional work and will continue to to make sure we get this right—that the previous two winters, not this past winter but the previous two, and her report did acknowledge this, were particularly severe in terms of the winter weather that was experienced in all parts of the province. Having said that, she had eight very clear recommendations, and we've accepted all of them.

You know and I know, and certainly everyone in this room—and myself; I'll say it personally: I use the highways of this province; my wife does as well; our children are often in the car with us when we're driving. I take my responsibility in this regard extremely seriously. Our contractors know that. They've heard that from me directly. They continue to hear it from the ministry in terms of making sure that they are providing the kind of maintenance that's not only contractually obligated, but the kind of maintenance that, again, the people of Niagara Falls, St. Catharines, Vaughan etc. expect and deserve. That's what we're going to keep working on.

**Mr. Wayne Gates:** I appreciate that, because you were probably one of the few that knew what roads weren't being serviced properly. I drove in Niagara with my daughter and my grandkids to Toronto a number of times, and I did not know how bad the road maintenance was. So I can appreciate the fact that you drive the highways, but I can tell you that so do I and so do our first responders, and they weren't told at all that we had a problem with road maintenance in Niagara and certainly into the GTA. That's why we had a number of fatalities, including, I believe, one in Fort Erie around Sodom Road, that could have been prevented.

If you take a look at the company in Niagara, not this year, but last year, they wouldn't even give us the report. Do you know why they didn't give us the report? They never did fill it out. There were no checks and balances on these companies, and that was a big issue.

I can appreciate the fact that you drive the roads too; the difference is that I didn't know what roads weren't safe, and I didn't know we had the problem that we did. So you've used that line a number of times, including in the House, and I would recommend that you don't use it, because, quite frankly, you might have known, but I certainly didn't. My family didn't. My daughter, who drives those highways every day to go to school, didn't.

**Hon. Steven Del Duca:** If I can ask just really quickly for clarification: I'm not really sure what your point is there about which roads I knew or didn't know about. I guess what I'm saying is that for 42 years, I've either driven as a passenger or as a driver the roads and highways of this entire province, particularly in the GTA and including in Niagara region. The point that I was trying to emphasize there was that I take my responsibility as it relates to highway safety extremely seriously, not just for myself and my own family, but for yours as well, and for the rest of the travelling public that we have.

I will say—and I know you've heard me say it before, but it does bear repeating—that for the last 13 years, this province has ranked first or second across North America for highway safety. I think that's a record that's there as a result of the fact that MTO has done a great job, but it doesn't mean that our work stops. We have to keep our sleeves rolled up, and we have to keep working hard to maintain that kind of service and maintenance.

**Mr. Wayne Gates:** I appreciate that. I guess my point is that I never knew; I didn't know that the companies that we awarded \$87-million contracts to didn't even have the proper equipment to do the job when they did the bidding process. Yes, they might have been \$5 million cheaper, but they didn't have the equipment to perform the job safely for the residents of the province of Ontario.

I believe that one of those companies—I can't prove it, because I can't get the reports, because there was never one filed—was in Niagara. The good news is that they no longer service Niagara—which is probably good news, but I just wanted to say that.

I'll move on to the Nipigon bridge, which you're certainly familiar with.

**Hon. Steven Del Duca:** I am.

**Mr. Wayne Gates:** What is the status of the minister's investigation into the failure of the Nipigon River Bridge?

**Hon. Steven Del Duca:** Obviously over the last number of months that is something that has come to the attention of all of us. I'm trying to think of the best way to describe the seriousness with which we take—I take, again, personally—the importance of continuing to invest in crucial infrastructure, not just in the north, but across the province.

I know that this was a particular infrastructure project that triggered an awful lot of enthusiasm and excitement in northern Ontario and beyond. Again I'll express here today that I was and remain troubled—concerned, I guess; those are the words, but perhaps even stronger words would be more suitable—in terms of what has actually occurred.

I had the chance, within a couple of days of the bridge malfunctioning—I guess that's one way to describe it—to be at the site of the bridge itself to see first-hand what the problem looked like to a layperson; obviously I'm not an expert in this area.

I just want to take a very quick moment to say to the communities of the north that were affected by this, directly and indirectly, including our First Nations partners, that they showed remarkable and commendable patience with respect to working closely with MTO as we moved forward to try to deal in that urgent moment when it first occurred.

I'm obviously not happy at all that this took place. I guess in some respects, on one level, I'm comforted or happy that nobody was injured when the bridge malfunctioned. Of course, again, I've said this publicly, as has Minister Gravelle as the local MPP.

There is an investigation that is currently under way to determine what occurred with respect to all of the different aspects of the bridge and its performance. At the same time, within a number of days, we were able to get both lanes reopened on the bridge in a way that was safe and consistent, and there was a very heavy effort—a strong, robust effort—put in place with respect to inspecting that, to make sure that it was safe when both lanes of traffic are open.

We recognize this is very much about quality of life in the immediate area, but it's also a phenomenally crucial economic link for this province and for this country. So I'm happy both lanes of traffic reopened, happy that the larger project continues, but the analysis or the investigation into what went wrong, so to speak, with the bridge is ongoing.

**Mr. Wayne Gates:** Okay. So who is conducting the investigation?

**Hon. Steven Del Duca:** There is an independent—I'm just actually going to double-check this because I don't want to mislead you, Mr. Gates. I know that MTO is involved, but I'm going to ask either the deputy or ADM Gerry Chaput to come forward and give you more detail.

Gerry will come forward. He will identify himself for the committee and for Hansard, and he will respond with more detail.

**Mr. Gerry Chaput:** I'm Gerry Chaput, assistant deputy minister, provincial highways.

We have two firms reviewing the potential issues associated with the bridge. One is Surface Science Western at Western University. They are performing an analysis. National Research Canada is performing a review as well, and both of those reports will be reviewed by Associated Engineering in Niagara.

1610

**Mr. Wayne Gates:** I missed the last part, sorry.

**Mr. Gerry Chaput:** They will be reviewed by Associated Engineering, which has a branch office in Niagara.

**Mr. Wayne Gates:** Where are they on the investigation?

**Mr. Gerry Chaput:** They are still—

**Hon. Steven Del Duca:** Sorry. Perhaps I can say the investigation is ongoing.

**Mr. Wayne Gates:** I understand that, but I also know that there are some things that have been done. Have you gotten any update on where we're at on it?

**Hon. Steven Del Duca:** The investigation is ongoing. I think it would be premature for us to make any kind of definitive statement until that work is completed. I will say that once it's completed, I'm happy to provide an update publicly.

**Mr. Wayne Gates:** You are aware that they are checking the bolts, although they're not so sure that that's what really was the real problem? I think the first thing that people thought of was the bolts. Have you got any update on it? Has anybody talked to you about it? Do you talk to anybody who's doing the investigation at all? Have you talked to the company that was awarded the work, that obviously built a bridge that only lasted two and a half months?

**Hon. Steven Del Duca:** Again, it's a very thorough investigation. As Gerry mentioned a second ago, it's ongoing. There are multiple firms involved. I want to be in a position to make sure that we do get to the root cause of what's occurred, but I also think that requires that we are focusing on accuracy, waiting for the analysis and the investigation to run its course and for the report to come back to us, in the interest of making sure that we're providing accurate information.

It's an investigation that's ongoing. I would think it's probably most appropriate and prudent for us to wait until that's complete.

**Mr. Wayne Gates:** It's been how many months now?

**Hon. Steven Del Duca:** I don't know the number of months off the top of my head. It's been a few.

**Mr. Wayne Gates:** When do you think it would be finished?

**Hon. Steven Del Duca:** I don't think it's appropriate for me to speculate. Again, what's most important to me here is that we do provide an update, not just to the people of northern Ontario, but the people of Ontario, once we have accurate information based on a completed investigation.

**Mr. Wayne Gates:** Is there an update report? Is there going to be a report that comes out that will be made public?

**Hon. Steven Del Duca:** I anticipate that there will be a public update once the investigation has been completed.

**Mr. Wayne Gates:** Do we have any of the cost?

**Hon. Steven Del Duca:** The cost of—?

**Mr. Wayne Gates:** Of the companies that you hired, what's the cost for them to do it?

**Hon. Steven Del Duca:** Again, their work is ongoing, so it would be premature for me to make a comment specifically on the cost that's being undertaken as a result of the investigation.

**Mr. Wayne Gates:** Did they give you any estimate on the cost? Usually, if you're going to hire somebody—

**Hon. Steven Del Duca:** The cost of the investigation itself?

**Mr. Wayne Gates:** Usually, you're going say, "For us to do this, it's probably going to take us three, four or five months"—whatever they told you; I have no idea. But they usually wouldn't do it and say, "We'll give you a bill when you're done." There's usually a cost to it.

**Hon. Steven Del Duca:** I don't have that information here. I know there's a ton of work that's being dealt with in this regard. It's already obviously gone on for a little bit of time. It will continue to go on until it's completed and we have the accurate information. At that point, again, a public update is something that I expect I'll be making at that point.

**The Chair (Ms. Cheri DiNovo):** Mr. Gates, you have just over two minutes left.

**Mr. Wayne Gates:** Two minutes? Okay.

Can we get a copy of all reports on the bridge?

**Hon. Steven Del Duca:** I don't know what you mean by all the reports, sorry.

**Mr. Wayne Gates:** All reports that are dealing with the bridge buckling.

**Hon. Steven Del Duca:** I'm happy to take that back. I'm not in a position to confirm because it's a very broad ask. I don't know exactly what that means.

**Mr. Wayne Gates:** I'm sure somebody on your staff can help you out with that one. I'm sure you get lots of reports.

Since the bridge buckled, obviously—we were lucky. I appreciate the fact that you acknowledge that nobody was injured, but we're probably just as fortunate that nobody was killed when it happened.

I would think that since that time there has been a number of reports by a number of companies, including some with maybe the engineers who did the work, all that kind of stuff. There were some false reports out there that they weren't local engineers, as you know. But I'm sure they give a report and—

**Hon. Steven Del Duca:** I'm not sure what you define as "local" in that regard. Regardless, I would say that all of the work that's been undertaken so far by MTO and any other associated or affiliated contractors—however those might be defined—I would argue as part of the overall comprehensive review and investigation that's being undertaken, as soon as the review has concluded and I have accurate answers, I'll be able to provide a public update.

**Mr. Wayne Gates:** Okay, I'll get this one out quickly: When the project has reached substantial completion, does the MTO representative conduct a final inspection to verify that the bridge is free of defects? And can we please get a copy of that report for the Nipigon River Bridge?

**Hon. Steven Del Duca:** I don't know how much time is left, but the answer to the first half of the question is yes. The answer to the second half of the question is that I will take that back and look into it.

Gerry, if you would like to elaborate.

**Mr. Gerry Chaput:** For clarification, the project is not completed. It was the completion of a certain phase,

so there was no substantial completion yet on that project.

**Mr. Wayne Gates:** Can you lean into your mike? For whatever reason I can't seem to hear it. I could be showing my age.

**Hon. Steven Del Duca:** I'll say what Gerry said: The project is not completed. Okay? I don't know what percentage the work that's been done would represent, but the project was not completed even when it was open prior to the malfunctioning.

**Mr. Wayne Gates:** How much was left to be completed?

**Mr. Gerry Chaput:** They have completed the north side of the bridge. They have to put up another tower and complete two more lanes on the south side of the bridge.

**The Chair (Ms. Cheri DiNovo):** I'm afraid you are now out of time.

**Mr. Wayne Gates:** Thank you.

**The Chair (Ms. Cheri DiNovo):** We'll move to the government side. Ms. Kiwala.

**Ms. Sophie Kiwala:** Thank you again for being here with us today. I'm actually really excited to talk to you today about ferries in Kingston and the Islands. I'm always going on and on about the fact that I'm in the only riding in Ontario that can say "and the Islands" after the name or as part of the name of my riding. I am very, very proud of the island communities, Wolfe Island and Howe Island.

**Mr. Han Dong:** I have islands.

**Ms. Sophie Kiwala:** Sh.

As you know, we had quite an experience with the Wolfe Islander III going into the mandated dry-dock inspection service. It's something that can't be avoided, and it's completely natural that this is something that needs to happen. When such a large part of the vessel is, obviously, under water, many different parts of the vessel need to be investigated and tested. I know that there were a number of things that came up when the vessel was in for inspection that weren't anticipated. I'm very grateful for having that federally mandated process.

But at the same time, as you know, it was very challenging for my community of Wolfe Island, Amherst and Glenora because of the ripple effect of having to take a ferry from Glenora to Amherst when Glenora had two, and having to take Frontenac II over to Wolfe Island, and using a dock that was not the central dock. The dock that the summer ferry usually goes to accesses all of the businesses in the docking area, so there was an effect, obviously, on the businesses, and they really did suffer throughout the course of the summertime.

I understand that the work needed to be done. Everybody knew that. I have to say that we very, very much appreciated having you come to Wolfe Island to talk to the residents about what was happening and what the timelines were and what we were dealing with.

I just wanted to get some feedback from you on what we are going to do to ensure that something like this doesn't happen again in the future. I think that it will be

important for my community to assure them that we've got a plan in place. I welcome your thoughts.

**Hon. Steven Del Duca:** Great. Well, thank you very much for your comments and for the question itself. I know I did reference this yesterday in one of my 30-minute opportunities to talk, generally speaking, about some of the outstanding work that we're doing via MTO across the province.

I did talk about the occasion, the opportunity that I had to come to your riding, to Wolfe Island, to literally be there in that town hall setting that we had. I think it's interesting to be this many months beyond, this many months removed, and this far away from your community. But for those who weren't there—and almost everyone in the room wasn't there, aside from you and I and Andrea from my office, who was there with us as well—it was quite a remarkable meeting. The turnout was huge, not just from Wolfe Island but from some of the neighbouring islands.

I think I mentioned yesterday that it was really impressive to see the passion, the concern and the frustration, to be really frank, that your constituents and others from nearby islands had felt with respect to recognition that the dry-dock process, the inspection process—which is federally mandated every five years—is important, from a safety standpoint. The one thing that became clear to me was just concerns about the fact that there were unforeseen delays, for very good and compelling reasons, given how significant the refurbishment was of the Wolfe Islander III, but just concern that there wasn't a clear understanding of what those challenges were.

Obviously, in a community where everybody is very tightly knit—and this is the crucial transportation link between the islands and the mainland, obviously—there were just concerns around a lot of the speculation that existed in the community.

**1620**

So to be able to come there in person—I know after many months of you hearing it directly as the local member—was very useful in terms of the message that I was able to convey back to not only eastern region MTO staff, but the rest of the team that works down here, I guess, at headquarters, with respect to making sure that we not only put the Wolfe Islander III back into service at the soonest possible time, with all of those very necessary, federally mandated refurbishments, I suppose I'll call them, but also to make sure that we listen loud and clear about the need for additional—not quite redundant service, but I'll call them redundancies in the system to help, because of course, other ferries in the system will, as time goes on, according to that federal requirement, come out of service, go into dry dock, be inspected, be refurbished and put back into service.

A couple of things by way of a specific update: As a result of your advocacy, MPP Kiwala, and the great work that you've done in the community, and generally speaking how loud and clear the message has been to MTO from the community, there are a couple of things—and I don't normally read from notes, but on this one, I

don't want to put the wrong information into the record and cause anybody any anxiety, so I'm going to make sure that I'm being very explicit on this one.

We have started an environmental assessment to provide an extra ferry and to undertake dock improvements for Wolfe Island. That, I know you're very aware of. We expect this study to finish by 2017.

Then, the other piece of the exciting news: In addition to the second ferry at Wolfe Island, in this year's provincial budget—again, thanks exclusively to your advocacy and you being an extraordinary champion for your community—the government of Ontario committed in this year's budget to invest \$20 million to build a new backup ferry for the eastern region fleet. This will help, of course, add to that redundancy that I talked about a second ago within the system, so that people have comfort knowing that, as we go forward and have to deal with those federal requirements, we're not forgetting about the very profound and important needs that they have in their respective communities.

Just to be clear, the new vessel is intended to operate at Amherst Island, and will ensure that a backup is available to reduce the impacts of dry docking, as I've talked about. It's also going to support our contingency plans should there be an extended, unplanned service outage like we experienced with the Wolfe Islander III because of the additional work that was required and some of the inspection delays, mostly on the federal side, from what I recall.

I should also note, and I know you know this, that that Amherst Island ferry will not require an environmental assessment, as it will not be adding capacity to any of our current ferry services. One thing many committee members might not know—although I did talk a little bit about it yesterday, about the town hall, specifically on Wolfe Island—is that both you and I had the chance to go down to the dry dock itself and witness some of the work that was happening and speak with the skilled tradespeople and those others who were working on the Wolfe Islander III in Hamilton to see in person, very up front and up close and personal—that's the phrase that I was looking for—some of the work that was taking place, which I'm quite sure was encouraging to folks back in Kingston and the Islands.

I should actually be saying thank you to you, not only for the advocacy, but also for encouraging me to come to your community and hear very directly and in a very frank and honest way from your community about how concerned they were. Again, just to repeat, it's that advocacy and that sense of being there to see it first-hand that certainly made all of us at MTO feel the urgency. We'll continue to go forward and deliver on the commitments that we've made.

**Ms. Sophie Kiwala:** I very, very much appreciate that opportunity to work with you on that challenging issue in our community. I know that all of my community would like to extend the same thought to you. I think that having that opportunity to work closely together whenever any challenges like that come up in our commun-

ities—it really helps to have that contact. I really want to give you a shout-out on behalf of Kingston and the Islands for your work, so thank you.

**Hon. Steven Del Duca:** Thank you.

**Ms. Sophie Kiwala:** I'm going to pass it over to my colleague.

**The Chair (Ms. Cheri DiNovo):** Mrs. McGarry?

**Mrs. Kathryn McGarry:** Thank you very much for the opportunity to talk about cycling. We've gone from road and rail to ferries and now to cycling. As you know, Minister, in 2013, we launched our first #CycleON Action Plan 1.0. It came out of years and years of advocacy work by the cycling groups in Ontario who have been really at the forefront of trying to ensure that the province of Ontario was going to be a premier cycling destination. That talks to tourism and rural and northern economic development issues.

When we look at the health benefits, getting out and getting exercise, whether you commute to work or get out on the weekend and cycle, it has very definite benefits leading forward—and I always say, “Wear your helmet.”

It also has a great impact on reducing greenhouse gas emissions because riding a bicycle doesn't create any of those kinds of emissions. But it also helps to address some of the issues around congestion, and getting people out of cars is important.

I know that in these urban municipalities that have good snow-clearing areas, many people actually choose to cycle year-round. My daughter is a millennial, and she actually does that here in downtown Toronto. She went out and made sure that she upgraded her cycling gear so that she could cycle most of the year, and she certainly does that.

All of these things are very, very important. I think that, when the #CycleON strategy 1.0 identified \$25 million worth of dedicated funding, it was great because it was divided up, as you know, for \$15 million for provincial highway network and then \$10 million worth that we're just announcing recently over cycling infrastructure money.

With all that and looking at the overall network in Ontario of cycling trails that will help to advance that tourism capacity, the main thing that we've been hearing back from the cycling groups and at the bike summit, which I just appeared at just this past month, in April, is really around cycling infrastructure, whether it be a dedicated trail or infrastructure, meaning a safe way around a bridge or an intersection or even bike racks that would appear in front of a shopping area or a school—all of these things are important.

What improvements do you see to cycling infrastructure for Ontario? What can you see in the next year or two or into the future?

**Hon. Steven Del Duca:** Well, thanks very much for the question. I should start off by, frankly, paying tribute to you, MPP McGarry. As I mentioned yesterday—I think that the committee knows because I've said it a few times, but it's worth repeating—we serve together. You

serve as my parliamentary assistant. Cycling is one of many specific files that I know you've shown extraordinary leadership on over the last couple of years.

I know that you had the opportunity to be not only at, for example, as you mentioned, the bike summit a few days ago, but also visiting a number of communities—those that are recipients of some of the funding that we put out through the Ontario Municipal Cycling Infrastructure Program—and also a number of other communities, regular gatherings of our municipal partners like AMO and ROMA/OGRA and other opportunities bilaterally where you've had to hear very directly from our municipal partners, cycling clubs, cycling aficionados, the tourism industry, as you've pointed out, and so many more.

To have absorbed all that information and to be providing direct feedback into MTO to help shape some of our plans and programs on this issue, which is crucially important going forward—is something for which I am deeply grateful. So thank you to you for that advocacy and for continuing to remind me—not that I need reminding—how important it is that we get this right.

You did talk about #CycleON. We discussed it a little bit yesterday: a total of \$25 million; the \$10-million portion over two years through the Ontario Municipal Cycling Infrastructure Program—money that has started to flow. We've announced, as I said a second ago, over the last couple of months, some significant funding amounts for communities in which this news has been very well received, from the municipalities themselves, from local media, from others at the local level and from communities. I know that, in my own case, I've had the chance to be in Orillia and I've had the chance to be in a couple of other communities, including Hamilton, Markham, York region—my home region. I know that you've literally been to a number of these communities. The response, not only from those who were receiving money through this program, for me has kind of been off the charts.

**1630**

But the other thing that's interesting to note is that when we put out into the so-called market, let's call it, back in I believe July 2015, to our municipal partners that they were going to have an opportunity to try to access, through the program, through the application process, some funding from that \$10 million, nearly 150 municipalities submitted expressions of interest for funding. When you think about that for a second, that's a third, essentially, of all Ontario municipalities that came forward—150 out of the 444 that we have in Ontario—to tell us that they had a plan, that they had an interest, that there was a desire at a local level to support some of their cycling aspirations for their own communities.

I think that speaks very strongly to how much the yardsticks have moved with respect to active transportation and all that that includes over the last few years alone. It shows there's an exceptionally strong desire for more support and more funding. I think that MTO will continue to work with our municipal partners and the

cycling world to make sure that we can continue to provide support. I know that you'll certainly continue to be a very strong advocate in this regard. I have no doubt, the next time we gather collectively at AMO and over the course of the summer, that we're going to hear again, loud and clear, from our municipal partners how encouraged and grateful they are, but also the fact that there's an ongoing demand and appetite for more support. That's something that we'll be continuing to work closely with them on.

Thank you again for the work that you've done on this.

**Mrs. Kathryn McGarry:** Thank you for that. I know that it was an interesting time a couple of years ago when there were a couple of municipalities that I met with on behalf of MTO that were there at the table and didn't believe that cyclists should even be on the road. A year later, I met them again, and the municipalities on either side of them—I don't remember which municipality it was—those other neighbouring municipalities had actually brought a cycling strategy into their council and had started to develop it, and suddenly the municipality that didn't believe that cyclists should even really be on the road was now being asked to contribute to extending a network of trails through their own municipalities that would connect with the neighbouring ones. They remarked on how amazed they were at what it did to that small, rural municipality and how much more interest there was from people cycling through there, stopping and being able to take advantage of their small downtown, get off their bikes and have a meal or look around. So they had already seen within a year the benefits of getting on board and looking after that, so it's helpful.

When it comes to cycling, some people are still a little nervous because of the safety aspects of getting on their bikes and being able to get out there. I know that in this past year and a half, we have brought in the Making Ontario's Roads Safer act, Bill 31. There were some provisions regarding cycling safety, such as the one-metre safe passing rule where practicable. Another one is the increased fines and more demerit—

**The Chair (Ms. Cheri DiNovo):** Ms. McGarry, you have about two minutes left.

**Mrs. Kathryn McGarry:** —regarding dooring cyclists and ensuring that that's going to assist cyclists with their safety.

My question would be, how is the rollout going with some of those provisions in Bill 31, and is there any future legislation that we may be looking at in terms of keeping pedestrians and cyclists safe?

**Hon. Steven Del Duca:** Great question. I don't have a lot of time, but I would say that it's obviously landmark legislation that we were able to pass. I mentioned this yesterday: It passed unanimously in the Legislature. MPPs from all three parties stood in their place at virtually all stages of that legislative process. That alone, the fact that we had unanimity on this legislation, really helps to underscore how far we've moved collectively on making sure that we are all working on this notion of

keeping the roads and highways that we have in this province for all users, sharing our roads, whether we're talking about pedestrians, cyclists, motorists, passengers in vehicles—the whole list is there. That's why we introduced all of the sanctions you mentioned a second ago specifically around cycling, but we also included increased penalties or sanctions for alcohol-impaired driving and, for the first time ever, having stronger sanctions around drug-impaired driving and distracted driving, which we all know is a significant and growing challenge that we experience with respect to our road safety.

It's great legislation that was passed, but that doesn't mean that our work ends. I know that folks—including Heidi Francis, who's here, who heads up our road user safety division—are consistently and constantly doing very extensive analysis of what's taking place in other comparable jurisdictions, to make sure that MTO remains and Ontario remains right at the forefront of road safety. We'll keep our eyes open and we'll keep our hands on the wheel. That's something we have to do at all times.

We'll keep reminding people, particularly our youngest drivers, that they have to stay focused on the task at hand, as it relates to that general sense of sharing the road.

**The Chair (Ms. Cheri DiNovo):** I'm afraid the government's time is up.

**Hon. Steven Del Duca:** Thank you, Chair.

**The Chair (Ms. Cheri DiNovo):** Thank you, Minister.

We now move to the official opposition. Mr. Harris?

**Mr. Michael Harris:** Minister, we're going to talk about winter maintenance. The Kenora contract: I have here the approximate total annual costs by contract for the contract that was awarded for 2013-14 at \$10,342,563. Was that the specific contract for the duration for the entire fiscal year of 2013-14?

**Hon. Steven Del Duca:** I'm going to ask if there's a—oh, here comes Gerry, who will again identify himself for Hansard.

**Mr. Michael Harris:** He's already introduced himself once.

**Hon. Steven Del Duca:** Yesterday the Chair was quite strict on this.

**Mr. Gerry Chaput:** Gerry Chaput, assistant deputy minister, provincial highways management.

Your question, Mr. Harris?

**Mr. Michael Harris:** The Kenora contract for fiscal 2013-14: \$10,342,563. When was the contract changed in Kenora? Was it in the 2014-15 fiscal year?

**Mr. Gerry Chaput:** The contract was re-tendered in February of this year, yes.

**Mr. Michael Harris:** Of 2015?

**Mr. Gerry Chaput:** Of 2016. But that would have been 2015-16 fiscal year.

**Mr. Michael Harris:** Do you have the approximate total cost of the contract for 2014-15?

**Mr. Gerry Chaput:** For that one year?

**Mr. Michael Harris:** Yes, the Kenora contract—2014.

**Mr. Gerry Chaput:** It would be that \$10 million.

**Mr. Michael Harris:** Well, no, this is 2013-14. So what's 2014-15?

**Hon. Steven Del Duca:** It's the same contract.

**Mr. Gerry Chaput:** It's the same contract.

**Mr. Michael Harris:** So you're saying that the total cost for that contract is flatlined? There are no increases, year over year?

**Mr. Gerry Chaput:** Contracts are based on a lump sum per year, and a total after the total term of the contract of whatever the term may be—10 or 12 years, or eight years.

**Mr. Michael Harris:** So a 10-year contract divided by the number of years—that's the fixed price?

**Mr. Gerry Chaput:** It's at that price per year, yes.

**Mr. Michael Harris:** For the 10 years.

**Mr. Gerry Chaput:** Now, there is some additional work for work orders, usually in the summer—

**Mr. Michael Harris:** Yes, excluding those things. What will be the approximately total cost in this fiscal year for the Kenora contract?

**Mr. Gerry Chaput:** I don't have that number specifically with me but I can get that value per year.

**Mr. Michael Harris:** You don't have that number? Does anybody have that number? How come you don't have that number?

**Hon. Steven Del Duca:** Well, we can take that one back.

**Mr. Michael Harris:** So that was re-tendered out in February of—

**Hon. Steven Del Duca:** This year.

**Mr. Michael Harris:** Of 2016, for Kenora? How many bidders did you receive on that?

**Mr. Gerry Chaput:** I believe we had three bidders.

**Mr. Michael Harris:** Three bidders for the Kenora contract? We're talking Kenora, right? Three bidders for the—

**Mr. Gerry Chaput:** Oh, sorry. Kenora?

**Hon. Steven Del Duca:** It was just one.

**Mr. Michael Harris:** You're thinking Sudbury. I'm going to get to that in a minute. So one contractor for Kenora.

**Mr. Gerry Chaput:** Yes.

**Mr. Michael Harris:** One bidder. And who was the successful bidder?

**Mr. Gerry Chaput:** Emcon.

**Mr. Michael Harris:** Where are they out of?

**Hon. Steven Del Duca:** British Columbia.

**Mr. Michael Harris:** BC? I really need to get that number for this fiscal year. And that was a 10-year contract, as well?

**Mr. Gerry Chaput:** No, the new contract is not a 10-year term.

**Mr. Michael Harris:** How long are they?

**Hon. Steven Del Duca:** We'll take that one back as well.

**Mr. Michael Harris:** Come on. You don't know how long the contract's for?

**Mr. Gerry Chaput:** Because we changed all our contracts and there are over 20 contracts and the terms are all being changed, it's quite difficult to remember all of the individual—

**Hon. Steven Del Duca:** We'll take that back.

**Mr. Gerry Chaput:** We'll take it back.

**Mr. Michael Harris:** Where are you taking it back to? Anyway, I'll come back to that. Sudbury's contract, the duration—we're in year what of what?

**Hon. Steven Del Duca:** What was the duration of the total contract?

**Mr. Gerry Chaput:** I think it was a 12-year initial contract. I believe we are in close to year three or four.

**Mr. Michael Harris:** That's DBi?

**Mr. Gerry Chaput:** That is with DBi, yes.

**Mr. Michael Harris:** So year three or four. Now, they have since given notice—or you've parted ways, or were supposedly parting ways—at the end of next year, so that would be the end of the season of 2017, right? They would be done in spring of 2017?

**Mr. Gerry Chaput:** We've actually got an agreement with them to—

**Hon. Steven Del Duca:** That was the original plan, yes.

**Mr. Gerry Chaput:** That was the original.

**Mr. Michael Harris:** That was the original. So what now? You've extended that for how many years?

**Mr. Gerry Chaput:** I believe it's two plus one.

1640

**Mr. Michael Harris:** So, if it was a 12-year, and you're saying you're in year three or four, they would have roughly seven to eight years left. But now you're saying they have backed out, or given notice, but you've extended it for two years, so they'll be finishing in what: the spring of 2019 roughly? So I have \$10,300,257—that would have been each year. Can you tell me what the total cost for the Sudbury area maintenance contract at the renegotiated price will be?

**Hon. Steven Del Duca:** For the extension? I don't think we have that information with us here, so we'll take that one back as well.

**Mr. Michael Harris:** Minister, I'm going to have to tell you that I'm extremely disappointed. This is the estimates committee, where we are reviewing the estimates of your ministry—

**Hon. Steven Del Duca:** Right.

**Mr. Michael Harris:** —and I'm asking simple math questions about significant contracts.

Deputy, do you have the answer to this?

**Hon. Steven Del Duca:** As I said a second ago, we're going to take that one back and look into it.

**Mr. Michael Harris:** I want you to know that you should be taking this committee more seriously.

**Hon. Steven Del Duca:** I'm taking it very seriously.

**Mr. Michael Harris:** The estimates are to be reviewed, and I'm asking—

**Mr. Grant Crack:** Point of order, Chair.

**The Chair (Ms. Cheri DiNovo):** Point of order: Mr. Crack.

**Mr. Grant Crack:** I think the member opposite should be asking the minister questions, as opposed to making commentary, which is unparliamentary, in my opinion.

**Mr. Michael Harris:** It's not a point of order. Anyway—

**The Chair (Ms. Cheri DiNovo):** Back to Mr. Harris.

**Mr. Michael Harris:** —we're here to ask estimates questions of your ministry. You've brought a lot of your staff here today. Someone should have this number. This is a \$10-million expenditure of your ministry, and you can't tell me the cost of the contract.

**Hon. Steven Del Duca:** I know that—

**Mr. Michael Harris:** I think that Ontarians would be embarrassed to know that their minister and the bureaucrats who work at the ministry have not come prepared. I don't know if we should take a 20-minute recess to have them discuss and bring back simple information—

**The Chair (Ms. Cheri DiNovo):** I would remind the member that perhaps unlike in other committees, in estimates the minister is under no pressure, or there's no necessity for him to give you responses, quite frankly. You can ask the questions—

**Mr. Michael Harris:** Do you want to take a 20-break?

**Hon. Steven Del Duca:** No. I'm enjoying this.

**The Chair (Ms. Cheri DiNovo):** I don't see why that would be necessary. Please continue with your questions, Mr. Harris.

**Mr. Michael Harris:** All right. You know what? We ask ministers and their staff to come. This isn't programming; these are number questions that you should have the answers to. You should have the answers.

I want you to tell me, or come back to me with the total cost of the Sudbury contract—the revised cost for the remaining years. You recently went out to tender for the Sudbury AMC. You're saying you had three bidders. Who were those bidders?

**Mr. Gerry Chaput:** We had Dbi.

**Mr. Michael Harris:** Who else?

**Mr. Gerry Chaput:** IMOS.

**Mr. Michael Harris:** Sorry?

**Mr. Gerry Chaput:** IMOS. The third one is escaping me. I think it was Belanger.

**Mr. Michael Harris:** Who was the low bidder of those three contractors?

**Mr. Gerry Chaput:** The contract was not awarded.

**Mr. Michael Harris:** Who was the low bidder?

**Hon. Steven Del Duca:** Because the contract was not awarded, we're not in a position to comment on what the bids were, specifically.

**Mr. Michael Harris:** If a contract is tendered publicly—and this was a public tender—how come these prices aren't public information?

**Hon. Steven Del Duca:** Because there was a non-award in this case.

**Mr. Michael Harris:** Did you open the tender?

**Hon. Steven Del Duca:** There was a non-award in this case.

**Mr. Michael Harris:** But the tender would have been opened. Would it not typically be public information if you've called for a tender—

**Hon. Steven Del Duca:** Only once the contract is awarded.

**Mr. Michael Harris:** So only when it's been awarded do they disclose on the MTO's website?

So, DBi was the incumbent contractor. You have mutually parted ways, or what have you; you've given an extension. And yet, you allowed them to re-bid?

**Hon. Steven Del Duca:** Yes.

**Mr. Michael Harris:** Can you explain how that makes sense?

**Hon. Steven Del Duca:** We were following procurement rules for the government of Ontario.

**Mr. Michael Harris:** So the Sudbury contract was a 12-year contract as well?

**Mr. Gerry Chaput:** I believe it was in that area, 10 to 12 years.

**Mr. Michael Harris:** Where were you, roughly, between zero to 12?

**Hon. Steven Del Duca:** In the third or fourth year, as Gerry said a moment ago.

**Mr. Gerry Chaput:** Somewhere in the third or fourth year, I believe.

**Mr. Michael Harris:** In the past, how many contracts of this calibre of project—\$10 million-plus—have you allowed a contractor to walk away from mid-contract? And were there any penalties that were levied against this contractor for walking away? Can someone answer that?

**Hon. Steven Del Duca:** The first part of your answer you would already know. As an example, in the Kenora area, there was a mutual agreement between MTO and the contractor in that case to exit the contract so that—

**Mr. Michael Harris:** Right. No penalties?

**Hon. Steven Del Duca:** Penalties as a result of the exiting of the contract? No. That kind of seems in contravention of a mutual agreement to walk away, to mutually agree to exit the contract. Assessed penalties would be—as it relates to the exiting of the contract specifically? That wouldn't be in the spirit of a mutual agreement to exit the contract.

**Mr. Michael Harris:** Sudbury: same thing. You mutually agreed to walk away.

**Hon. Steven Del Duca:** A mutual agreement to exit the contract.

**Mr. Michael Harris:** Without any penalties.

**Hon. Steven Del Duca:** Again, to assess penalties for the exiting of the contract? No, because, again, that would be philosophically—

**Mr. Michael Harris:** What does it say to bidders bidding for MTO or even provincial work, if they're bidding a long-term contract like this, that, frankly, at any time during the duration of a contract, they can walk away from it if they don't like it? What does that say to people?

**Hon. Steven Del Duca:** I don't accept the premise of the question, for a couple of reasons.

**Mr. Michael Harris:** But that's what happened.

**Hon. Steven Del Duca:** I think the reason I don't accept the premise—there are a couple of reasons. One is, I think—

**Mr. Michael Harris:** No, I'm asking what—

**Hon. Steven Del Duca:** And I'm answering. You asked a question; I'm answering it. I'm telling you, from my perspective, what's most important for the Sudbury area, for the Kenora area, for the rest of the areas that we have across the province. What's most important to me is that we're providing not just winter maintenance but year-round maintenance on all of our highways for which we are responsible that is up to the standards the people of Ontario expect and deserve. Part of that flows from contractual obligations; part of that flows, obviously, from the generic philosophical responsibilities—

**Mr. Michael Harris:** So you're saying that the standards that were out there were not up to your expectations.

**Hon. Steven Del Duca:** I think the auditor's report speaks for itself: eight recommendations. I accepted all eight. We are deploying our action plan, and we've had some, I think, fairly strong success in the year after the AG's report. But our work is not done.

**Mr. Michael Harris:** But the standards were basically ones that you and your ministry wrote; correct?

**Hon. Steven Del Duca:** Again, the auditor came out with a report, as you well know, because you ask me questions about it repeatedly in the Legislature and talk to media about it repeatedly as well. Eight very clear-cut recommendations flowing from the auditor's report: We've accepted all eight. We are in process still with respect to deploying our action plan in response to that report. I think we've had some success in the first year following the report, but we still definitely do have more work to do.

**Mr. Michael Harris:** Again, a 12-year contract—the contractor walks away from the contract or mutually parts ways.

**Hon. Steven Del Duca:** Yes.

**Mr. Michael Harris:** For what reason?

**Hon. Steven Del Duca:** Again, at the end of the day, when the goal, from our perspective, is to make sure that the maintenance that's being provided on a year-round basis is up to the standards that are required and that's effectively not necessarily the case, there comes a point at having that mutual decision to exit the contract so that we can ensure, going forward, that we're in the strongest possible position, whether it's Sudbury or Kenora or elsewhere, that we're providing that maintenance.

**Mr. Michael Harris:** So tell the committee how it makes sense, then, if you mutually part ways and then allow the contractor that you're parting ways with to re-bid.

**Hon. Steven Del Duca:** Again, when we proceed with our procurement, we are bound, and I think rightly so, to the general procurement policies that exist within the ministry, within the government. From my understanding, we followed those. It's like any other procurement. There has to be a bid coming in that's responsive to the

procurement with all of the different moving parts that would be contained in what's required of the ministry to do its work. In this case, as Gerry mentioned a second ago and as I've said as well, there was a decision to not award the contract—

**Mr. Michael Harris:** Why not?

**Hon. Steven Del Duca:** In terms of that overarching responsibility to deliver on the maintenance required for the Sudbury area, we felt it was the most responsible thing to do—to not award in this case. The extension for this particular contractor is there so that we can now, for the next couple of not just winter seasons, but we're talking about winter maintenance, make sure that we have a maintenance contractor in place to do their work and do their work appropriately.

**Mr. Michael Harris:** Can you tell me, then, with the Sudbury contract listed at \$10,327,257, if that will be the number that will be paid to DBi in the two extension years? Will that be the number that they are being paid?

1650

**Hon. Steven Del Duca:** Again, I think that's very similar to the question you asked a little bit earlier. You wanted to know what the cost of the extension was—essentially; I'm paraphrasing—and I've undertaken to take that back.

**Mr. Michael Harris:** Are you aware of any increases to the Sudbury AMC contract?

**Hon. Steven Del Duca:** I am aware that with the extension, we are putting ourselves in a position to make sure that for the travelling public, as I call them, in the Sudbury area, there will be maintenance year-round that they can expect and deserve.

**Mr. Michael Harris:** Well, we hope that, but will there be increases to the taxpayer for the Sudbury AMC in the following two years? I'm not asking you to give me the number. Will there be an increase year over year?

**Hon. Steven Del Duca:** I think people in the Sudbury area can take great comfort in knowing that we will structure our maintenance to make sure that they are receiving—again, whether it's winter or any of the other three seasons we have in this beautiful province—the winter maintenance and the spring, summer and fall maintenance that they deserve.

**Mr. Michael Harris:** So when you extended the contract for two years, did you change the terms of the delivery within the contract for those two years, as well? Has the scope of the contract changed?

**Hon. Steven Del Duca:** When you say “delivery,” sorry, what do you mean?

**Mr. Michael Harris:** The scope of the contract—has it changed? We're in year three or four, going into five or six. Has the scope of what they've been asked to deliver changed?

**Hon. Steven Del Duca:** I think you would know that over the last couple of years, when I've responded to questions—not just unique to the Sudbury area, but generally speaking, when I've responded to questions in the Legislature about some of the additional resources that we brought to bear through a couple of different

provincial budget cycles—that more equipment, more materials have been deployed, I guess is the best way for me to describe it, in a number of our contract areas.

That is part of the ongoing evolution or iterative process that we're engaged in with our contractors, which is largely in response to two things. One is the internal review that MTO conducted prior to a committee of the Legislature asking the auditor to examine winter maintenance, and then the second part of the response flows from the recommendations that the auditor provided. I will say that right across the province, in many if not all of our contract areas, there is an ongoing evolutionary process as a result of the dialogue between the ministry and the contractors to make sure that we're following through on the eight recommendations that the auditor provided—

**Mr. Michael Harris:** Moving on to Ottawa: Ottawa is another biggie. Ottawa, Kingston and east—I know that the member from Kingston is here; she'll want to know this, because I'm sure her constituency office has received phone calls about winter maintenance or the lack thereof along the 401 stretch in Kingston and Ottawa.

So \$15,984,300: That was recently—what year are we in? It's a 12-year contract. What year are we currently in of that contract?

**Mr. Gerry Chaput:** I believe it's year four on that as well.

**Mr. Michael Harris:** Year four. And the contractor that performs that work?

**Mr. Gerry Chaput:** High Road Maintenance or Cruickshank construction.

**Mr. Michael Harris:** High Road? Now, they've also mutually parted ways, correct?

**Mr. Gerry Chaput:** Yes.

**Mr. Michael Harris:** Have you given High Road an extension in that contract?

**Mr. Gerry Chaput:** No.

**Mr. Michael Harris:** No, you have not? So that was put out to tender recently, correct? The Ottawa AMC and Kingston were recently put out to tender?

**Mr. Gerry Chaput:** Yes.

**Mr. Michael Harris:** How many bidders would you have received bids from for that?

**Mr. Gerry Chaput:** I believe we received three.

**Mr. Michael Harris:** Three bids. Was High Road one of them?

**Mr. Gerry Chaput:** Yes.

**Mr. Michael Harris:** Who were the other two?

**Mr. Gerry Chaput:** I believe it was Carillion and IMOS.

**Mr. Michael Harris:** Now, you've not awarded that contract yet, have you?

**Mr. Gerry Chaput:** That's correct. It's a non-award.

**Hon. Steven Del Duca:** It's another non-award.

**The Chair (Ms. Cheri DiNovo):** Mr. Harris, you have about two minutes left.

**Mr. Michael Harris:** It's a non-award?

**Hon. Steven Del Duca:** Yes.

**Mr. Michael Harris:** How come a non-award?

**Hon. Steven Del Duca:** Well, again, as I said a second ago with respect to the Sudbury contract area, what's of paramount importance to the ministry and to myself is that when we go forward with these procurements, if they are awarded, we're doing it in a manner that is consistent with—

**Mr. Michael Harris:** I know for a fact that you would have been told of these three prices when they came in. Were they substantially more—or more—than the \$15,984,300 that we're currently paying?

**Hon. Steven Del Duca:** Again, my primary responsibility is to make sure that when we award any of these contracts—not just for winter maintenance, frankly, but for any of the contracts that are awarded through the Ministry of Transportation—at the end of the day, the result that we are receiving as a result of that award is something that makes sense; that it actually provides the outcome that we are responsible for providing.

**Mr. Michael Harris:** But you and your ministry wrote the specification. You're the ones who put the spec out into the street, per se. Were you not happy with the specification that you put out? Or are you not happy with the price that you received, because it was substantially more than—

**Hon. Steven Del Duca:** Well, again, I think that at the end of the day, it's not just a question of the specifications, which I know, as a result of the very strong work that is being done by Gerry and the team in our provincial highways management division on this particular file—in some respects, in response to that Auditor General's report and the very important ongoing dialogue that exists with all of our area maintenance contractors, we want to be best positioned to award contracts that will provide the maintenance that the people of, in this case, the Ottawa and Kingston area are looking for.

**Mr. Michael Harris:** I think Ontarians would say, if you're following it like I am, that you've got Kenora that was re-tendered one better, and you've got Sudbury that was broken midway through the contract. You've put a spec out onto the street that's significantly expensive to price. You're not awarded it. You've extended their contract, as well as Ottawa. They're going to get the same, watered-down service that they've received in the last X amount of years that have led to a lot of these problems. Frankly, I've asked for these numbers and you should have been prepared for these numbers.

**The Chair (Ms. Cheri DiNovo):** You're out of time, Mr. Harris.

We're going to move on to the third party. Mr. Gates.

**Mr. Wayne Gates:** Thanks very much, Chair. I appreciate it.

I wasn't going to go back to road maintenance but I think I will because it's actually fascinating to me, seeing that I've bargained a lot of collective agreements over my career. Why would you do a 12-year contract?

**Hon. Steven Del Duca:** Gerry can probably elaborate on this because a number of these contracts were awarded before I arrived at the ministry, but I think from when you look at the evolutionary process around how highway maintenance has been handled, it has changed

through a number of generations. I use the term “generation” kind of loosely. I don't mean 25, 30 or 50 years; I'm talking about generations in a more narrow sense.

When you're inviting the private sector to come in and bid and make investments that are substantial—whether we're talking about equipment, some of the other aspects or some of the other moving parts that are required for them to perform on the contracts that they're bidding on, if they should receive them—there needs to be some kind of runway or length of time so that the investment that they're making in order to respond to a contract that they might ultimately be awarded is there for a long enough stretch of time. The equipment we're talking about is not inexpensive. It is fairly expensive. I don't remember those numbers off the top of my head. Gerry might have a better sense—salters, spreaders, plows etc.

In order for the private sector partners bidding to come forward and make substantial investments, there has to be a sense that there is a length of time there to justify their bidding, to justify their performance, as per the contract as it should be, and to make sure that they're making the investments that are required to deliver on the contract.

**Mr. Wayne Gates:** I can actually appreciate that. You take a look at Sudbury. If you're bidding—and I don't know the exact amount, so I might be out by a million or two—I think it was around \$87 million over that period of time, I would think that they'd have the equipment if they're going to bid to do road maintenance. So I guess the question becomes: At the end of the day, how much equipment did we have to buy for their people?

The second thing that's really shocking to me is that—and I don't know how you ended up having the walk-away clause. You should have probably had some kind of language in that contract that would give you the opportunity to walk away anyway if they're not performing the job properly, and the report was very clear that they weren't. I'm really surprised that the terms and conditions of that particular contract didn't have a walk-away clause.

What's equally interesting to me, because I want to get on to other stuff, is that you were allowing some of these companies that weren't performing their jobs to re-bid, even though they owe the taxpayers of the province of Ontario \$30 million. It may be \$33 million. If I'm out by a couple of million, I'm going off the top of my head and memory. Think about that. It doesn't even make sense. I don't think anybody can make sense of that. The company was there. They weren't doing their job. They were really causing unsafe conditions on our highways right across the province of Ontario. We all know that. We know that people were injured. We know people were killed. We know that you guys are being sued.

I'm just surprised at how you did the contract. The 12-year deal is way too long; there's no doubt in my mind. They should have the equipment when they bid. To me, it's common sense. But I'll move on and I won't ask you to answer. That's just my opinion.

I'm going to talk about capital being spent on infrastructure. What percentage of the capital is being spent inside the GTA compared to how much outside?

**Hon. Steven Del Duca:** Before I ask either Linda or Ian or a combination to respond to the specifics, I'm just wondering: When you say "capital," do you mean cutting across everything?

**Mr. Wayne Gates:** No; how much is being spent in Toronto, how much is being spent—

**Hon. Steven Del Duca:** No, no, but I mean all forms of capital. I just wanted to clarify that for my own edification before I ask Linda and/or Ian to help out.

**Mr. Ian Freeman:** Ian Freeman, director of finance at the Ministry of Transportation. We don't break out our total capital by GTA versus non-GTA. The reason for that is that we have a number of capital investments that really serve the entire province or within a broader area. For example, the bi-level coaches for GO trains—they go beyond the GTHA. They're not necessarily geographic-specific.

1700

**Hon. Steven Del Duca:** If I can just ask for my own sense: You might be referring to the Moving Ontario Forward plan. That's why I asked the question earlier, the \$31.5 billion—

**Mr. Wayne Gates:** We're talking about the billions of dollars that are being spent. It was divided between the GTA—

**Hon. Steven Del Duca:** Yes, so that's why I asked the question earlier. Sorry. That's the \$31.5 billion over a decade. What we've said publicly, what's been contained in a number of our budgets now since 2014, is roughly \$16 billion for priority transit projects in the greater Toronto and Hamilton area and roughly \$15 billion over a decade for transit, transportation and other critical forms of infrastructure for the rest of the province, so communities outside of the GTHA.

Just to be really clear, that's a breakdown based on the population difference between the GTHA and the rest of the province of Ontario, according to StatsCan. Sorry, I just wanted to clarify that.

**Mr. Wayne Gates:** I want to get through these, so I'll try to. What projects are taking place outside of the GTA?

**Hon. Steven Del Duca:** There are a number of things that I can talk to that are MTO, either specific or related to—for example, the re-emergence of the Connecting Links program which, as a stand-alone program through the Ministry of Transportation, is funding over that decade that would be flowing from the Moving Ontario Forward plan. I mentioned yesterday that that's a fund, that now in its third year—it's not now in its third year, but when it gets to its third year, it will be at \$30 million a year. So it's \$20 million, \$25 million and then \$30 million, and then it will remain at \$30 million for the balance of the decade.

Again, this is a program I'm going to reference that's not directly MTO; it's MEDEL. My apologies for stepping outside of MTO for a quick second, but that's the Ontario Community Infrastructure Fund. That is \$300 million a year, again stretching out over the balance of the decade. That's two examples.

We know budget 2016 referenced these supporting transit projects in communities like Ottawa, for example, with the second phase of their LRT project. We're aware of the fact—in fact, I believe this week the city of London is in the midst of taking a look at its Shift plan for rapid transit, which right now looks like it's a combination of potentially LRT and BRT, but I think council is actually deliberating on that. So those are a couple of examples.

I can give you more if you want, but those are a couple of examples of some of the funding that either has flowed or will flow, we anticipate, pending approvals and business case analysis, to communities outside the GTHA.

**Mr. Wayne Gates:** You answered a little bit, but I'm going to ask: On what other projects will the rest of the \$15-billion non-GTHA share of the Moving Ontario Forward fund be spent?

**Hon. Steven Del Duca:** There are a couple of things I didn't reference a second ago that we've earmarked in the budget. Again, this is a file that falls outside of my direct responsibility at MTO—but the monies that we've assigned to support the development of the Ring of Fire, as an example. I think that's a \$1-billion commitment that the province of Ontario has made. We also have the four-laning of portions of Highways 11 and 17 in northern Ontario. We have ongoing work with Highway 69, the four-laning of Highway 69 up to Sudbury itself, which we talked a little bit about yesterday. Those are a couple of other additional examples.

I know that in addition to that, there are other communities. For example, the costs associated with the environmental assessment for high-speed rail would also be flowing out of the outside-the-GTHA portion of Moving Ontario Forward. There's more, because when I said—and this is using a direct quote from budget language—transit, transportation and other critical forms of infrastructure, again, my colleague Minister Duguid is looking after some of these in conjunction with Minister Leal, but we also have funding we anticipate there to deal with issues around natural gas, issues around the expansion of broadband service. But those fall outside of MTO's direct responsibility.

**Mr. Wayne Gates:** Can you just provide me with a list of what you're spending outside of the GTHA?

**Hon. Steven Del Duca:** Everything I've just mentioned was contained in budget 2016. I'm happy to try to get you those page numbers.

**Mr. Wayne Gates:** Thank you. I appreciate it.

GO train expansion: Liberal MPP Granville Anderson was recently quoted by Durham Radio News talking about a long-promised and long-delayed GO train extension to Bowmanville. He said that it's going to happen in the very near future. Could you please give me an exact date? Will it be within five years, 10 years? And are you able to commit to it ever happening?

**Hon. Steven Del Duca:** The language that was used in this year's Ontario budget talks about some of the what I'll call exciting opportunities but also challenges that we

face with respect to extending GO rail service. I did get into this a little bit yesterday. I'll just really quickly run over it again.

I think you would know this, given you represent St. Catharines. We don't own 100% of the network on which we run GO trains on a regular basis. I know that we do have holiday and summer service to communities in beautiful Niagara region—

**Mr. Wayne Gates:** I agree.

**Hon. Steven Del Duca:** I know. I thought that you might.

**Mr. Wayne Gates:** It's nice that we agree on something. That's good. It's perfect.

**Hon. Steven Del Duca:** We agree on more than just those things. We agree that red's a great colour for a car. That's another thing that we agree on.

**Mr. Wayne Gates:** Don't go there. What a cheap shot that was—

**Hon. Steven Del Duca:** In case of, for example, Bowmanville, there's an EA-approved route to potentially extend GO train service to Bowmanville that would be owned, in large part, if not exclusively, by one of our freight rail partners, CP. I think that you know already that the tracks to Niagara are CN-owned. We have challenges on the Kitchener corridor and the Milton corridor, again, only as it relates to our rail partners.

There have been discussions—I've said this publicly before—with both CN and CP around how we can unlock the potential of the Kitchener corridor and the Milton corridor and take a look at possible additional extensions to communities like Niagara Falls and Bowmanville—or Niagara region and Bowmanville, I guess, including Niagara Falls. Those conversations are ongoing. Because the province doesn't own those potential corridors or those potential extensions, I'm not in a position to confirm exact timing. But I can confirm, which is just repeating what I've already said previously, that we are engaged in active discussions with our rail partners and with all of the affected communities—in Granville's case, not just from Bowmanville or Clarington.

I've had the chance now to meet with Chairman Roger Anderson and all of the mayors in Durham on this issue. I understand exactly how enthusiastic they are. It's very similar to what's happening in Niagara region. I get how much desire there is, which is great news from the perspective of exactly how strong GO's brand is.

We'll continue to work as hard as possible. As soon as I'm in a position to provide a more concrete update, I'll be the happiest person in the world to be able to do that.

**Mr. Wayne Gates:** Okay, I appreciate that.

Niagara GO is mentioned in this year's budget—

**Hon. Steven Del Duca:** Same page as Bowmanville.

**Mr. Wayne Gates:** I read it, yes—but we still have no funding plan or a commitment to a timeline, despite the business case that was presented and the entire region being united behind the project, including the MPP out of St. Catharines.

Will Metrolinx's next five-year plan finally include a real commitment to bring daily, all-year, two-way GO all

the way to Niagara Falls? You did touch on it, that we already have it in the summer months for the tourists. I will say, and I want to get it out on the record, that the tourists are coming back to the Niagara area, including Niagara-on-the-Lake, Niagara Falls and Fort Erie. They were up 30% in March and they're now up 40% in April. That's all good news, but we certainly need the GO service. So I'd appreciate you answering that question.

**Hon. Steven Del Duca:** Yes, that is great news, and I've heard the same thing from others, including MPP Jim Bradley, who we all know is extremely passionate about this issue and all issues that positively impact Niagara region.

As I referenced in my answer to the Bowmanville question, it's a similar challenge, in that we are required, because of track or corridor ownership—in this case, CN—to be in dialogue, in discussion and negotiation with them. There is very broad awareness because of the exceptionally strong job that Jim Bradley and, frankly, you, Mr. Gates, and others, including all of your municipal partners throughout the region, have done over the last couple of years. There have been multiple opportunities that I have had the chance to meet with them, and the Premier has as well. Again, we understand how exciting it is that this prospect is hopefully drawing closer.

I should mention here that, as you know, we are already extending GO train service to the Stoney Creek area, which we will have in service with a new station in, I believe, 2019, from what I recall. When we made the announcement in Hamilton around the LRT, we also announced the extension of the Lakeshore West corridor out to Stoney Creek, which, I think, from what I understand, was taken as a very welcome and encouraging sign in Niagara region, because it's one step closer to Niagara region.

We'll continue to have those negotiations and dialogue with CN, in this case—

**Mr. Wayne Gates:** It's not close enough to Niagara Falls.

**Hon. Steven Del Duca:** Now you sound like Mayor Diodati. But I get the point. I understand the urgent desire. I understand the need. We are working on it. Again, as soon as the government's in a position to provide an update, we will.

**Mr. Wayne Gates:** Okay. I'm going to do this quickly because I want to get on to at least one more thing.

**Hon. Steven Del Duca:** Okay.

**Mr. Wayne Gates:** In our area in Niagara, it's been said by politicians—and not myself—that we'll get something announced in June. Have you heard that?

**Hon. Steven Del Duca:** On the train issue?

**Mr. Wayne Gates:** On the announcement that GO is coming is coming to Niagara, that the announcement is going to be in June. Do you have anything on that?

**Hon. Steven Del Duca:** Again, I can't confirm or deny that, literally, because we're still in the discussions and they're still—

**Mr. Wayne Gates:** I don't need a long answer on that.

**Hon. Steven Del Duca:** No, that's the answer.

1710

**Mr. Wayne Gates:** Okay. I appreciate that.

**Hon. Steven Del Duca:** No problem. I appreciate the—

**Mr. Wayne Gates:** The next one is Highway 3. I'm going to read something that was kind of fascinating.

What have I got? Five minutes?

**The Chair (Ms. Cheri DiNovo):** About. Just over.

**Mr. Wayne Gates:** I'm going to try and do this. I went a little longer than I had hoped. It's all about road safety. We've had that concern before, but I'm going to read this out because I found it fascinating. I'm not the best to read, but I'm going to do it anyway.

**Hon. Steven Del Duca:** It's okay. Take your time.

**Mr. Wayne Gates:** This is "Highway 3 widening to begin within days.

"Construction will begin within days to start widening Highway 3 to four lanes, MPP Bruce Crozier (Liberal-Essex) announced Tuesday....

"We want to provide quiet, safe transportation. Everyone who lives and works in Essex county will benefit today," said Crozier." This is the part:

"The objective of the construction is to increase the safety of the 33-kilometre highway, the region's main artery between Windsor and much of the county, including the towns of Essex, Kingsville and Leamington. Minister of Transportation"—it wasn't you, by the way, so I won't mention the name—"said in a press release that there has been a 30% vehicle increase over the past 10 years.

"Widening Highway 3 will keep traffic moving, prepare for future population growth and boost this area's economic advantage ...'" This is the paragraph that really stuck out to me and I think why I've got a real problem.

"The drive by local politicians to convince the province to widen the highway came after a rash of fatal accidents"—a number of people are being killed on that highway—"many of them head-ons that resulted when an impatient driver attempted to pass and encountered an oncoming vehicle."

Do you know when this was done? Any idea?

**Hon. Steven Del Duca:** No.

**Mr. Wayne Gates:** In 2007.

**Hon. Steven Del Duca:** Right.

**Mr. Wayne Gates:** We've had lots of people killed on this highway. Can you give me any idea of when you think you'll widen the highway to four lanes?

**Hon. Steven Del Duca:** So—

**Mr. Wayne Gates:** Just to finish—

**Hon. Steven Del Duca:** Yes, please.

**Mr. Wayne Gates:** I think one line has to jump out at you—you said an hour ago how important it is for the safety of your family. We've known since 2007 that people in that area were being killed and injured. I think we all have an obligation to fix this and get it done as quickly as possible. It's a report that's nine years old, and I don't think it has improved.

**Hon. Steven Del Duca:** Okay. I will try to answer quickly.

**Mr. Wayne Gates:** I appreciate that.

**Hon. Steven Del Duca:** I will say, and I know you've all heard me say this before, that any time there's an injury or there's a fatality on a highway in the province of Ontario, (a) we take it extremely seriously, and (b) we feel a profound sadness, unhappiness at those outcomes, and always our heartfelt condolences are extended to the individual who's injured or to the family and friends of the individual if there has been a fatality.

Some of you will know that before I was an MPP I worked in this building as a staffer when we were in opposition, so this goes back a number of years. I knew Bruce Crozier very well. Obviously, his presence is missed as an advocate here in this building because he was an extraordinary individual who passed away far too young.

I know, because I can remember distinctly when we were in opposition and as you mentioned, that's a report from 2007, when we were in government. I know how passionate Bruce was about this particular project.

I will also say to you that there's not a corner of the province that I have the privilege to visit, including places like Renfrew-Nipissing-Pembroke, Wellington-Halton Hills and so many others—and I mention those two for a specific reason—where the infrastructure demands, not just as it relates to MTO projects or assets, but across the entire range of infrastructure needs that we have, are off the charts.

I talked a little bit yesterday, in one of my opportunities to speak at length, about how we live in an era of simultaneously trying to both catch up and keep up—catch up because prior to 2003 there was significant and chronic underinvestment in infrastructure; and keeping up because the demands continue in terms of population growth and other matters.

I mention Renfrew-Nipissing-Pembroke because not that many days ago, weeks ago, the member from that area in opposition, Conservative member Mr. Yakabuski, brought in a collection of municipal representatives from his riding to let me know about some of the highway challenges they're experiencing there. I mention Wellington-Halton Hills because I know that Ted Arnott, for a number of years, has been, along with Ted McMeekin and Liz Sandals, someone who has very passionately pushed hard for what's known as the Morriston bypass. I mention Morriston because we've just announced in the budget that we are actually proceeding with Morriston. I recognize there's a challenge in Essex around Highway 3. I know there's a challenge in eastern Ontario. There is frankly an infrastructure challenge that we are doing our best to face up to and respond to. That's why our Moving Ontario Forward plan and our 12-year, \$160-billion infrastructure plan is so important. But we need to continue to do more.

**Mr. Wayne Gates:** Okay. I'm going to read another headline—

**The Chair (Ms. Cheri DiNovo):** You've got 30 seconds.

**Mr. Wayne Gates:** —because I know I have 30 seconds left:

“\$80 Million Project to Widen Highway 3 Announced.

“Highway 3 will be widened to four lanes from Leamington to Windsor, Essex MPP Bruce Crozier announced October 13. Construction of the three-phase, \$80-million project is expected to begin next summer.”

This was in 2014. To me it’s just one thing after another—2007, 2014, where are we? It’s got to get done—

**The Chair (Ms. Cheri DiNovo):** I’m afraid, Mr. Gates, your time is up.

**Mr. Wayne Gates:** I get another 20 minutes. I’m sure I’ll—

**The Chair (Ms. Cheri DiNovo):** Yes. We’re going to move to the government side now. Mr. Crack.

**Mr. Grant Crack:** Thank you, Minister, for being with us this afternoon, replying to all the questions. I know that road safety has been brought up at this particular committee, and we hear questions in the House. I also know that Ontario has amongst the most safe roads in all of North America—I’ve heard you say that on a number of occasions—and also that the Ontario Road Safety Annual Report has just been released.

Perhaps if you would be able to elaborate on some of the aspects of that report, that would be relevant?

**Hon. Steven Del Duca:** It was hard for me to hear what you said about a report. Can you just clarify which report?

**Mr. Grant Crack:** The ORSAR, the Ontario Road Safety Annual Report?

**Hon. Steven Del Duca:** Oh, okay. Thanks very much. I noticed, to my left, that Heidi Francis, the ADM for road user safety, has come to the table. I might ask her to elaborate a little bit, or perhaps amplify with respect to some of my answers on this one.

You’re right that we’ve recently seen some encouraging evidence that the plan that we have in the province as it relates to road user safety is working, and working well. I will tell you, at the risk of being a little repetitive, that this is one of those areas at MTO where really and truly, because of the nature of the responsibility that I have and that we have, this is a place where the work never ends.

I know that Heidi and her team are constantly—whether we’re talking about looking at the other provinces and territories across Canada, through the council of ministers and of deputy ministers of transport and transportation or, frankly, looking around the world—south of the border, Europe, Asia and elsewhere—to see what examples exist of how we can continue to innovate, we can continue to be at the leading edge of all aspects of road user safety.

Some of that philosophy, that notional sort of thinking, is contained or embedded in Bill 31, which I had the chance to respond to a question about from MPP McGarry a little bit earlier, in the last cycle of questions. But I think we see, notwithstanding the increased sanctions, that there remain challenges.

I know just anecdotally in talking to some law enforcement partners that they continue to struggle with the fact that we all, from this ministry and law enforcement to all of our road user safety partners—we have tons in the province, from Arrive Alive to MADD to CAA to the law enforcement community itself, that we work so closely with. There’s the Ontario Safety Week, Parachute—I mean, there’s a whole long list; I’m just giving you the laundry list now, because we are blessed at MTO to have so many extraordinary partners.

But certainly anecdotally I hear that a challenge still exists. Obviously, people continue to drive their vehicles while they’re under the influence of various substances. We still see a significant number of people behind the wheel who are distracted by using hand-held devices when they should be focused on the road itself.

I think we also do see that the federal government have confirmed, have announced that they’re moving forward with the legalization of marijuana, which is of course within their purview to do. But I wouldn’t be doing my job if I didn’t express here—I’ve said it publicly and I’ll continue to say it—that I think we all have a responsibility to make sure that the message is driven home as hard as possible that yes, we included sanctions for drug-impaired driving in Bill 31, but at the end of the day, if you’re going to get behind the wheel, you need to make sure that you’re not distracted and that you’re not impaired in any way, shape, or form.

I know that our ministry is working closely with the RCMP and others—the Canadian Centre on Substance Abuse?

*Interjection.*

**Hon. Steven Del Duca:** —okay, the Canadian Centre for Substance Abuse—to develop standards as it relates to how we’ll apply those drug-impaired sanctions. I know we continue to strive towards identifying and deploying technological support that would help us identify some of the challenges around drug-impaired driving.

But we have to keep driving that message home, and we will. We do it as a government, but we also do it and rely very heavily on our road safety partners, because all of their respective brands are just as strong as MTO’s brand on this. Working collectively, we are able to deliver a very comprehensive and compelling message, but we can’t stop, because the challenge continues to exist.

On ORSAR specifically, perhaps Heidi would like to talk a little bit about those specific numbers, just to give MPP Crack a sense of the fact that we’re doing well.

Please identify yourself for the committee.

1720

**Ms. Heidi Francis:** I’m Heidi Francis, assistant deputy minister, road user safety.

It gives me a lot of pleasure to talk about our statistics, because we really run a good program, and we have for many, many years. For over a decade, Ontario has ranked first or second in North America, making us the leaders in road safety, because of the consistency. We work hard at it: We do a lot of research, we collect a lot of data, we

monitor, and we have great programs and they're always innovative. We're always working with safety partners; we have about 150 that we work closely with.

What we're really proud of is that in 2013, we had the lowest number of injuries since 1964 and the lowest injury rate ever recorded, which is a really big feat when you think that Ontario plays a big part in that and we're about 40% of the population. We also have one of the longest borders in the world, and we have a lot of commercial traffic coming into our province. We also had the second-lowest number of fatalities since 1944 and the second-lowest fatality rate ever recorded. It doesn't happen by accident; it happens by a lot of hard work and a lot of good direction.

I just want to put it in a tiny bit of context, because I don't think that people realize the enormity of the programs we run, because they run very well. There are 9.7 million licensed drivers, 50 key stakeholders, 150 partners who work within the communities, 12.1 million registered vehicles and 55,000 registered truck and bus operators. Police services file over 12 million requests with us, Drive Clean processes 2.6 million test results, courts require 90,000 certified documents, and the Insurance Bureau of Canada files 3.6 million insurance-related driver inquiries every year.

The database we have in this ministry is the fifth-largest in North America. When you think of what we're up against in our group, it is Texas, Florida, New York and California.

We really have quite a job making our roads safe. If you look at the statistics and how we've grown, what we see is that the population is growing and yet fatalities and injuries are decreasing. That has to do with a lot of foresight in what we're going to do in the next few years. We never stop. We have a research roster that looks, when we put a bill in—and the bill, I think, was a great bill, as everyone has attested to recently. We're implementing it over the next few years. We are also looking at what the next bill looks like. We do that, not just in isolation; we do that with all of our safety partners, we do that with all of our jurisdictions.

We all sit on two committees that are instrumental for Ontario. One is the Canadian Council of Motor Transport Administrators—that's all the Canadian jurisdictions. We also have the honour of sitting on the American Association of Motor Vehicle Administrators. In that, we've got 69 jurisdictions. When you think of that and you think that we are really the safest jurisdiction, especially when you look year over year, that's something we're really proud of, as civil servants, and of the work we do every day. We're very passionate about that.

So the ORSAR results are excellent. We're finding that every category is making improvement. There are two that we always struggle with, but that is not a surprise. One is seniors. However, when you look at the growth in seniors, we're doing very, very well, and we've got lots of great initiatives we are working on and a lot of studies. We work with many academic institutions, and we work with many medical institutions.

We've got a lot of great work at St. Mike's; we've got a lot of great work with U of T. Last year, we were asked about cognitive screening. Our decision tool is actually used in medical schools.

There's a lot of work still to be done, because any fatality, any injury, is too much, but we're really headed in the right direction. Given the size of our population, it is amazing that we make progress year over year. This year—the results we've just displayed for 2013—was an excellent year.

**Mr. Grant Crack:** Excellent. Can I follow up?

**Interjection:** Yes.

**Mr. Grant Crack:** Thank you, Heidi, for sharing some of the statistics with us. It's much appreciated.

We'll go back to the minister. It's probably no secret that I have the privilege of driving 10 to 12 hours a week when the House is sitting, coming up here at relatively high speeds of 100 kilometres an hour for probably eight hours of that. I've noticed over the years the expansion of Highway 401 from the Cornwall exit where I get on, which is almost right at the Quebec border, right to the great city here of Toronto, and a number of expansions of the two-lane system into a six-lane system. I would suspect the reason for that not only is volume but it's safer. I just enjoyed the construction that has gone on through the north of the great city of Kingston as well, and that has made it a lot safer. With the volume of trucks on the road these days, I like to see them in the far right lane because, at 105 kilometres an hour—I realize a number of safety issues as we go, so I want to just commend the ministry and our infrastructure program for the work you're doing in expanding to six lanes.

I'm looking forward to the day when it comes from Toronto—six lanes—all the way to the Quebec border, which is probably 100 years from now. But it will come; that I know. I would suspect that that's part of road safety—which takes me to Glengarry–Prescott–Russell, which is just a little north along the Ottawa River. We have Highway 17, which comes from the Quebec border to the city of Ottawa, which is another growing metropolis in this great province.

Highway 17/174 is a major issue for me, Minister—I know that you and I have had a number of conversations about it—and the expansion of that two-lane highway, which meanders all along the city of Ottawa. It's a safety issue, and I've brought that to the ministry's attention, as did my predecessor, Mr. Jean-Marc Lalonde, who did such a great job of advocating for our communities in the far east, as he called it.

We had also talked shortly after the budget came out, and it was great to see a mention of Highway 174/17 in the budget in 2016. I wanted to make a comment. I heard this weekend—and I don't have proof—that Highway 417, which comes in from Montreal to the city of Ottawa—there's a volume of traffic there, but the number of cars is actually less than what's coming into the city of Ottawa on Highway 17/174. I want to see if I can get those numbers verified, or maybe even the ministry has some numbers on those in the future that could be

provided. But perhaps the minister could just speak about what that means—the reference in the budget to the expansion of 174/17.

**Hon. Steven Del Duca:** Great. Thank you very much, MPP Crack. Not that I need to, but I can attest to exactly how stunning your riding is—Glengarry—Prescott—Russell—having had the chance a number of months ago to be there with you to visit. On that day, you might recall that we made that tremendous announcement, not just as it relates to Glengarry—Prescott—Russell, but to many of our communities across eastern, southwestern and northern Ontario as we made some changes to the rules and regulations around off-road vehicles, which I know was important to your community and to many in your community, but also important to our tourism industry and so much more that we have in the province of Ontario.

That very day, and not for the first time, I had the chance to sit down with you. You were kind enough to organize an opportunity for me to meet with a number of the municipal leaders and also some of the municipal staff working on this project closely with you over the last number of years. That wasn't my first time. We've had a chance to meet with some of them, you and I, informally here in this building and more formally at AMO and ROMA/OGRA conferences.

There is obviously quite the compelling case that has been made with respect to the need for expansions and widenings of that particular transportation corridor that runs through your community. The budget, as you mentioned a second ago, was explicit with respect to the component of provincial support for this project. I know that this has been what I'll call a lengthy process for the community in terms of having discussions that predate me and that, frankly, even predate you. As you mentioned, the former member for the area, Mr. Lalonde, had advocated for this as well.

I take it as extremely good news and encouraging news that budget 2016, as part of our infrastructure plan, included a commitment to be there with significant provincial funding—I think it's \$40 million, if I'm not mistaken—with respect to this project, which is, again, great news. From what I know, from what we've talked about, there is some additional work that's required around this. I know that over the next number of weeks MTO will continue to work with the communities and work with yourself so that we can actually follow through on the commitment that we've made and we can enhance and strengthen this crucial infrastructure that benefits your community and benefits that entire part of eastern Ontario.

1730

So rest assured—again, thanks to your advocacy and for you being a consistent and I would say, as positively as I can, relentless champion for this particular infrastructure and community—that we're going to work together and we're going to make sure that we get it right.

**Mr. Grant Crack:** Thank you very much. How much time, Madam Chair?

**The Chair (Ms. Cheri DiNovo):** About four minutes.

**Mr. Grant Crack:** Thank you, Minister. I appreciate it.

**Hon. Steven Del Duca:** Thank you.

**Mr. Han Dong:** Hi, Minister. I have a very important one to my riding in particular. We recently had a town hall meeting there together. As you recall, one thing that was brought up repeatedly was what we were doing with fare integration here in Ontario. I've been at Presto announcements with you. Can you update the committee on where we are at on fare integration?

**Hon. Steven Del Duca:** Sure. I'm happy to do that. I referenced this yesterday, of course, having done transportation town halls in a number of communities across the province—I have enjoyed every single one of them. I hope to have the chance to do more. It was great to be with you in Trinity—Spadina, in Liberty Village specifically, and to see a very strong turnout and, like we've seen in every other community, a tremendous passion around the transportation challenges that people in neighbourhoods that are vibrant, like Trinity—Spadina, like Liberty Village—but also the challenge that exists in that part of the city of Toronto.

The work that Metrolinx is engaged in right now—let me take a quick step back for a second. Obviously, successfully completing the deployment of Presto on the TTC—which is going very well and is slated to be completed by the end of this calendar year, by the end of 2016. We have somewhere in the neighbourhood of—I'm forgetting the number now—I want to say 26 or 30 stations that are Presto-enabled—the number could be a little bit higher—and legacy streetcars and the new streetcars as they've gone into service. There's a growing excitement and anticipation around the fact that Presto, by the end of this year, 2016, will be fully deployed on the TTC, which then means it'll be completely deployed in the GTA, and, of course, on GO as well. This is great news because that helps set that infrastructure platform for delivering on the fare integration piece, which of course is contained in my mandate letter. It's essential if we're going to successfully build a seamless and integrated transit network across this region, which is a very important, I'll call it, companion to all of the infrastructure that we're building—the LRTs, GO regional express rail, our support directly or indirectly for various transit issues or options in the city of Toronto and beyond: Viva BRT—the list goes on—Crosstown, Finch LRT, Hurontario and more.

We are engaged in discussions through Metrolinx with our municipal partners on the fare integration discussion, and I know that towards the end of June there will be another Metrolinx board meeting that'll be taking place, and some additional details and some additional discussions will be happening. Flowing from that board meeting, some additional options will be presented. They've been out in the public domain and media over the last number of days and weeks. I know there's a ton of interest about this issue. The really good news is that if you look at all of the mayors and chairs from the greater

Toronto and Hamilton area whom the Premier brings together on a semi-regular basis to have discussions around a bunch of common issues, including transportation issues—

**The Chair (Ms. Cheri DiNovo):** Mr. Dong, you have about two minutes.

**Hon. Steven Del Duca:** Thank you, Chair—there's extraordinary alignment right now amongst all of those participants, all the mayors and chairs and certainly us as the province, to deliver on fare integration that works. So that's really good news, because at a philosophical level, nobody disagrees. All of our respective constituents don't just want it; they're kind of demanding it: "Make it easier for us. Help make it seamless, accessible, affordable, reliable." That's how we're going to encourage more and more people to leave their cars at home and to take public transit as we're building that infrastructure network.

It is a complicated issue because there are some very long-standing historical tendencies within our municipal transit systems and, frankly, even within GO itself in terms of how things are done. That requires nimble thinking on the part of all of us—ourselves and all of our municipal partners—so that we can find a solution to these challenges, because part of it does deal with—to be straightforward—numbers, with math, with dollars, because obviously each municipality and GO itself currently has their own fare structure. So we've seen some areas where there is already a common approach and some success. We still have more work to do. But I'm an optimistic person by nature so I am convinced that if we keep working on this together, and if the Premier and all of the mayors and chairs continue to show the leadership that they have for the last couple of years on this, we will find a way forward on this complicated issue and we'll produce a positive result for the whole region.

**The Chair (Ms. Cheri DiNovo):** You've got about 15 seconds.

**Mr. Han Dong:** I hope in the near future that a Lake-shore line, again, becomes available and is an affordable option for residents in Liberty Village.

**Hon. Steven Del Duca:** Thank you very much.

**Mr. Han Dong:** Thank you.

**The Chair (Ms. Cheri DiNovo):** We now move to the official opposition. Mr. Harris.

**Mr. Michael Harris:** I'm just going to start my little watch here so I know how much time we've got with each other.

Minister, back on to winter maintenance: I know my colleague from the NDP talked about the fines that have been levied to the contractors over the years. I'm wondering if you can, within a reasonable amount of time, explain the process in terms of when a fine is levied and the contractor receives the fine, what the process is for them if they were to simply just pay it or dispute it, I guess. The dispute resolution process: Walk us through that, if you don't mind.

**Hon. Steven Del Duca:** Great question. Gerry, I see, is back at the table. He'll be able to elaborate a little bit on this. I'm going to give you a layperson's perspective,

but I'm not an engineer like Gerry is and the rest of the folks who work on this directly.

These are complicated long-term contracts, as I understand it. There is a multi-step—I'll call it appeal process—within the contract itself. These are the historical contracts that we're talking about. My recollection is that there is a—again, this is a layperson's explanation so forgive me if it's not as precise—

**Mr. Michael Harris:** Well, you are the minister. Give yourself a bit more credit than that.

**Hon. Steven Del Duca:** But I'm a layperson, right? Yes, I have a law degree, but I never practised law.

From that perspective, I will say that there's essentially a penalty or a fine or a non-conformance that's issued in the field. From that point in time, I believe there are three—I want to say—potential appeal processes or mechanisms within the contract. There are time periods that are referenced in the contracts with respect to that appeal process. Ultimately, through that kind of multi-tiered or multi-step process, the appeal could come all the way to MTO headquarters, which would be right to the ADM from the PHM division—so in this case, Gerry Chaput—for a back and forth on this. That's my thumb-nail sketch of it.

Gerry, if I've missed something—

**Mr. Michael Harris:** Gerry, let's get right into the details of how this goes about.

**Mr. Gerry Chaput:** Sure, I can give you some enhancements to the summary that the minister provided. The process is actually quite time-consuming because it's an iterative process. It goes back and forth between the contractor and the Ministry of Transportation to ensure we get the correct information.

After the storm event is over, the ministry, as part of its patrolling and its regular contract administration, reviews the performance of the contractor during the storm. If they see that there was an issue during the storm, or if they've heard of complaints, they'll investigate and they'll request the contractor to provide the records that substantiate where they were or what the issue may have been at the time. The minister has a certain period of time to respond with those documents.

The ministry then receives them, reviews them, and calculates what they believe would be a non-conformance and the value of that non-conformance. That's provided to the contractor. They have a certain amount of time to prepare their records that either substantiate or deny the reason or the rationale for that penalty.

An example may be: We have seen that a circuit time is supposed to take 1.6 hours. We got a complaint that, at the far end of the circuit, it wasn't completed on time. We asked them for their records. They finally provided them to us, which said, "Hey, we completed it in 2.1 hours."

**Mr. Michael Harris:** Just to interrupt quickly, though: Are any of the contracts structured where there actually is a circuit time? I thought it was all bare pavement standard. You're saying there are actual circuit times?

**Mr. Gerry Chaput:** There are circuit times included within the contract, and the bare pavement is a performance measure.

**Mr. Michael Harris:** Right.

**Mr. Gerry Chaput:** Back to that scenario: We would issue them a non-conformance for not meeting that circuit time.

Now, they may come back with a record that shows, indeed, it was 2.1 hours, but also supplement it with a record from the OPP that says, “The highway was closed from A to B because of visibility conditions and we weren’t allowing any traffic to go on it, including winter maintenance equipment.” Therefore, we would then take that non-conformance off the balance and continue to proceed.

If it was for some other reason that was questionable or one that we did not agree to, we would continue to pursue that non-conformance value. We would say to the contractor, “We understand your rationale. We understand your perspective. But we still believe this is in non-conformance” and we would put that in.

The contractor then has a certain period of time to make a claim, where they can say, “Sorry, we disagree with your assessment and we want to make a claim.” So they would make a claim to their field level. The field level would review it again, and they have a certain amount of time to review the process and respond to the contractor.

1740

If the contractor does not like that response, they can elevate it, as the minister said, to the regional level. At the regional level, it’s reviewed by the manager of contracts and the regional maintenance engineer, which is a higher level than the people in the field. Again, they’ll use the information they have available from the field plus any new information that the contractor may provide that justifies why they were unable to meet that circuit time.

Again, they respond. Assuming it’s a negative response, the contractor has a certain period of time to respond to that negative response with an appeal to head office, they call it, which comes directly to me. In the period of time for us to review, we do another full analysis of the claim and assess any new information. That then goes back to the contractor with a decision.

At that point, the contractor still has another appeal process available to them. They can look at mediation, arbitration, binding arbitration or litigation. Depending on the value on the claim, it’s a decision of the contractor as to which one they pursue. More than likely, we would enter into some sort of mediation to try and determine if there were any other factors or scenarios that may result in a change to that non-conformance or the value of that non-conformance.

**Mr. Michael Harris:** Man, that sounds—

**Mr. Gerry Chaput:** It’s a very time-consuming process, but it’s all laid out contractually in the contract documents. It’s available to every contractor, and it’s very similar to what we use in capital construction and

what other jurisdictions use in of all their capital construction contracts as well.

**Mr. Michael Harris:** Back in 2010—and I’ve got the list, as I’m sure you do. And I have it—I’ve actually got it in case you don’t. Just for example: You levied \$425,000 in 2010 and you collected \$249,000. I’m going to use that number because I think that’s something that was given to Paul Bliss by your department. That was six years ago. How come there’s money still outstanding? Why would that be?

**Hon. Steven Del Duca:** What I’ve said publicly on this, including to media who have inquired about this, is that obviously we’re talking now—I’m looking down at the same chart you’re looking at, Mr. Harris. It’s going back now six years. Obviously, these are still unresolved matters. What I’ve said publicly, and we’ve done this, is that we’ve informed formally the affected contractors that because of the lengthy, complex process Gerry mentioned a second ago—what we’ve done at this point, given how far back this goes, is to make a formal request of the contractors to enter into arbitration now or in the present term so that we can get these matters resolved and continue to move forward.

**Mr. Michael Harris:** What would be the percentage of these fines levied to contractors that would be under the three mechanisms—I think you said mediation, arbitration, litigation.

**Hon. Steven Del Duca:** From what I know, most, if not all, of these outstanding amounts would still be in some form of dispute or discussion somewhere in that overarching process.

**Mr. Michael Harris:** Do you have any intention of collecting the \$33 million that was levied, or was this more of just a public relations tool?

**Hon. Steven Del Duca:** It’s a contractual relationship, so we obviously have the mechanisms that Gerry mentioned a second ago. With any contract, and I’ve said this to media, the ultimate option that exists for any party entering into a contract is to pursue litigation. That was the final step that Gerry just referenced a second ago.

By requesting arbitration from the affected contractors, I’m trying to actually bring it to a point where it can be resolved—not resolved by us or them, but resolved by somebody independent to the process who will review all the information and render a decision so that we can get on with collecting what’s outstanding, as per whatever arbitration might determine, and then move forward with continuing to perform winter maintenance. I felt, at that point in time, which was a short while ago, that that was the best way to proceed on these outstanding amounts.

**Mr. Michael Harris:** Has the ministry done an analysis, roughly, on what it cost to deal with all of this, this multi-level dispute process, at all?

**Hon. Steven Del Duca:** No.

**Mr. Michael Harris:** It sounds like, from hearing about it—and you see the fines that have been levied and collected—that there’s a signification amount of time, effort, dollars being sunk into chasing fines. Do you feel that that money would be better spent proactively out on the roads?

**Hon. Steven Del Duca:** Sure. I think absolutely we would all, including our contractor partners, much rather be in a position where there were no non-conformances levied, there would be no requirement to collect on fines as a result of anything like that, and we could proceed with continuing to invest in winter maintenance.

**Mr. Michael Harris:** Is it a result of the contracts that were established in 2009 that have led to a significant amount of fines being levied?

**Hon. Steven Del Duca:** Well, in each individual case—Gerry gave you a couple of examples of what we might be talking about. Let's also remember that we're talking about weather. Weather, at the end of the day, is by its very nature unpredictable. Even when we have forecasts, some other circumstances can present themselves. We have winter storm events that take place here in the province that aren't actually forecast, that come upon us fairly unpredictably.

Our contractors respond. Gerry and his team are out there. They're doing the patrolling. They're looking at whether or not a contractor has adhered to whatever is in the contract by way of an obligation, and they assess, as he pointed out, in the field first. They assess whether or not there has been some sort of not fulfilling that contractual obligation, and a non-conformance flows from that. But, again, I want to stress that absolutely, in a perfect world, everything would perform on all of our contracts, including our capital contracts, where there would be no requirement to levy fines. But we live in an imperfect world.

**Mr. Michael Harris:** Right. You mentioned the equipment, the additional resources that were rolled out in the last little while. Last year, you tweeted out a nice little infographic. You guys do a good job on these. I like them, by the way.

**Hon. Steven Del Duca:** I liked your blue steel ones. Those were good.

**Mr. Michael Harris:** On April 29, just a year ago, as of a few days ago: 958 plow blades, 697 salt-sand hoppers. I'm wondering—and I don't expect this off the top of your head—if you would be able to provide to the committee, at a further date, where all of that equipment was allocated.

**Hon. Steven Del Duca:** Could I see the infographic?

**Mr. Michael Harris:** This one here.

**Hon. Steven Del Duca:** I'm losing my eyesight in my old age.

**Mr. Michael Harris:** You don't have to be old to lose your eyesight.

**Hon. Steven Del Duca:** I'm happy to take—

**Mr. Michael Harris:** About 1,000 snow plows and combination units work on our highways, so you've talked about—sorry, 100 pieces of snow-clearing equipment. Sorry; this is the total and this is the added, since 2012. You talked about 100 pieces of snow-clearing equipment since 2012. My apologies. Could you inform the committee—go back to whoever—and let us know where those 100 pieces of snow-clearing equipment went?

Now that we've got—

**Hon. Steven Del Duca:** I can give you a quick snippet of some of the ones that I have, but I'm not sure—

**Mr. Michael Harris:** I guess I'm specifically interested in how many of those pieces, perhaps, went to Kenora?

**Hon. Steven Del Duca:** Went to Kenora itself? Unless, Gerry—

**Mr. Michael Harris:** The Kenora zone.

**Hon. Steven Del Duca:** Yes, the area.

**Mr. Gerry Chaput:** I believe, for the Kenora contract in the 2013-14 tranche of additional equipment, that 13 pieces went to Kenora. There were 42 pieces that went to northern Ontario.

**Mr. Michael Harris:** Forty-two? So in that instance, it was the contractors that purchased the equipment, correct?

**Mr. Gerry Chaput:** Yes.

**Hon. Steven Del Duca:** Yes—purchased or leased.

**Mr. Michael Harris:** So, actually, the MTO didn't buy any of the equipment. It was the contractors that purchased equipment and then were billing—or the contracts were subsequently added to, to cover the cost of that. In the case of Kenora, if 13 pieces went up and the contract since parted ways, what happened to those 13 pieces?

**Hon. Steven Del Duca:** I know this flared up a few months ago, thanks to a strategic question asked by a member of the opposition.

**Mr. Michael Harris:** I know it's easy to explain.

**Hon. Steven Del Duca:** I can go through it, if you want. At the end of the day—and Gerry can jump in if I'm not explaining it as clearly as I should, which is entirely possible because it can be a little bit complicated. The contractor purchases or leases the vehicle, or the equipment, I should say, and there's a contract price as a result of what's required in the contract that we pay on an annual basis.

At the end of the day, when there was mutual agreement to walk away, in this case, or to exit the contract between ourselves and the contractor in the Kenora example that you've used—you have to remember that the Kenora contractor is still on the hook for the purchase and the lease of the vehicle, even though we are no longer paying them for the contract because we have mutually exited the contract.

In many cases, though I don't know these specifically, if it was a lease, most of the time it would be a fairly long-term lease that a contractor would engage in. The onus is on them to sort out their own financial details, once there's a mutual agreement to walk away from the contract, if you know what I mean.

1750

I hope that was clear. Sorry.

**Mr. Michael Harris:** Yes. I guess I could ask, then—and you should know this because you would have had to pay it—what was the add to the Kenora contract to supplement the 13 pieces of equipment for the duration of their contract?

**Hon. Steven Del Duca:** I'm just referencing my notes here. I know, for example, we've committed an additional \$24 million annually. That wouldn't be assigned ex-

clusively to Kenora; that would be province-wide. For example, there were 55 pieces of equipment in 2013-14; Gerry mentioned 42 of those went to northern Ontario. There were 50 in 2014-15, the following year, for ramps and shoulders in southern Ontario. Then in 2015-16, there were 53 pieces of equipment to plow highways, ramps, shoulders and also do more spreading more quickly. That's \$24 million in total that was added to contract amounts with specific obligations flowing from those, including numbers of pieces of equipment which the contractor would then be required to purchase or lease to satisfy the contract requirements in this case.

**Mr. Michael Harris:** So taxpayers, in essence, had to foot a bill of \$24 million more than what they would have originally had to pay—

**Hon. Steven Del Duca:** —to provide service that flows, by my reading of this, from 108 additional pieces of equipment across the province for three years.

**Mr. Michael Harris:** I guess, folks, our constituents would say, “Okay, you tendered a contract”—and I know Mr. Gates talked a lot about ensuring that the contractor has the proper equipment when they bid for the contract. You awarded it—and I know the auditor was specific on some of the examples where, had you actually awarded the contract to the highest bidder, in fact it would have cost you less because of the additional payments that had to be made. Then you roll out more equipment to that contractor—give them an additional kicker, I suppose—and then they walk away from the contract the next year with that equipment nonetheless—

**Hon. Steven Del Duca:** But that's because—if you go and lease a car and you agree to be my driver—let's just use this as the analogy. It's important, because there was confusion on this a few months ago.

I'll flip it around. I agree to be your driver. I lease the vehicle. Halfway through a four-year contract, you decide that you don't like the way I drive anymore. We agree to exit the contract. I'm still on the hook for the balance of the lease. You're not paying me anymore, so there's no additional obligation to you, just like there's no additional obligation to us, if you follow my reasoning.

**Mr. Michael Harris:** Yes, yes.

I've got, what, four minutes left, right?

**The Chair (Ms. Cheri DiNovo):** Three minutes.

**Mr. Michael Harris:** Yes. I really hope that you can get some of the information back. Do you expect any other AMCs this fiscal year? Do you see any other parting of ways with contractors in any other areas, or have you been notified by any other contractors? Because now that Kenora has been re-tendered, Sudbury has been re-tendered, Ottawa—Niagara, right? Niagara has also been re-tendered. Have you put that specification back out onto the street yet? Has that bid closed?

**Mr. Gerry Chaput:** Niagara has been tendered.

**Mr. Michael Harris:** Tendered. Has it closed?

**Mr. Gerry Chaput:** Yes.

**Mr. Michael Harris:** And how many bidders?

**Mr. Gerry Chaput:** There were three bidders.

**Mr. Michael Harris:** Who were those bidders?

**Mr. Gerry Chaput:** IMOS, Carillion and Steed and Evans, I believe.

**Mr. Michael Harris:** Has it been awarded?

**Mr. Gerry Chaput:** No.

**Mr. Michael Harris:** Do you plan on awarding it based on that—

**Mr. Gerry Chaput:** We're still in the process of reviewing the bids.

**Mr. Michael Harris:** Frankly, it's obvious that if your ministry is allowing contractors to walk away basically with no penalties, why wouldn't the rest of them do the same thing—re-bid it and get a premium? Why wouldn't they do that? Do you expect other AMCs across the province—have you been given notice by any other AMCs of their notion to walk away like the other ones have?

**Hon. Steven Del Duca:** No.

**Mr. Michael Harris:** No notice. Do you expect any other areas like that to come up?

**Hon. Steven Del Duca:** I expect MTO, through Gerry and his team, will continue to work closely with our AMCs to make sure that we're providing the winter maintenance, the year-round maintenance—

**Mr. Michael Harris:** Has your ministry factored in an increase to this fiscal year for all AMCs across the province?

**Ms. Linda McAusland:** Yes, there is an increase.

**Hon. Steven Del Duca:** Just give us one second.

**Mr. Michael Harris:** What is that increase?

**Hon. Steven Del Duca:** Just one second.

**Ms. Linda McAusland:** There has been an increase to winter maintenance of \$31.6 million—

**The Chair (Ms. Cheri DiNovo):** Excuse me—

**Ms. Linda McAusland:** Oh, sorry. Linda McAusland. I'm the CAO for the ministry.

**The Chair (Ms. Cheri DiNovo):** Thank you.

**Mr. Michael Harris:** It's \$31 million on a total value of how many millions?

**Ms. Linda McAusland:** It's \$18.5 million, specifically for the AMCs to respond to the Auditor General requests.

**Mr. Michael Harris:** What was the first number you gave?

**Ms. Linda McAusland:** It's \$31.6 million.

**Mr. Michael Harris:** It's \$31.6 million. What is the total cost of the AMCs for the province initially for this fiscal year?

**The Chair (Ms. Cheri DiNovo):** You have 15 seconds left.

**Ms. Linda McAusland:** It's \$351 million total for the annual cost of the AMCs.

**Mr. Michael Harris:** So you increased about 10%.

**Ms. Linda McAusland:** That's right.

**Mr. Michael Harris:** And Ottawa: I see that—

**The Chair (Ms. Cheri DiNovo):** Wrap it up. Yes.

**Mr. Michael Harris:** You've moved to a completely different model under Ottawa, right? What's that model called?

**The Chair (Ms. Cheri DiNovo):** We'll have to stop it there, Mr. Harris. Thank you.

**Mr. Michael Harris:** Come with it Tuesday.

**The Chair (Ms. Cheri DiNovo):** We're going to move to Mr. Gates.

**Mr. Wayne Gates:** What's that Ottawa model called?

**Hon. Steven Del Duca:** We call it "managed outsource."

**Mr. Wayne Gates:** —managed outsource.

**Hon. Steven Del Duca:** Now you've stolen Mr. Harris's thunder for Tuesday.

**Mr. Wayne Gates:** I'm sure he'll sleep better.

I wasn't going to go back on road maintenance, but—

**Hon. Steven Del Duca:** Go for it.

**Mr. Wayne Gates:** It's really bizarre to me, quite frankly, what transpired. I hate to break it to you—with no disrespect.

**Hon. Steven Del Duca:** It's okay. I'm not taking it that way. Don't worry.

**Mr. Wayne Gates:** You may or may not know that I was a city councillor in Niagara Falls.

**Hon. Steven Del Duca:** I knew that, yes.

**Mr. Wayne Gates:** So I'm obviously very familiar with RFPs. You put the RFP out. Was there not some kind of criteria that actually said that these companies have to have equipment? Or was it just the lowest bidder gets it? They don't have to tell you they've got equipment; you don't have to know if they've got equipment?

**Hon. Steven Del Duca:** Well, yes, there is a requirement for them to be able to have the equipment in place to fulfill the contractual obligations as part of the process. Yes.

**Mr. Wayne Gates:** Okay. Then, having said that, by you buying a hundred more equipment—

**Hon. Steven Del Duca:** We didn't buy it.

**Mr. Wayne Gates:** Well, whatever.

**Hon. Steven Del Duca:** No, it's not "whatever." I mean, I think—

**Mr. Wayne Gates:** You had to get another hundred to perform—

**Hon. Steven Del Duca:** Well, we didn't have to get it; the contractors did. It's not "whatever."

**Mr. Wayne Gates:** You can twist it any way you want. Just—it's my question.

**Hon. Steven Del Duca:** It's not twisting; it's honesty. I'm pretty sure Niagara Falls does the same thing, unless they do it in-house. I can speak for my own municipality—

**Mr. Wayne Gates:** The point I'm making here is that they didn't have the equipment to perform the job safely when you awarded the contract.

In the RFP, who would've went around to check these companies to make sure that they had the equipment so that they could perform their jobs safely?

In Sudbury—I see the MPP from Sudbury's here. I'm sure he's really concerned about the residents in Sudbury and what went on there.

**Hon. Steven Del Duca:** I'm sure he can speak for himself.

**Mr. Wayne Gates:** Ottawa: same thing. Maybe I'm wrong, and that's possible. I've been wrong before. But, if I'm sitting around the table at city council, and I see a bid come in that's \$5 million cheaper than the other two companies, that would put a flag up.

Now, as a councillor, I would put a flag up and say, "Okay. This doesn't make sense. How could somebody be bidding this much lower?" Maybe somebody around the table—because I'm sure you have a lot of people that are very, very talented on your side—wouldn't somebody say, "Maybe we should check to make sure this company is able to perform the job safely in the province of Ontario" on the RFP? Who would be responsible for doing that on your side of the House?

**Hon. Steven Del Duca:** Again, we can have the larger existential conversation about how we deal with procurement, whether we're talking about maintenance contracts or we're talking about capital construction contracts or other contracts the ministry engages in, but obviously we went out with a procurement model for some, if not all, of these contracts. There were responses from the market, from our contractors—or from contractors, generally. They adhered, to the best of their abilities, to whatever was in the procurement process or whatever was in the procurement documents that we had put out, again, into the market. They responded; we made our assessments.

We recognize—I recognize—that part of the auditor's concerns in her examination, in her report, deal with some of these issues. That's one of the reasons that I'm quite happy to say that I've accepted—we've accepted—all eight of her recommendations. It's why we not only designed the action plan in response to her recommendations, but we're actually deploying that action plan right now. It's one of the reasons that, through that evolutionary or iterative process, we worked with our contractors in certain areas—all areas, actually—to define what the additional needs were.

**The Chair (Ms. Cheri DiNovo):** You've got 20 seconds left.

**Hon. Steven Del Duca:** It's why we were able to access and locate additional funding—

**Mr. Wayne Gates:** I don't mean to cut you off, but I've got 20 seconds yet.

**Hon. Steven Del Duca:** Sure. Sorry.

**Mr. Wayne Gates:** My position would be, very clearly, that you shouldn't need an AG report to do an RFP and to make sure that when it's being awarded in the province of Ontario they have the equipment to perform the job safely. That's the issue here. The issue here isn't that you—and I appreciate the fact that you're saying you've—

**The Chair (Ms. Cheri DiNovo):** I'm afraid, Mr. Gates, your time is up. In fact, the time is up.

This committee stands adjourned until Tuesday, May 10, at 9 in the a.m. Thank you all.

*The committee adjourned at 1800.*



## CONTENTS

Wednesday 4 May 2016

Ministry of Transportation.....	E-825
Hon. Steven Del Duca	
Mr. Vinay Sharda	
Mr. Gerry Chaput	
Mr. Ian Freeman	
Ms. Heidi Francis	
Ms. Linda McAusland	

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