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of Ontario



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**Official Report
of Debates
(Hansard)**

G-49

**Journal
des débats
(Hansard)**

G-49

**Standing Committee on
General Government**

Moving Ontarians
More Safely Act, 2021

1st Session
42nd Parliament
Friday 7 May 2021

**Comité permanent des
affaires gouvernementales**

Loi de 2021 visant à assurer
à la population ontarienne
des déplacements plus sûrs

1^{re} session
42^e législature
Vendredi 7 mai 2021

Chair: Goldie Ghamari
Clerk: Isaiah Thorning

Présidente : Goldie Ghamari
Greffier : Isaiah Thorning

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Friday 7 May 2021

Vendredi 7 mai 2021

The committee met at 1300 in room 151 and by video conference.

rounds of four and a half minutes for the independent member of the committee. Are there any questions?

**MOVING ONTARIANS
MORE SAFELY ACT, 2021**

**LOI DE 2021 VISANT À ASSURER
À LA POPULATION ONTARIENNE
DES DÉPLACEMENTS PLUS SÛRS**

Consideration of the following bill:

Bill 282, An Act in respect of various road safety matters / Projet de loi 282, Loi concernant diverses questions de sécurité routière.

The Chair (Ms. Goldie Ghamari): Good afternoon, everyone. The Standing Committee on General Government will now come to order. We are here for public hearings on Bill 282, An Act in respect of various road safety matters.

I, myself, am present in the room and the following members are participating remotely: MPP Crawford, MPP Sabawy, MPP Sandhu, MPP Schreiner, MPP Wai, MPP French and MPP Thanigasalam.

We have some members who have joined us. I see MPP Skelly. MPP Skelly, can you please confirm that you are present and in Ontario?

Ms. Donna Skelly: It's MPP Skelly, and I am in Hamilton.

The Chair (Ms. Goldie Ghamari): Thank you.

I see MPP Park. MPP Park, can you please confirm that you are present and in Ontario?

Ms. Lindsey Park: Yes, thank you. I'm in my office in Bowmanville.

The Chair (Ms. Goldie Ghamari): Thank you very much. We're also joined by staff from legislative research, Hansard and broadcast and recording.

Please speak slowly and clearly and wait until I recognize you before starting to speak. Please take a brief pause before beginning. As always, all comments should go through the Chair. Are there any questions before we begin?

Our presenters today have been scheduled in groups of three for each one-hour time slot, with each presenter allotted seven minutes for an opening statement, followed by 39 minutes of questioning for all three witnesses divided into two rounds of seven and a half minutes for the government members, two rounds of seven and a half minutes for the official opposition members and two

INSURANCE BUREAU OF CANADA

ONTARIO BRAIN INJURY ASSOCIATION

ONTARIO GOOD ROADS ASSOCIATION

The Chair (Ms. Goldie Ghamari): I will call upon the Insurance Bureau of Canada. Please state your name for the record, and then you may begin. You will have seven minutes.

Mr. Arthur Lofsky: Good afternoon. I'm Arthur Lofsky, director of government relations in Ontario with IBC, the Insurance Bureau of Canada. I'm joined by Pete Karageorgos, director of consumer and industry relations.

IBC represents Canada's private home, car and business insurers. Our member companies make up 90% of the P&C—or property and casualty—insurance market in Canada. IBC and its members have long advocated for much-needed reforms to establish effective provincial oversight of the towing industry and have long supported measures that make our roads safer. We congratulate the government for listening and taking this bold action for the benefit of drivers in this province by introducing Bill 282, the Moving Ontarians More Safely Act, or the MOMS Act.

As an industry that supports Ontarians after a collision, IBC and its member insurers enthusiastically support the entire thrust of the MOMS Act. Street racing, stunt driving and other reckless behaviour have only increased during the pandemic. This is unacceptable. There should be zero tolerance and tougher penalties for this extremely reckless behaviour that endangers the lives of the public.

That said, we want to focus our comments on section 3 of the bill, the Towing and Storage Safety and Enforcement Act, the TSSEA. On behalf of our members, IBC is delighted to see this definitive, concrete and long-overdue action being taken by government. The TSSEA is landmark enabling legislation that will finally provide provincial oversight to combat the well-documented Wild West elements that plague the towing and storage sector. If passed, it would protect drivers' safety and security by tackling the rampant fraud and criminality that also contribute to high auto insurance rates.

We have consistently vocalized the position taken by Ontario's 2012 Auto Insurance Anti-Fraud Task Force that

towing often serves as the “first link” in the fraudulent chain that starts at the scene of the collision. Increasingly, the scene of a vehicle collision is no longer about helping individuals in need. Under the current system, when nefarious actors gain control of the vehicle at the scene, they pass it through a chain of unscrupulous and complicit storage yards, body shops, car rental agencies, med-rehab providers and some legal professionals, who all stand to profit from a driver’s misfortune.

We do want to make clear that the entire supply chain is not rotten; it is the unlawful players that are having a disproportionate impact that affects all drivers in Ontario. This behaviour, these crimes are not victimless. Everyone is paying a portion of the cost to fund these illegal rackets. Drivers pay through higher insurance premiums. The public pays through resources that are necessary to investigate and prosecute these activities. Others have become victims of the violence associated with these illegal activities, whether it’s the shootings and arsons amongst those fighting for money and turf or the collateral damage perpetrated against innocent people. An unfortunate example of this was a highly publicized case where violent broad-daylight intimidation was perpetrated against a law firm specializing in combatting road towers and body shops. So troubling is this behaviour that Justice David Rose commented on this ongoing conduct when he ruled against an individual charged in last year’s towing sting in York region, called Project Platinum.

On April 21 of this year, Justice Rose said: “Corruption in the towing industry has spilled into select auto repair shops, car rental agencies and therapy providers. All of these services are paid by the insurance companies when there is a motor vehicle collision.”

To a large extent, this current state of affairs was able to develop because of the void in provincial regulation, including the Repair and Storage Liens Act, the RSLA. At present, tow and storage operators use the RSLA to their benefit with possessory liens being so incentivized as to encourage holding vehicles hostage. This is further allowed because there are no caps on the amount of days a shop can charge for storage, unlike in neighbouring jurisdictions. Moreover, despite the prohibitions on improper notice and blank work orders that exist in the associated Consumer Protection Act, negligible enforcement has made it such that these rules are disregarded with utter contempt.

The current system has disrupted insurers’ ability to assist owners with the tow and repair of their vehicle. Once the vehicle is lost to the tower’s underground network, the insurer’s ability to provide repairs and services under the contract becomes increasingly difficult, with customers caught up in a nightmare characterized by danger and expense, simply in order to regain control of one of their most expensive assets: their vehicle.

Enter the new TSSEA. This act would require tow storage operators, tow truck drivers and vehicle storage operators to be certified. It would also set new standards for customer protection and roadside behaviours and include penalties for non-compliance to be overseen by a

new director of towing and vehicle storage standards. In effect, the legislation provides the foundation for much of what IBC believes is necessary to fix the system and make it work for consumers, rather than against them. It controls who can arrive to a collision scene by limiting it to those who have been requested to attend by a consumer or the police, it controls how they can arrive at a collision scene by proposing the use of dispatch services, it mandates where a vehicle can be taken by mandating that it must be taken to the location specified by the consumer and it promotes compliance by introducing new and strengthened administrative penalties for individuals and corporations that fail to meet their obligations.

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Arthur Lofsky: In closing, I would like to reference Justice Rose’s recent verdict again. In it, he says that “It is not for a judge of the Ontario Court to recommend changes to the insurance scheme, or the unregulated nature of car towing, which will remedy this problem. Solving this is the role of the Legislature. What I do hope is that the Legislature will take this up with the urgency required.”

By introducing this legislation, the Legislature is answering this call. On behalf of the industry, IBC would once again like to thank the government for introducing this important legislation and urge its passage. There is still more work to do in developing the regulatory details to ensure effective implementation, but IBC is committed to continuing to work proactively with this government and other stakeholders to do this.

Thank you for your attention.

The Chair (Ms. Goldie Ghamari): Thank you very much for your time. We’ll now turn to the Ontario Brain Injury Association. Please state your name for the record, and then you may begin. You will have seven minutes.

Ms. Ruth Wilcock: Thank you so much for allowing me the opportunity to present. My name is Ruth Wilcock, and I am the executive director of the Ontario Brain Injury Association. I’m speaking to you today on behalf of our board of directors, 21 local brain injury community associations across the province and the over 500,000 Ontarians living with the effects of acquired brain injury.

OBIA’s mission—that’s our acronym, OBIA—is to enhance the lives of those living with brain injury through education, awareness and support. Brain injury happens in an instant, leaving absolutely no time to prepare for the devastating and long-lasting challenges that happen to individuals and families.

Unfortunately, motor vehicle incidents are the leading cause of brain injury, so it’s not uncommon for pedestrians, for cyclists, for roadway workers or emergency responders to sustain a brain injury while struck by a vehicle. In fact, we had an OPP police officer on our board for nine years who sustained a serious brain injury because she was struck by a vehicle on the road via a routine traffic stop. So most road incidents which result in serious injury or death are preventable and are not accidents. Therefore, we respectfully ask you to consider rephrasing the word “accident” in the bill as “collision.”

1310

A driver runs a red light. A passenger opens their door without looking. A person texts and does not see the traffic control person. Someone drag races. Others simply love the thrill of speed. Although no one intended on hitting the businessman heading to work on his bike or the grandparents going to go get their groceries or the young mom taking her kids to soccer practice, because of someone else's recklessness and careless behaviour, they have destroyed a person's life or family forever. These examples were no accidents and were preventable. Prevention and keeping people safe starts with legislation that will deter road violence, excessive speeding and distracted drivers.

If I can just mention quickly, I think of Steve, head of IT at Mount Sinai Hospital in Toronto, with 120 people working on his team. On the way home from work, he crosses the street, is hit by a bus that made an illegal turn, dragged for one block, and when the bus finally came to a stop, the back tire of the bus was heavily weighted on Steve's chest. Steve's life was changed in an instant. He sustained a life-threatening brain injury. This was no accident.

After months in the hospital and rehab, gone were Steve's career and his ability to manage his finances, and his wife barely recognized who he had become. His wife became a caregiver. His daughter had to learn how to behave more like a parent than a daughter, and sadly, his own son was lost and attempted to take his life. Brain injuries don't just happen to individuals; they happen to families.

Steve was a vulnerable road user, not unlike cyclists or road workers. Steve and the hundreds like him have the right to walk and cycle on our streets and drive in their cars and be safe. The Steves of this world need protection from serious injury and harm.

We'd like to highlight a few aspects of the bill. We fully support tougher measures for excessive speed and stunt driving, including longer driver's licence suspensions. We need to keep reckless and careless drivers off of our roads, and it's for the protection of others, but it is actually for the protection of the drivers themselves.

Incidents involving the vehicle's door coming into contact with a cyclist absolutely should be reported to the police. Additionally, we feel that tracking where this happens most frequently is imperative to better inform enforcement and preventive measures. It's also important to note that dooring is not an insignificant event and can result in serious and lifelong brain injuries to cyclists. Furthermore, although the driver may not actually door the cyclist because of the swift reaction of the cyclist moving into busy traffic, we feel this still needs to be reported to the police as the driver did put the cyclist in immense danger.

We're also fully in support of cameras on streetcars to better enforce the existing law. However, we would add that awareness can lead to better prevention of injuries and incidents than punitive measures after the fact, so we encourage you to look at an awareness campaign around stopping behind streetcars or better signage on the back of

streetcars. It's important to note that visitors to the city or newcomers to the city may not actually be aware that they have to stop in their lane if a streetcar in the lane beside them is stopped. We all know that all drivers are supposed to know the rules of the road, but again, coming from cities and towns where there are no streetcars, people may not be aware of this, and it's an immense danger to the riders.

I do want to again reaffirm that preventive measures in addition to punitive measures are necessary to keep Ontarians safe. We recognize the significant cost of awareness campaigns, but we weigh the suggestion with the cost of lives and also to the overly tasked medical system, where hundreds of thousands of dollars and in fact millions of dollars are often spent on the care of somebody who is seriously injured.

For close to 35 years, OBIA has been making a difference in the lives of those who have sustained a brain injury. We applaud and support the amendments to this bill—

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Ruth Wilcock: —and we recognize that the government also has an opportunity to make a difference in the lives of Ontarians by the amendment of Bill 282.

OBIA is also supportive of Bill 62, which is the vulnerable road users bill. We encourage you to consider utilizing the vulnerable road users bill to further strengthen Bill 282 to protect all vulnerable road users, because we see the impact. We see the lifelong impact to those who are injured, again going back to: It could have been prevented.

Thank you again for your time. We welcome any opportunity to continue to be involved in this process to keep Ontarians safe.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to our third presenter, the Ontario Good Roads Association. Please state your names for the record and then you may begin. You will have seven minutes.

Mr. Thomas Barakat: Good afternoon. I'd like to thank the Standing Committee on General Government for the opportunity to participate in public hearings on Bill 282. My name is Thomas Barakat. I'm the manager of public policy and government relations with the Ontario Good Roads Association, also known as OGRA. I do see some familiar names and faces here, but for those who are not aware of OGRA, we're a municipal organization representing the transportation and infrastructure interests of Ontario's municipalities. We have board members from all over the province, north, south, east, west, and are comprised of a mix of both elected officials and senior staff.

I want to preface my comments here today on Bill 282 by mentioning that OGRA's top advocacy issue right now is Vision Zero, and this directly relates to this bill. For the committee members here who are not aware of Vision Zero, it's a fundamental reimagining of our transportation network in which the main tenet is that all deaths and serious injuries on our roads are preventable. That would be achieved through engineering, enforcement, education and empathy.

I want to tie it back to Bill 282 here. I would just say that overall, OGRA, we like Bill 282. It gets us one step closer to Vision Zero. I'm going to quickly touch on the things that we do like, and then I'm going to move into some of the concerns that we have with this bill.

We like that dooring will now be a reportable collision. This is very important. I think Ruth highlighted that very well. We like the creation of the different classes of e-bikes. This gives municipalities more flexibility to regulate these devices, and in the municipal sector, we like that. We wholeheartedly support increasing the penalties on stunt driving—I don't think anyone's going to have an issue with that over here today—and we like specifically that the stunt driving charges will be applied at 40 kilometres an hour rather than 50 kilometres an hour over the limit on roads with a speed limit of less than 80 kilometres an hour.

This leads me to my next point, however, and that's that if there is no enforcement to any of these changes, then these changes are going to be less impactful to the communities they're meant to help. The first concern here, the first point, I guess, is that we want to see a firm commitment to administrative monetary penalties, also known as AMPs, or whatever you want to call them. Section 22.1 of the Highway Traffic Act: That's kind of been languishing. We want to see a firm commitment to that coming into force as soon as possible.

Municipalities, on a good day, are struggling to cope with the fees that come with the Provincial Offences Act, and COVID-19 has made that worse, as we know, with a lot of bylaws that have been introduced. So there is a huge administrative burden that actually disincentivizes municipalities from doing things such as installing red light cameras or automated speed enforcement. Just let me be very clear here: Incorporating administrative monetary penalties would be an absolute game-changer for enforcement, and we would really like to see that.

Something that's missing, just on this point, was actually expanding automated speed enforcement outside of community safety zones and school zones to include all municipal roads. Automated speed enforcement is an effective enforcement tool, and we all know that stunt driving, racing, aggressive driving—these things are not limited to community safety zones and school zones. So we'd like to see that implemented to all municipal roads.

I'd like to now shift to the workers' safety section of Bill 282, and I'd like to highlight a few important concerns. The first concern is the reversing of construction vehicles into a construction zone. The reversing of vehicles is one of the most dangerous aspects of a construction site, so if this is going to be permitted, we believe there need to be additional safety measures in place. Currently, while a backup spotter is required, we still hear about incidents where the backup spotter gets run over by the truck that's backing up. So we would like to see something there.

1320

The second concern that we have with this portion of the bill is the allowing of MTO transportation enforcement

officers to close roadways. We're not concerned about roadways under MTO jurisdiction or provincial jurisdiction. However, we don't believe they should be permitted to close municipal roadways. This has the potential to be troubling, as issues with regard to chain of command could occur if local road authorities, police and MTO officers are all on-site at the same time. So to alleviate some of these concerns, we'd like to see some very specific situations prescribed where that sort of thing would happen or be allowed by MTO officers.

Secondly, just on this same point, when the police or municipality close a roadway, information is put out of what's known as 511, and that's directly downloaded into all emergency vehicles so that they're aware of the closure. So we don't know if MTO enforcement officers would also do this when they shut a municipal road.

I just want to conclude here. OGRA applauds the steps the Ontario government has taken to address road safety concerns and issues through Bill 282. We recognize that this is an important first step towards realizing a future where Ontarians—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Thomas Barakat: —are no longer fatally injured or seriously hurt on our roadways. We hope to see that some of the concerns highlighted today are taken into consideration as this bill moves forward. OGRA looks forward to the opportunity to build upon our vital partnerships with the Ontario government as we work together to maintain road safety and support municipalities across Ontario.

Thank you for the opportunity to appear before this committee, and I look forward to your questions.

The Chair (Ms. Goldie Ghamari): Thank you very much. This round of questions will begin with the government side for seven and a half minutes. Who would like to begin? MPP Thanigasalam, you may begin.

Mr. Vijay Thanigasalam: Thank you to all three presenters for your presentations, addressing your support as well as some concerns that you see in Bill 282. So thank you so much.

I would like to start off with Arthur from the Insurance Bureau of Canada. Thank you, Arthur, for that presentation. As you know, you were one of the stakeholders that MTO consulted with, along with 70 industry partners, including law enforcement, municipalities, even the players in the tow truck industry and, of course, the insurance companies.

In terms of the tow truck industry, we know the reason the government enforced the task force and is bringing these amendments is to reduce and eliminate the criminal activities that we've been seeing in the towing industry for the last few years. How do you think the amendments that are coming in this bill would eliminate or reduce the criminal activities that are happening in the tow truck industry out there?

Mr. Arthur Lofsky: I'm just going to say something quick, and then I'm going to pass it to my colleague Pete.

The bill lays the foundation for a very robust provincial framework. A lot of work needs to be done on the regulatory piece, and we're going to be involved in that. The

Repair and Storage Liens Act is an incentivizer, as I mentioned in the speech, and we would like to see, perhaps, a sooner implementation of some changes there. We have been in contact with the Ministry of Government and Consumer Services and we have a dialogue going with them. We think that could result in, I guess, more reforms that could make a quicker impact. But I'm going to stop there and ask my colleague Pete to say anything more.

Mr. Pete Karageorgos: Thank you, and Madam Chair, through you: Excellent point. I think, from our industry's perspective, it all starts at the collision scene. We see the tow truck operators, especially in the GTA, racing to get that vehicle on the end of their trucks, to hook that vehicle. That is important here. The bill addresses that through the creation of a 200-metre distance, which we like. It's important because, many times, for anyone who has been involved in a collision, you're typically not thinking straight. You're confused. There may be injuries involved. You need to have room for police and first responders to assist, especially at those scenes, so providing some distance there will eliminate a lot of that.

The establishment of province-wide regulations and certification of tow trucks is important because from one municipality to the next, drivers may be travelling through multiple municipalities on any given day, and they're passing through different regimes and different bylaw requirements. They're uncertain in terms of what the requirements are or what the tow rates are. Having provincially mandated certification, rates and such is going to help increase the consistency and allow for enforcement.

That's the third and final piece, really, here: the enforcement aspect. Previous governments have tried but have failed. I think we're encouraged by the fact that we have this Legislature that's going to be looking at a provincial enforcement model as well in terms of the oversight for not just towing, but storage. Storage is also what leads to a lot of the problems—getting that vehicle and then playing games with it. One just needs to watch various news reports, and you see people struggling to find their vehicle after it's been towed. So having that type of enforcement to punish bad actors and to ensure consumers are aware of their rights is going to go a long way to eliminating a lot of the legal issues that we've seen in the industry.

Mr. Vijay Thanigasalam: Thank you, Pete and Arthur, for those answers. With these amendments and these measures, the intention is to increase safety for the customers, as well as to enforce better protection for customers and improve the standards. Thank you again for coming forward here to present, and for your support.

Next, I would like to move to Ruth Wilcock from the Ontario Brain Injury Association. Ruth, first of all, thank you so much for highlighting Steve's experience. You just painted the reality to all of us. Thanks, Ruth, for that.

Again, as you said, in this legislation, if you sit back and look at it at a high level, it is to reduce the risk and increase the safety, not just for the road users on the roads, but on the side of the roads—the workers and vulnerable road users.

I really want to ask you about the education piece when it comes to these amendments. Yes, these are good amendments, and everyone supports them, across the board, to have more safety against dangerous driving and to protect the vulnerable users. But, Ruth, when it comes to education, what kind of driver education campaign do you think we should propose to improve vulnerable road users' safety?

Ms. Ruth Wilcock: Thanks so much for the opportunity to share. You're exactly right, and it was sort of what I spoke to. We have to have awareness, first of all, about these things. I think letting people know what exactly the law is to begin with and the penalties associated with that.

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Ruth Wilcock: But I also think that, at the end of the day, it's people who are injured, and if we can have part of the education piece to be around somebody's story: "I was a road worker on the road; this is what happened to me." You don't want to be that person who hits that person, so these are the preventive measures we're putting in place. So I think it's actually putting peoples' stories to what you're trying to educate people about, because that's what resonates with people, that they're not just sort of faceless victims out there.

Maybe the point is that these are not victimless crimes. Excessive speeding and stunt driving are not victimless crimes. I think that that's the message we have to put out there, and getting the actual impact on victims, I think, may motivate people to be more aware and conscious and of their driving.

Mr. Vijay Thanigasalam: Thank you.

The Chair (Ms. Goldie Ghamari): That's all the time that we have for this round.

We'll now turn to the official opposition for seven and a half minutes. MPP French, you may begin.

Ms. Jennifer K. French: Thank you very much to all of our presenters. It's nice to see all of you. Welcome to my kitchen.

I'll start out with the insurance folks. I appreciate your obvious passion on the towing issue, as I'm sure we will hear reflected today, because there's so much at stake and so much that needs to be done. I had the opportunity to ask the minister the other morning about regulations, but we'll see, as they come out, the timing of those.

1330

Are there particular regulations that you are hoping to see sooner rather than later? Obviously, we're debating the statute now, but things that you're really hoping to see as it moves through?

Mr. Arthur Lofsky: Well, it couldn't happen soon enough for the whole legislation to be passed. It's probably going to take a bit of time to get the regulations right, but as I said, the foundation is there.

I also said that we really think the Repair and Storage Liens Act and its associated acts, which are touched upon in this legislation—there can be some work done to improve things for customers. Like I said, we've spoken to the Ministry of Government and Consumer Services. There's a thing called a possessory lien, and the fact that

you can't—there's no cap once they've kidnapped your car, and there's negligible enforcement. It's incentivizing the kidnapping of the car, and then the legal system gums things up, and there's a lack of enforcement as well. We have a number of ideas that we're going to share with government on the RSLA. Yes, we would like to see—if there's anything that's going to be done sooner rather than later, it would be the Repair and Storage Liens Act.

Ms. Jennifer K. French: Thank you. Is it possible that the committee, when I'm asking a question—if I promise to quiet, can you keep me unmuted, please? It's challenging to weigh in.

Thank you, Arthur, and I want to say that that was actually a note that I had made here, about the possessory liens as an incentive that you had mentioned. As you are being thoughtful and careful in what you're presenting to government, please present those as well to the opposition, so that we can continue to advocate specifically. We don't want to chase something that we're not quite sure on, so make sure to share that with us, please.

I will move to Thomas with the OGRA. Vision Zero is certainly a local priority—I mean, yes, provincial, but I'm in the Durham region. I know that Lindsey Park is on here as well. We're fortunate in our neck of the woods to have the regional municipality take that to heart. One of the things, unfortunately, that's missing from this bill is something that I know you'd be familiar with: Bill 62, the vulnerable road users' act, and my own bill, actually, Bill 122, the fairness for road users act. We'll be bringing forward some amendments, but it would be good, as you're continuing to consult with government, that we keep pushing to ensure that vulnerable road users really have the protections that they need. Is there something you'd like to see in this bill specific to vulnerable road users, the fairness side, the protection side?

Mr. Thomas Barakat: Yes, that's a good question. To start, we like, for example, the dooring. That was something that we had been advocating for, and MPP Bell had brought that forward a couple of years ago, I think. So we were very happy to see that. But one thing that was missing, I guess, that's very similar to that—and actually, I think it was another NDP bill that didn't pass as well. It was the Dutch reach act, I think it was called—or Teach the Reach Act. That's what it was.

Ms. Jennifer K. French: Marit Stiles.

Mr. Thomas Barakat: Yes. That's the one. That, I think, would have been a very logical thing to include in this, because we're talking about prevention, right? So why not prevent it before it even occurs, rather than just have to report it after the fact? So that's definitely one thing.

But in terms of the very specific things, we're looking for a safe systems approach. It's comprehensive. To even just say it's one specific thing I think would be doing it injustice. I think it's an approach that you're going to take to road safety that every death or every serious injury on our roads is preventable. It's not that it's just a cost of doing business: "Okay, this number of people are going to get hurt or injured." It's that we actually can prevent them. We just have to choose to do that.

Ms. Jennifer K. French: Thank you, and I think, actually, to Ruth's point earlier about accident versus collision, and I think it's being mindful of that.

Chair, how much time do I have?

The Chair (Ms. Goldie Ghamari): You have two minutes and 20 seconds.

Ms. Jennifer K. French: Oh, man, that's awesome. I was going to save Ruth till the third part, but I'll start now. And thank you, Ruth. I want to say that OBIA locally is an organization that our office, the community office, connects with on a regular basis, as I'm sure many of the MPPs' offices do, as we're supporting community members with specific needs. I appreciated your story of Steve and hearing—not hearing the awful situation, but recognizing that things can change on a dime, and a longer conversation is needed about the services required in communities to support those individuals.

I was wondering if you were familiar with—you've already talked about MPP Bell's bill, Bill 62; we'll be bringing forward amendments. With Bill 122, which is the Fairness for Road Users Act—I'm wondering if you're familiar with that. It's about penalties, the penalty structure for—in a case like Steve's, with an improper turn, the family is often left with a \$500 fine or something that's—

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Jennifer K. French: —not commensurate with the loss or the injury. Is that something you're familiar with, or do you see value in maybe incorporating something like that in a bill that is talking about safety and fairness on the roads?

Ms. Ruth Wilcock: Yes, I'm absolutely in support of that. I don't think that injuries on roads have been taken as seriously as they should be. There are pieces too, I think, around maybe even victim impact statements for those who have been in an incident like that so that maybe they will think the next time—they've got their licence back now or whatever—that they have actually destroyed somebody's life or a family's life. So, yes, we would be supportive of that as well.

Ms. Jennifer K. French: Thank you very much. That is such an important piece, that a proper vulnerable road users' act is the impact piece.

I think I'm out of time, but we've got a second round. So I'll [*inaudible*] you all again.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to the independent member for four and a half minutes. MPP Schreiner, you may begin.

Mr. Mike Schreiner: Thanks to all three organizations for presenting today. I just want to say thanks for always coming to Queen's Park and sharing your views and being a resource that those of us in the Legislature can turn to for information, support, ideas etc.

Ruth, I will say that back in the days when people could still come into my constituency office, OBIA's local chapter members would fill up my board room, and we've had a lot of good conversation. So maybe I'll direct my first question to you and follow up on the previous question.

I know when we had hearings on Bill 107 and I brought forward a number of amendments, we had a number of vulnerable road users come in and, in a sense, almost give the committee impact statements that were incredibly powerful. So I'm just wondering, from your organization's perspective, why would it be important to have a more expansive vulnerable road users' perspective or legislation in place to make our roads safer and to protect vulnerable road users.

Ms. Ruth Wilcock: Sorry, the question is—

Mr. Mike Schreiner: From your organization's perspective, would it be beneficial to have a more expansive set of protections for vulnerable road users than we currently have?

Ms. Ruth Wilcock: Yes, absolutely, because, as I mentioned, over 50% of people who sustain brain injuries themselves, it's motor vehicle incidents that they occur with. If you look at the word even, "vulnerable"—you are a person, or a person on a bike, against a how-many-tonne vehicle. I do think that there definitely can be a lot more safety measures put in, and I'm going to go back to awareness campaigns around that so that drivers become aware of the vulnerable users that are on the road. Make sure when you're making a right turn on a red light that there isn't somebody walking across.

I truly believe in awareness and prevention, because at the end of the day, we would love to be out of business. I don't think that will ever happen, but we would love to be out of business in the sense that there aren't any more brain injuries. That's not going to happen, but if we can prevent serious injury—and often these incidents, and I keep driving it home, do result in brain injuries. Sometimes brain injuries go undiagnosed, and this is where a lot of people who we support—they were in an incident as a vulnerable road user, never were diagnosed. They got their broken leg fixed, and 10 years later, they're not back to work. They don't know what's wrong with them. There can be a lot of repercussions down the road that are not just related to the physical injuries of one—and so, absolutely anything we can do to further protect people on the roads so that we can feel safe to go out and cycle and walk and drive and do all those things.

1340

Mr. Mike Schreiner: And how important would it be to—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Mike Schreiner: This bill deals with stunt driving, aggressive driving, racing—all important. I absolutely think we need to be addressing those, but there are other violations of the highway safety traffic act that lead to injury or death. How important do you think it is to increase penalties for those types of violations?

Ms. Ruth Wilcock: I think it's really important, because I do think that we have to have enough of a deterrent that somebody thinks twice about what they're doing. If it's a slap on the wrist, what does it really matter? If they happen to injure somebody, it matters a whole lot. So, absolutely, anything we can do for deterrence, we definitely are for that.

Mr. Mike Schreiner: Great. I see OGRA shaking your head "yes." Would you see that as a part of a Vision Zero plan?

Mr. Thomas Barakat: Yes, I think, for sure. But I would just add that enforcement is key, because deterrence—

The Chair (Ms. Goldie Ghamari): Sorry. That's all the time that we have for this round.

Mr. Mike Schreiner: We'll get you next round.

The Chair (Ms. Goldie Ghamari): Yes, next round. Thank you.

We'll now turn back to the government for seven and a half minutes. MPP Crawford, you may begin.

Mr. Stephen Crawford: Thank you to all three groups for presenting today. We definitely appreciate you taking the time on this Friday. You all have some good ideas.

I have questions for each of you, and I guess I'll start off with the good roads association. Certainly, Vision Zero, I'm 100% on board with that. I just see it so often and have seen so many unfortunate circumstances, lives changed. I can't imagine how many people around the province of Ontario have been affected in such a negative way from such a preventable accident. We've got to do more. I hope this legislation is one little piece in the puzzle to get us to safer roads.

But with that, you mentioned the automated speed enforcement and that it should be, in your view, on all the municipal roads. I'm wondering if you could just talk a little bit more about what that is and why you think it should be on municipal roads and how that would be facilitated.

Mr. Thomas Barakat: Of course. MPP, through you Chair, I'm glad to hear that you're enthusiastic about this. I, myself, am an Oakville civilian here. I'm at the corner of Kerr and Speers, so I am not just an advocate; I live this experience every time I try to cross that intersection there.

But to go to what you're asking here, essentially, right now, to use automated speed enforcement, you have to declare a road or an area—it either has to be a community safety zone or it has to be a school zone. Now, you can't go around declaring every single neighbourhood or every single street as a community safety zone. Otherwise, it kind of loses its value. It's just not possible. What we want to see or what we're being told from our members that needs to be done is to allow it so that municipalities, such as Oakville, can determine which are the most high-risk streets, where there are the most aggressive drivers, the most speed racing, where there's the most speeding in general. If they're able to do that and determine it themselves—

The Chair (Ms. Goldie Ghamari): I'm just going to pause for a moment here. My apologies. I'm getting some feedback noise. Those members who are not currently asking questions, could you please mute your microphones so that we don't have any feedback? Thank you.

All right, we'll now continue. I'll resume the time. My apologies.

Mr. Thomas Barakat: Sorry. I guess, for us, it's to empower municipalities to make the decisions that they know to be best in their communities. That's what our—

Mr. Stephen Crawford: And what would be an example of an automated speed enforcement? Could you give the committee an example?

Mr. Thomas Barakat: Yes. It's like a speed camera, essentially. Right now, a lot of them are set up around schools and there has to be a sign that says, "There's a speed camera here," essentially, so people know that and so they know, "Okay, I can't speed in this area." We hope that they don't speed in any areas, but what we've seen is that, essentially, once somebody gets it the first time, they know and they say, "Okay, I'm not speeding down that road anymore." We want to see more of that, essentially.

Mr. Stephen Crawford: Yes, people seem to pay attention to it and they're more aware, right?

That gets me to my second question, to Ruth from the brain injury institute, and thank you for the great work your organization does. I've been a supporter of your organization, having been affected by it through family members. Thank you for the good work you do. It's interesting, when you talk about "collision" replacing "accident."

I know you touched on—you had a little bit of time to talk a little bit about awareness needed, and MPP Thanigasalam asked you about that, but maybe you didn't have enough time. In terms of awareness, I think that is critical. What more can we do? You mentioned maybe bigger signs or wording on the back of streetcars for cameras. But you're right that a lot of people, not even just from out of province but from communities like mine in Oakville or Brantford or Hamilton, are not used to streetcars. I think there are a lot of people affected by that. What more can we do to raise awareness around this issue to prevent these types of accidents?

Ms. Ruth Wilcock: It's interesting, because I was on a committee about this, and we were talking about it and somebody mentioned, "Is it possible to have something from streetcars that actually comes down so that vehicles can't go past that?" And I know it always comes down to, "Well, that's an expense." But I go to, "What is the expense, and not just, of course, cost of life?" We know that, but the expense of somebody being hospitalized is probably going to be far more than if you actually put some barrier there or something that was a visual cue to people.

Because if you're driving down the road and you see the streetcar, you're not necessarily looking at what the back of the streetcar is saying, but if there was some visual cue or light that somehow takes the driver's attention to that streetcar to go right, as there could be people coming off the streetcar. I'm not saying we have to do that specific thing, but are there practical things that we can do to alert the driver's attention so that they don't end up striking a rider.

Mr. Stephen Crawford: Yes. I'm wondering, are you aware of anywhere in the world where they do that, something like that? Because streetcars are not that prevalent in Canada, but certainly in Europe, they're much more prevalent. I don't know; I've never seen it. But is it? Do you know?

Ms. Ruth Wilcock: I'm not sure. And I think that that's something that it would be worth investigating. I think it would be something to do a study on: Who has the lowest rates of striking ridership and why do they have those lowest rates? I think that could certainly be a good study that actually changes behaviour. I'm not for "study for studies;" I'm for "studies that would actually change and save peoples' lives."

Mr. Stephen Crawford: I think you're right. I'd be interested as well to see the statistics—I'm sure maybe the ministry has them—on how many people are affected, for example, in Toronto by this situation. I'd be interested to see that.

With the remaining time, I'd like to now move to the IBC with a couple of questions with regards to the towing industry. Chair, how much time do I have left?

The Chair (Ms. Goldie Ghamari): You have one minute.

Mr. Stephen Crawford: Okay. I'll be quick. Any suggestions for making the towing legislation more effective? And I'm just wondering how you perceive that consumers and drivers will benefit from this aspect of legislation.

Mr. Arthur Lofsky: I'd like to ask Pete to answer that.

Mr. Pete Karageorgos: Thank you. I think consumers and drivers will benefit if they're able to control their vehicles. There are quite a lot of the expensive games that get played. People who may lose their vehicle and not know where it is after it's towed are losing their second-most expensive asset, behind their home. So this has caused stress.

We've had situations of a mother who had just completed grocery shopping. She was involved in a collision. Her vehicle was towed; she didn't know where. The groceries remained in her car for over two weeks because of the games that get played.

So if we can eliminate that, it would be so much so the better. And we look forward to participating as part of the technical advisory group that's going to work through the regulations to help improve the system for all drivers.

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes this round of questions.

Before we continue to the official opposition, I just wanted to confirm, MPP Bourgouin, that you are MPP Bourgouin and you are present in Ontario.

1350

Mr. Guy Bourgouin: Okay, can you hear me now?

The Chair (Ms. Goldie Ghamari): Yes.

Mr. Guy Bourgouin: Okay. Yes, I'm MPP Bourgouin, and I'm in Kapuskasing, Ontario.

The Chair (Ms. Goldie Ghamari): Thank you. MPP Glover, can you please confirm that you are present and in Ontario?

Mr. Chris Glover: Yes. I'm MPP Glover, and I'm in Ontario. Just so you know, Madam Chair, we don't control our own microphones. It's controlled by the staff there.

The Chair (Ms. Goldie Ghamari): Okay. Can we then, perhaps, make sure that when it is a particular round of questions for whichever group, we give them full control of their microphones for that round? Can we do

that? Okay. Thank you. I was not aware of that. I think that that might make it a bit easier for all members.

So I guess, at this point, then, we'll have the official opposition—well, actually, in the past, we've always just had members be in control of—

Interjection.

The Chair (Ms. Goldie Ghamari): In general government, we did. No? Okay. All right. So that's what we'll do, then. I think, for this round, all members of the official opposition should be able to control their mikes for the next seven and a half minutes.

With that, we'll now begin. Who would like to speak? MPP Glover, you may begin. You have seven and a half minutes.

Mr. Chris Glover: Okay, thank you very much, and I want to thank all of the presenters for being here. Every one of you is making really good points. So Arthur and Thomas and Pete and Ruth, thank you so much.

I want to focus on questions to both—and Arthur and Pete, I absolutely hear you. I was in an accident. My car got towed and it was a scary situation. We keep hearing about the shootings and the fires and everything else. It looks like the car accident is an industry that's just in the grips of crime, and we need to get that out of it. Whatever else needs to be added to this bill, please send it to our offices so that we can advocate for that.

I want to address my questions to Thomas and Ruth, especially around the issue of doorings. I was doored in 2018. At the time, I was a member of the Toronto Board of Health and I brought forward a motion to address doorings. What happened for me was, I was riding on Bloor Street. A car went by, stopped three feet out from the curb, and a passenger got out of the back door. It was a rideshare vehicle. And if they had timed it to get me, they couldn't have timed it more carefully, right? There was just no way I was going to avoid that accident.

I brought forward a motion to the infrastructure committee at the city of Toronto, and I asked for three things, and one is in this bill. The one is to restore doorings as “accidents,” because they have been downgraded to “incidents.” That was something that came up in that accident, because the police didn't know how to report it. There's no incident report form; there's only an accident report form.

The other thing that I asked for and that's not in this bill is that the HTA be changed so that drivers are at least partially responsible when passengers door a cyclist. Because in that accident scene, the driver was not at all responsible even though they had stopped three feet out from the curb after just passing a bicycle to get their passenger out. At least that's what I was told at the time.

The other thing that we asked for is driver education around the Dutch reach, around doorings, just to raise awareness of how common these things are and to increase public perception or awareness of this. Would you be supportive or have you considered a change to the HTA that would split the responsibilities, particularly for rideshare vehicles, between the passenger and the driver?

Mr. Thomas Barakat: First off, I'm sorry to hear about your incident back in 2018. To be perfectly honest

with you, it's not something that we've considered putting forward, mostly because, I think, the fact that it wasn't even being tracked in the first place was a pretty big deal, and also I think we were focusing on what we could do to kind of stop it from happening, the prevention side of things, which I've already kind of alluded to.

But perhaps something we can talk about here is, when we're talking about tracking it, maybe not just even locations—I think Ruth alluded to that—where it happens. But maybe it's something that—is it the passenger or is it the driver? Because maybe, in a lot more cases than we know, it is a passenger. I think knowing that can help inform any sort of education campaign or even future amendment to any sort of legislation in the future.

Mr. Chris Glover: Ruth, did you want to respond as well?

Ms. Ruth Wilcock: Yes. I concur with Thomas's remarks. I think making both the driver and passenger accountable—because the driver has the rear-view mirror that he or she can look in. As well, they are the ones who have their eyes on the road, we hope. The passenger in the back may have been looking at their phone. Again, we all come back to, what can we do to make people safe? If we have both accountable and responsible, then I think we have twice the chance of preventing something like what unfortunately happened to you, MPP Glover.

Mr. Chris Glover: One more quick question, and then I want to give time for my colleague Jennifer French to ask more questions. There was a doubling of dooring incidents between 2014 and 2018 in the city of Toronto. That was the time when rideshares were becoming more popular. Part of the tracking that you're asking for—I know I asked this of Thomas—would it be for rideshares as well? How many dooring incidents involve rideshares? I'll just ask you to answer quickly and then I'll pass it over to MPP French.

Mr. Thomas Barakat: Yes, we would be supportive of that. I think the more data that we have, it just enables us to be able to prevent these things from happening in the first place.

Ms. Jennifer K. French: Okay, I have a quick question, then. My question is to the insurance folks. I got an interesting letter from someone about this bill pointing out that there are so many suspended drivers on the road, probably more than any of us are aware of or would want to be aware of, which also means uninsured drivers. Is there something that can be done with the people who are driving cars that have been lent to them or given to them, that have allowed them to drive, that are uninsured? The people who allow their vehicles to be used by uninsured, unlicensed drivers, I know MTO keeps tabs on that. They track that. Is there something from the insurance industry perspective that you would like to see where that's concerned?

Mr. Arthur Lofsky: Pete's our pro on this one.

Mr. Pete Karageorgos: Good question. Actually, a lot of the issues that have been raised with respect to transferring of ownership is an issue that perhaps MTO should be looking at in greater detail, because when you purchase or

provide a vehicle to someone else, the person who is accepting the vehicle should be the one who is registering it. But many times, if they don't have insurance, they're not doing it. So the person who actually has sold them the vehicle, or has provided them the vehicle, is still on record. I think we need to look at toughening up the requirements for anyone who, as they take possession of the vehicle, is obligated to register it in their name, requiring them to provide insurance information as well.

That has been a concern that we're seeing and heard—and also in our conversations with the towing industry. They have concern because when they get called out to pick up some of these clunkers at the side of the road, they're contacting the previous owner two or three times ago because the ownership hasn't changed. That's something that needs to be addressed.

Ms. Jennifer K. French: Chair, I'm not allowed to unmute myself. If you're playing favourites and picking Chris, I'll remember that.

The Chair (Ms. Goldie Ghamari): No, it's not me.

Ms. Jennifer K. French: I know.

The Chair (Ms. Goldie Ghamari): There's 20 seconds left.

Ms. Jennifer K. French: Okay. That was fascinating. I'd like to have a better understanding of that, but specifically, if we're going to pull people over for stunt driving and suspend their licences, but they're just borrowing someone else's car, is there something that can be done there? And if you have specific recommendations or thoughts—

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time we have for this round.

We'll now turn to the independent Green Party member for four and a half minutes. MPP Schreiner, you may begin.

Mr. Mike Schreiner: Thomas, I think our conversation was cut off in the first round. Before I ask you to elaborate on that question, I did ask the minister yesterday for data on collisions involving a variety of Highway Traffic Act violations. She said she would endeavour to get that to us, so hopefully MTO has that kind of data, because I think it would be very useful for policy-making.

We were talking a bit about enforcement and the importance of enforcement for other Highway Traffic Act violations when it comes to the effects on vulnerable road users. You were cut off, so I was hoping maybe you can finish answering that question or take it in the direction you were intending to take it.

Mr. Thomas Barakat: Yes, of course. I was talking about—I think; it feels like a long time ago now.

1400

Mr. Mike Schreiner: It does.

Mr. Thomas Barakat: Yes. I believe I was referring to if we're going to add all these penalties, you have to have some sort of enforcement. Otherwise, the deterrence factor—and I think—yes, this is what we talked about. We were talking about deterrence and raising the fines and whatnot. People in this mindset who are like, "I'm going to race or I'm going to do something really stupid with my

vehicle," they're banking on not getting caught. I think that's a fact. You can raise the fines and do all that stuff, which is good, but it's already not deterring these people. They know there is a fine, so they might go and speed down that road. You might think, "Okay, maybe it's just going to happen on the highway." It happens on municipal roads as well. I hear stuff during the night sometimes here and I wonder, "Who the heck is doing that in the middle of the night?" But you never know who is going to be crossing those streets.

Now, like I said and alluded to earlier, I work with OGRA, but I also know a lot of these things from personal experience. I'm a pedestrian, I'm a cyclist, and the amount of near-misses I have in certain—and you know where the hot spot intersections or the hot spot areas are. You can't put a cop on every corner at all times of the day to monitor that stuff. So if we can up the enforcement level, then we can protect vulnerable road users.

Mr. Mike Schreiner: I'm assuming that's one of the reasons you're advocating for more camera-type, automated enforcement.

Mr. Thomas Barakat: Yes. We're advocating for that, but we're also advocating so that it can be used through the administrative monetary penalties and not through the Provincial Offences Act.

Mr. Mike Schreiner: Right. Okay. I know OGRA had said that this bill is an important first step, but I'm assuming there are other steps that need to be taken. Are there some steps you'd like to see in this bill that would move us closer to Vision Zero?

Mr. Thomas Barakat: Well, we'd like to see a commitment to Vision Zero. We've seen other jurisdictions around the world actually commit—actually, not even around the world; in Canada. Other provinces have safe systems or Vision Zero plans that they use to help enable their municipalities achieve that and to have something that's comprehensive throughout the entire province, not just piecemeal, ad hoc-type things that are different everywhere you go. We want to see that. We've been asking for MTO to strike a committee, bring a bunch of experts together and let's help make this happen.

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Mike Schreiner: As one of the co-chairs of the all-party cycling caucus, maybe that's something we can take up and get all parties working on it. I appreciate that.

Quickly, before I run out of time, to the IBC folks—I think MPP French had mentioned this as well. If you could keep us looped in on what you'd like to see in the regulations. I think it's important to have all voices in the Legislature having a voice and participating in that process. It would be certainly appreciated.

Mr. Arthur Lofsky: Certainly—understood. Just to let you know, it's been a fairly good process since the summer. There was a towing task force. We participated. All the stakeholders—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes all the time that we have for this round. At this point, I'd like to thank our presenters for joining us. You are now released.

MR. JOHN CREELMAN
 FRIENDS AND FAMILIES
 FOR SAFE STREETS
 ONTARIO SAFETY LEAGUE

The Chair (Ms. Goldie Ghamari): We'll now turn to our next set of presenters. Each presenter will have seven minutes for their presentation, followed by a round of questions. For this round, we will begin with John Creelman. Please state your name for the record, and then you may begin. You will have seven minutes. Thank you.

Mr. John Creelman: Thank you, Chair Ghamari and members of the committee. My name is John Creelman. While I'm here in my personal capacity, I am deputy mayor of the town of Mono in Dufferin county, a member of our police services board and a retired justice of the peace with 15 years' experience. This background and experience informs my understanding and analysis of Bill 282.

Permit me to say, first, this bill has many positive features, including an increased licence suspension period, longer vehicle impoundment and escalating penalties for repeat convictions for stunt speeding. Additionally, regulation of the towing industry is long overdue and I hope it will mandate local impoundment of vehicles and a reasonable tariff schedule for towing and impoundment.

What makes little sense, however, is the proposed lower speed threshold for stunt speeding, a reduction from the current 50 kilometres per hour to 40 kilometres per hour but only where the posted speed limit is less than 80 kilometres per hour. Members of the committee, that essentially excludes the 400-series highways and most of rural Ontario, where the predominant speed limit is 80 kilometres per hour and where egregious speeding has become epidemic and is just as dangerous as it is in urbanized areas.

The minister's own remarks during second reading debate undercut the logic of excluding every road in Ontario with a posted speed limit of 80 kilometres or greater from a lower stunt threshold. She stated, "In communities across the province, police are catching drivers who seem to think that the province's roads and highways are their personal racetrack"—so very true. But then the minister cites examples of stunt speeding on provincial highways—for example, on the 401 at Napanee in March of last year, somebody caught travelling more than 200 kilometres per hour; another person apprehended speeding on the QEW 200 kilometres per hour over the limit.

These examples are just the tip of the iceberg. For example, in 2019, there were 241 stunt speeding charges in Dufferin county, where I live. In 2020, that number increased by 40%, to 338. So far this year, 84 charges have been laid by the OPP in Dufferin, and we aren't even yet in the peak speeding season. Probably well over 95% of these charges are laid in posted 80-kilometre-per-hour zones on relatively narrow two-lane roads, not always paved, with curves and challenging topography. I invite the committee to go behind the number of charges to see where stunt speeding offences are actually taking place.

While I welcome the increase in the length of licence suspension and vehicle impoundment, I've witnessed time and time again in court the reaction of those convicted of stunt speeding, especially young persons. Many don't care, even if it was somebody else's vehicle that got impounded. The fine range, inexplicably untouched by this legislation, is viewed as the price of a good adrenaline rush. The possible post-conviction increase of insurance premiums or outright cancellation of insurance is much more consequential.

Many municipalities in Ontario would love to deploy automated speed enforcement technology, ASE, to catch speeders, but are prevented from doing so by provincial regulations that limit the use of this tool to community safety zones and roadways where the posted speed limit is less than 80 kilometres per hour. One of the previous presenters today referred to this issue. I have spoken personally with the Minister of Transportation about this, and Mono has sent at least two letters imploring the province to let municipalities have the option of ASE without strings attached. To date, our pleas have fallen on deaf ears.

There is a theme here: one set of rules for Toronto and other urban areas while there's another lesser standard for the rest of the Ontario. This is wrong.

Many municipalities have also lobbied the province to increase fines for basic speeding, something not done for almost 30 years. The town of Mono sent a letter about this to the Chief Justice of the Ontario Court of Justice, who notionally sets POA fines, as well as several letters to the Minister of Transportation. While the Chief Justice referred us back to the minister, we have yet to hear any response.

The reticence to address fine levels suggests a confusion between a penalty for bad behaviour and the misguided belief that fines are somehow taxes. Fines are not taxes, and yes, they should be increased as a matter of good public policy and deterrence. Municipalities should not be forced to reduce speed limits or torture the original purpose of community safety zones in order to utilize ASE or implement a lower threshold for stunt speeding.

I would strongly suggest that the province take a holistic approach to road safety that addresses where stunt speeding is actually occurring, as well as to allow the municipalities to deploy ASE without encumbrances and finally increase speed limits from their 1980s levels.

1410

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. John Creelman: Thank you very much for the opportunity to present today. I'd be pleased to answer any questions.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to our next presenter, Friends and Families for Safe Streets. Please state your name for the record, and then you may begin. You will have seven minutes.

Ms. Jessica Spieker: Thank you. My name is Jessica Spieker, and I'm co-chair and a spokesperson for Friends and Families for Safe Streets. Friends and Families for

Safe Streets is a group of people whose loved ones were suddenly, senselessly and violently killed by drivers in a collision on Ontario's deadly streets, or people like me who survived a crash with severe injuries. Our survivors and the loved ones that we lost were all vulnerable road users, which is to say, someone using the street who is outside of a motor vehicle.

Ms. Heather Sim: Hi, I think I'm on mute.

Ms. Jessica Spieker: You're good.

Ms. Heather Sim: Oh, okay, perfect. Thank you. I'm Heather. I'm the daughter of Gary Sim. On June 30, 2017, my dad was riding his bike home from running errands. His bike was the preferred mode of transportation for him in the city. He was riding straight past a plaza when a driver in a van drove up behind him, passed him and turned right into him. He spent two days on life support before he died.

Ms. Jessica Spieker: In 2015, I was riding my bike to work in a straight line on a bright morning with the right of way when an oncoming driver made a left turn and slammed her large SUV into me. When she struck me, she broke my spine, she inflicted a brain injury and she did such extensive damage to the side of my body that she hit that I developed a large blood clot in my leg. Later, a piece of that blood clot broke off, chewed through my heart and landed across both lobes of my lungs. In effect, her actions nearly killed me twice.

Ms. Heather Sim: We are the ones who have paid the ultimate price for inaction on road safety. All of the trauma we have experienced was completely preventable, whether through better street or vehicle design, or better laws and policy. We now pour our pain into purpose, working to make sure no other Ontarians experience the never-ending pain, grief and devastation that we have.

Ms. Jessica Spieker: We commend the Minister of Transportation and her staff for Bill 282, the MOMS Act. Every step to save lives on our streets and deter reckless and dangerous driving is deeply appreciated. This government is making a significant stride to protect the lives of vulnerable road users by making it safer to get on and off streetcars, and to make a data-driven approach to ending dooring collisions possible by tracking doorings as actual collisions.

Ms. Heather Sim: We think this bill can be even better and protect the lives of Ontarians even more. We ask you to add the contents of Bill 62, the Protecting Vulnerable Road Users Act, which is a bill currently tabled before the Legislature. This proposed amendment to the Highway Traffic Act adds meaningful penalties for reckless drivers who severely injure or kill pedestrians and cyclists.

No matter the traffic infraction the driver is charged with, it would immediately suspend the licence of an at-fault driver who just demonstrated they're a lethal or near-lethal menace on our streets until such a time as they complete remedial driving education to prove they can safely drive. It would require these drivers to attend traffic court, because, too often, devastated families and victims read their gut-wrenching victim impact statements to an empty chair or an indifferent lawyer. It would also require

these drivers to complete community service related to road safety, to drive home the unjust, grave, life-wrecking consequences of their choices and actions.

For my dad's case, the driver was charged with turn not in safety. He was found guilty and given the maximum fine of \$500 and two demerit points. There was no licence suspension. At sentencing, the judge called a recess to determine if she could increase the fine as she felt this was not sufficient, but unfortunately, her hands were tied by the Highway Traffic Act. My dad's life was worth so much more than \$500.

Ms. Jessica Spieker: The driver who slammed her SUV into me was originally charged with turn not in safety, but she successfully pled her charge down, as so many drivers do, to mere improper use of a turn signal. She ultimately paid a \$300 fine, got no demerit points off her licence, and was able to continue driving, uninterrupted, despite obviously being very bad at driving. She didn't have to take any remedial education. Nothing in her life changed, and everything in my life changed.

And this week in Toronto we have another heart-breaking example of this loophole, with a five-year-old boy who was killed on Tuesday, just for going across the street, by a driver making a right-hand turn on a red light. That driver is also not going to—her life will not change, and this family has been shattered forever. You could fix this gap today by adding the contents of Bill 62 to the MOMS Act.

While you're making changes to the Highway Traffic Act, we also ask you to make a simple language change, which is to replace each instance of the word "accident" with the word "collision" instead. The terrible, violent and unjust crashes that happened to our members or killed loved ones were never accidents. They were the predictable results of choices: the choice to drive recklessly; the choice to speed; the choice to drive distracted; the choice not to look before making a turn; the systemic choice to design our streets for high motor vehicle speeds instead of safety for everyone; and the systemic choice to build ever-bigger, ever-heavier vehicles with incredibly poor sight-lines and sell them in Canada.

Ms. Heather Sim: The word "accident" implies an event was minor, not traumatic, and unavoidable. It implies the event could not have been predicted or prevented in any way. The word "accident" hides the massive human cost of pain, trauma and grief inflicted on victims like us. The word "accident" minimizes and dismisses our suffering: the loss of our parents, our spouses and children, the life-ruining destruction of our own health. These were not minor oopsies. Road violence is not just an oopsy. Blood spilled on asphalt is not the same as spilled milk.

Ms. Jessica Spieker: The Highway Traffic Act simultaneously tries to define and punish dangerous behaviour—

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Jessica Spieker: —but while also simultaneously using a word that excuses that exact dangerous behaviour as a minor, unavoidable oopsy, and that is absurd on the face of it. So we're asking you to replace the word "accident" with "collision."

Regarding the e-bike legislation in this bill, we appreciate the effort to provide clarity on definitions, but we're concerned with some of the language in the act as proposed. There will be many other speakers with much more expertise than us, such as the folks from Our Greenway and Curbside Cycle, and we support their suggestions for changes to the language. It's very important to get this right, because e-bikes are an environmentally friendly, much safer alternative to a car, and their use should be encouraged as widely as possible.

Ms. Heather Sim: If our loved ones, like my dad, had been involved in a collision with an e-bike instead of a motor vehicle, he would likely still be alive, or the collision would not have happened at all, because bikes are lighter, more nimble vehicles and their operators have 360-degree sight lines. Every car trip being replaced with active transportation is a boon to road safety and a goal every level of government should strive for.

The Chair (Ms. Goldie Ghamari): Thank you very much for your presentation. We'll now turn to our next presenter, Brian Patterson. Please state your name for the record, and then you may begin. You will have seven minutes.

Mr. Brian Patterson: It's Brian Patterson. I'm the president and CEO of the Ontario Safety League. The Ontario Safety League, as many committee members will know, has been involved in road safety in this province since 1913. I, myself, have been the CEO for 17 years. I think we bring a balanced, fair and apolitical point to road safety in this province.

Much of what is in Bill 282 we have fought for and advocated for at least the last 10 years. I like to call it extreme driving. You can replace the words "stunt driving" when I say that, because I don't think it is stunt driving. I think it allows it to be seen as something that is cool and exciting and might get you on the news or get you a YouTube video. The reality is, all of the issues that are covered under that legislation deal directly with extremely reckless behaviour that places all road users on the road at any given time—day or night, no matter whether it's a big municipality or a small town—at risk. So I look forward to the amending of the title by the summer, as soon as the various lawyers and others can work that out.

I accept that the extensions are going in the right direction. We deal with people that have been suspended and had their vehicles impounded, and it has had a significant impact on those for whom empathy is part of who they are. It, of course, has no impact on those who feel entitled to drive fast and drive furiously and pay whatever fine or insurance is up.

I would ask the committee members to look at some adjustments to wording. For example, the multiple offender provisions, which allow for an escalation of the penalties, are not in effect often, because, as other speakers may have told you, they don't get multiple convictions because they don't get convicted of the actual offence at the beginning. Others will tell you that careless driving is not impaired driving. It's of benefit to clear the court register in some jurisdictions, and taking someone who is going

169 kilometres an hour on a holiday weekend across the 400-series highway, that is not speeding in its intent and resulting in simply an offence.

1420

You will hear from other speakers, and we agree, remedial driving training is critical for many of these individuals. At the end of the day, 50% of Ontarians don't take any driver training before they get their licence. And many corporations that conduct training for their drivers soon find that often there is a complete misunderstanding of what's happening.

So, I would suggest that, right now, we can send someone to alternative resolution and take training under Criminal Code-level offences, but not under provincial offences or the Highway Traffic Act. I ask that the committee consider that in their work.

The towing changes are strong. Like many, I've sat on those committees for a very, very long time. I think we had almost 60 days when we were dealing with those. I think they've been reasonably well-captured in the legislation. The regulatory body and how it's going to undertake its work is of concern to the municipalities that we deal with, but I think that we can continue to work in that direction.

The streetcar legislation: We've been actively promoting that for about six years. It makes complete sense that we have the technology today that clearly confirms where the streetcar is and that the doors were open, and that a vehicle passed placing individuals at risk. At no point would it require the driver to attend court and provide sworn testimony, nor would it make that obligation on the driver for the municipality, so kudos there.

I want to finish on the e-bike issue. At the end of the day, we would like the committee to consider the following: We would like bike helmets, not just on e-bike riders but on all riders in the province of the Ontario. It took 25 years to get clear language that all people in a vehicle have to have a seat belt on. I would ask that that come into play.

The other issue that we struggle with on call-in shows etc. is why would these individuals not carry insurance in the event that they're in one of these collisions? We've reached out, you may have heard already, from the insurance industry. We believe that when you've got a vehicle that can go 30 or 35 kilometres per hour, at the weight and—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Brian Patterson: —that that can cause significant damage and injury. We've seen that already. So we'll reduce concussions with helmets, but we can certainly have a financial way to recover for some who are involved in collisions involving e-bikes as it currently stands now.

The Chair (Ms. Goldie Ghamari): Thank you very much. Before we continue, MPP Miller, can you please confirm that you are present and that you are in Ontario?

Mr. Norman Miller: Yes, Norm Miller, MPP, and I'm in Parry Sound.

The Chair (Ms. Goldie Ghamari): Thank you very much.

This round of questions will begin with the independent Green Party member. MPP Schreiner, you may begin. You have four and a half minutes.

Mr. Mike Schreiner: Thanks to all three presenters for coming in and providing such valuable information. I especially want to thank Heather and Jessica for having the courage to tell your stories. Heather, I'm sorry about your loss.

It actually hit pretty personally because I was on a Father's Day ride, I think it was 2015, and had the exact same incident that you described that happened to your father. It happened to me. I'm an avid cyclist. The driver didn't even stop. It really hit me because I could see the horror in the looks of the other drivers who did stop and assist me. Luckily, it was mostly surface injuries in my case.

But I think both of you have just highlighted the importance of having proper penalties in place and enforcement in place for vulnerable road users.

I'm a supporter of Bill 62. I thought maybe I'd give you an opportunity to talk a bit, from your perspective, about why it's so important to expand the number of violations to the Highway Traffic Act that would have increased enforcement and what that would do for vulnerable road users and road safety.

Ms. Heather Sim: I can talk to that. In our case, for example, right now, you have to have a dangerous driving charge to have additional charges. With our case, that just wasn't going to be used because we were told that the bar is set so high for that that they rarely charge it, and when they do charge it, it's rare that they can actually keep it going in court. They usually get found not guilty of that. So right now, with our case, it was a turn not in safety, because they knew that they definitely could charge that, they could prove that and he would be found guilty of that. If they were to up it to the dangerous driving charge, there was the risk of him walking with absolutely no charges. But to add to that, he drove away from the scene of the crash, and he always drove. There was never even a licence suspension in his case.

Ms. Jessica Spieker: For me, this is a three-pronged thing. First is the justice for victims. The fact that Gary Sim's life was officially deemed to be worth \$500 is a disgusting insult, and that the value of my health and my future was \$300 hurts me every single day. So justice for victims is one.

Number two is deterrence of these drivers, so that when you're driving recklessly near vulnerable road users, you know that if you do something, your life is going to change. It's not a matter of an insignificant fine; your licence is suspended and you have to go back to driver training and you have to appear in court to face the family. These are just very, very, very important things.

Number three is that these drivers need to be retrained. They are obviously very dangerously bad at driving, and to continue unleashing them on Ontario's streets without fixing that is not acceptable, I don't think. They need to go back to driving school to prove that they can operate a motor vehicle safely again before they're entrusted with their driver's licence back.

Mr. Mike Schreiner: And so, if I hear both—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Mike Schreiner: Thank you, Chair. If I hear both of you, you're generally supportive of the MOMS Act but think it can be improved. Hopefully, I think we're going to talk about e-bikes a little bit later today with some of the other presenters, so I hear you on that one. But I think what I'm hearing you saying is that this legislation, if we can make improvements to it, is a real opportunity and a real win for road safety. Would that be correct to say?

Ms. Heather Sim: I think so.

Ms. Jessica Spieker: Yes.

Mr. Mike Schreiner: Great, thank you. I'll get to the others in the second round of questioning. I think my time is pretty much up. So thank you.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to the government for this round of questions. MPP Skelly, you may begin.

Ms. Donna Skelly: Good afternoon, everyone, and thank you all for your presentations. I guess I'll start with Brian, but I'd also like all of our other presenters to weigh in on these questions, and it's picking up on what Jessica was just talking about. In Hamilton, we are seeing, as most communities are, more and more dedicated roads for cyclists. But when they first appeared, and being a little long in the tooth, I was years and years and years away from having had my driver's ed instruction. So bicycle lanes were new to me, and I was looking at all these markers etc. and really not comfortable with understanding how we even proceed through an intersection when you're starting to see different paths, different signage etc.

To each and every one of you, two questions, really: One is, how do we educate people who have been driving for years as to new rules and changes just to the way that we live and the way we commute? Then I want to shift a little bit about something Jessica touched on, and that is driver's ed itself.

Maybe, Brian, I'll start with you. Let's start with educating seasoned drivers as to the new reality on our local roadways and our highways. How do we get messaging into the ears and the minds of these drivers?

Mr. Brian Patterson: I think it's twofold. The ability is there. We have a network of driving schools across the province where those retraining opportunities are in place. The difficulty that we've found is that municipalities look at traffic offences as a revenue source, so anything that would cause an incentive to alternative resolution is off the table. I know, for a number of municipalities, the first question they have of the police board is, "What is the revenue next year from traffic offences?" And it leads to problems. I think there's a number of people who—all offences have risk to them, but there are certainly offences that should be triaged so that those that were of relatively low risk and could benefit from education—that we divert those out so that there is time in court for bodily injury, death and significant impaired driving.

1430

I can tell you that I'm frustrated every week when many, many, many charges are thrown out because the

system is overloaded or they've simply got such a deal. If you're going 162 kilometres on 401, you ought not to get a just-speeding, four-demerit-point resolution from the prosecutor, and municipalities are far too focused on those issues that occur in a municipality like running a four-way stop etc. that could be significantly benefited by training.

We train lots of companies whose drivers are in the general pool of Ontario, and I really do think that it ought to be extended to provincial offences. It is for criminal offences, but it also requires some leadership on the part of the Attorney General's office to make sure that real significant offences are—"guaranteed" may be too strong of a word, but if you've killed somebody, you're going to face your day in court. It is not going to be "rag the puck until it just runs out of time."

Ms. Donna Skelly: Jessica, did you want to jump in on that? I'm just curious if you've considered how we re-educate, perhaps, or educate drivers who have been driving on our roads for many, many years and are unfamiliar with but are seeing this change in how we commute.

Ms. Jessica Spieker: I'm going to take this in a bit of a different direction, which is a bit outside of the purview of this bill: If your streets are so confusing to drivers, they are very badly designed. In Toronto, we have painted bike lanes with a dashed line approaching an intersection where you can merge into it, and we have bike lanes with a solid line where you can't merge into it. That's very confusing. We should have a higher design standard that physically protects vulnerable road users. You can see that on streets like Adelaide and Richmond, where we have a knee-height concrete curb up to the intersection. A lot of that confusion could be remedied by engineering, which is the strongest and most key pillar of a good Vision Zero program.

Ms. Donna Skelly: John, did you want to weigh in at all?

Mr. John Creelman: I was just going to support what Brian stated about the state of the court system. I think mandatory training and retraining is necessary. I rarely saw that as part of a sentence in a POA court when I first started in 2003, but it became much more common before my retirement. Sadly, our provincial offence courts are the poor cousins of the judicial system. Much more effort and time have to be put into ensuring, as Brian indicates, that they're dealing with the serious matters and not the trivial matters that could otherwise be dealt with through such things as AMPs and other methods.

Ms. Donna Skelly: Heather, I'm going to ask a separate question I would also like the others to weigh in on, and that is about driver's ed itself and educating people before they get their licence—just your opinion on where you think we should be headed, if there are some significant changes we should be looking at and the requirements that it takes, the criteria that is applied to give someone a licence to drive in Ontario that should be looked at.

Ms. Heather Sim: Well, I don't know if I would say that our curriculum right now is horrible. I think a lot of the people just don't—

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Heather Sim: They pick up their bad habits and they stick with them and they're not checking their blind spots. They're not looking for cyclists. I think it would be more to focus on, "You're sharing the road with other people, and you have to check your blind spot." It's a surprise that, if you want to make a right turn, you check your blind spot; you check what's around you. I don't know if it's our curriculum or if it's just people picking up bad habits, because really, there's no real penalty for making an unsafe right turn. There's no reason not to right now.

Ms. Donna Skelly: Okay. Brian, did you want to weigh in on that?

Mr. Brian Patterson: Just a conflict [*inaudible*], I guess. We've been teaching driver training to instructors in this province since 1957. I think the pandemic has caused an opportunity like never before. The whole system is being looked at from top to bottom. I'd happily invite you to the announcement when we have online driver training. All the technical issues that used to sit in a classroom—

The Chair (Ms. Goldie Ghamari): That's all the time we have for this round. We'll now turn to the official opposition for seven and a half minutes. MPP Bourgoin, you may begin.

Mr. Guy Bourgoin: I want to thank all the presenters. Heather, Jessica, your stories, I can tell you, they touch me. Speaking as a northern MPP, when I moved to Toronto, something I had to relearn and be more aware of was cyclists, I can tell you, because we don't have the traffic, we don't have the movement that you have in cities or Toronto. So it was a huge learning curve for me, and to be more attentive. Trust me, your senses get highlighted.

My question, if you don't mind, would be to John Creelman. John, you mentioned—and I hear it all the time, because, as I said, I'm the MPP for Mushkegowuk–James Bay. I represent a lot of northern communities, rural. You mentioned, and I hear it a lot of times—

Interruption.

Mr. Guy Bourgoin: I apologize. I'll put it on vibrate. I hear a lot of times that there seem to be two standards: for the south and northern Ontario. I want to hear more from you about this, because it's a reality that we hear on speeding and all this stuff. If you could elaborate on that, I'd like you to do that, because I think it would bring the committee members to a reality that sometimes we don't think of.

Mr. John Creelman: Well, reckless driving is reckless driving is reckless driving, whether it occurs in downtown Toronto or whether it occurs in your riding or in my community. I think reducing the trigger for stunt driving from 50 to 40 is a terrific idea, but it should apply everywhere, and I don't see the logic as to why it doesn't, apart from possibly being concerned that we'd be so deluged with charges that we would bring the court system to a grinding halt.

I think we have to have common standards across Ontario, and this is an opportunity to not only increase the impoundment time and the suspension time, but to apply a

standard which I think makes sense, because 40 over the speed limit is significant. Whether it's happening on the 400-series highways or happening on a street in Toronto, to me it makes no difference.

Mr. Guy Bourgouin: And because you mentioned, there is a pilot project happening right now to increase speed in northern Ontario. If you know the roads in northern Ontario, they're not the best, to say the least. Could you give me your input on this? What are your feelings about this, and where do you stand? We're talking about increased speed, and then, on the other hand, we're talking about stunt driving, yet we're looking at putting in pilot projects to increase speed. It's like double messaging here.

Mr. John Creelman: There may be places where an increase in speed is simply facing reality. I think every road has its own challenge, and it has to do with how it's designed and the topography and circumstances. I'm generally not in favour of reducing speed limits just for the sake of reducing speed limits, but I think the notion of reducing the trigger for stunt speeding is a good one and it should apply everywhere. I haven't heard the reasoning why it doesn't.

I am aware of the plans to increase in a small sense—
Failure of sound system.

Mr. Guy Bourgouin: I think we lost—

The Chair (Ms. Goldie Ghamari): Yes, I just paused the time here. MPP Bourgouin, would you like to continue?

Mr. Guy Bourgouin: I'd like to—if Brian of road safety could maybe pitch in on this, before I pass it back to my colleague MPP French.

1440

Mr. Brian Patterson: I can tell you that I've spent a lot of time on Manitoulin Island, and over the last few years, we've put 200 bike helmets on kids in the north because, as you know from the Kap, it's a little bit different, when—it's enough to get a second-hand bike, let alone have the family with both the resources and travel ability to get to the local Canadian Tire or equivalent to put a helmet on.

The issues, when I talk to both Indigenous chiefs and the police chiefs in the north—they clearly indicate that certainly in the summer, cyclists are placed at incredible risk in the north because the roadways are somewhat of a less sturdy standard, if you will; but they're also at risk because people have made it a habit of just recklessly driving on portions of the highway and the roadways in their own communities. So they're putting their friends, families and, in some cases, cottagers—but as one of the newspapers who called me said, the cottage people who race around like loogans in their community are going to be charged, and they like the two weeks because it means they're not going anywhere but their cottage. So the north is part of what we look at, on the speed.

The increase—one test pilot project of 120 was in response to some engineering work. I was happy that the government kept the imposition of extreme driving offence, regardless of whether it's 100 or 120.

I'm happy to tell you that there's a lot of work that goes on in the north, and this online training of drivers is going to make a huge difference to people who can't get it at the one or two locations that are available in their community. So I look forward to—I've got an old friend in the Kap, so getting up there might be a nice opportunity for me to do some social-distanced fishing—not from the fish but from other people.

Mr. Guy Bourgouin: Okay. I'll pass it to my colleague.

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Jennifer K. French: Thank you. I will say, the next round—Heather and Jessica, I'm going to come to you in the next round. John, thank you for your presentation. I appreciate that Guy had a chance to ask you some questions. Brian, nice to see you again. I know we haven't talked about licence plates in a while; I remember the good old days.

I very much appreciate that one of the things I've heard from all three of you is that in terms of penalties, what we see in the courts does not reflect the intent and what families and communities want to see, unfortunately. The minister the other day talked about careless driving causing bodily harm or death and talked about the weight of that. The problem is, of course, that conviction under that is so rare—people are pleading down—that we don't see people having the consequences that the broader community would expect when someone is injured or killed.

I don't think that I have enough time—

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time we have for this round.

We'll now turn to the independent Green Party member: MPP Schreiner, four and a half minutes. You may begin.

Mr. Mike Schreiner: John, I just wanted to say thank you. I notice, in addition to your other duties, you're on the WDG vaccine task force. As somebody who is hoping to get my vaccine in the "G" pretty soon, I appreciate your work in that regard.

I agree with you, actually, on the expanding of stunt driving to all roads. I can tell you, I commute into Queen's Park with my electric vehicle on a 400-series highway. One nice thing about COVID is that it's not as crowded as it normally is, but one downside is, I can't tell you how many moments of fear I've had, travelling at 100 clicks, and maybe I inch up to 105 sometimes—but people are just racing around you, now that you're not seeing as much congestion on the highways.

I'm just wondering, do you have any thoughts, given your legal background, of why we wouldn't apply it to all roadways?

Mr. John Creelman: I don't know. I just don't get it. It's inexplicable to me, frankly. And as I say, if you go behind the numbers to see where the stunt speeding is actually occurring, I think you're going to find that it is on our back roads, it is on our 400-series highways. It's all over Ontario. I think the penalties should be the same everywhere.

I'd like to say a little bit about enforcement, and that is, all of these things are only as good as the enforcement

brought to bear, but there is also the courtroom. The province is backing out of so-called part 3 prosecution, which is to say these kind of charges, and they're downloading the part 3 enforcement to the municipalities. So I'm very worried that we're going to see a patchwork quilt of different approaches to the kinds of pleas and deals that are made, frankly, in courtrooms. It's something that needs to be addressed, as does the level of fines. Heather and Jessica spoke very eloquently about the inadequacy of the fines for many of these charges, and as I said in my presentation, it's been over 30 years since basic speeding fines were increased in Ontario. That's shocking.

Mr. Mike Schreiner: Yes, I hear you. You anticipated my next question. I was either going to ask you or Brian if you had any thoughts on how we could actually enforce the real penalties and avoid these reduced penalties, which then lead to less deterrents, I would argue. Yes, go ahead Brian.

Mr. Brian Patterson: I really think there's a need to bring the Attorney General's players in place, because I can tell you that suspended licence holders continue to drive; about 15% of all drivers have some suspension in place. The surrendering of your licence to an officer at the scene—and many of these loogans know the code words: "I don't have my licence with me." It never gets surrendered. I can take it into the car rental the next day and rent a car. I'll have it if I need to show it—

The Chair (Ms. Goldie Ghamari): Thirty seconds left.

Mr. Brian Patterson: —so I think we've got to say real penalties and stick to, particularly, triaging so that the obvious significant ones don't get ragged out of the system.

Mr. Mike Schreiner: Yes, I appreciate that.

In my final moments, Jessica, I want to really thank you for bringing up infrastructure and how we design infrastructure. I know it's out of the scope of this bill, but I think it's a vital conversation when we want to talk about road safety, and so I appreciate you bringing that up earlier.

Ms. Jessica Spieker: Yes, thanks. I think there's a big role for the province to play in that.

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes this round of questions.

We'll now turn to the government for seven and a half minutes. Who would like to begin? MPP Sabawy, and then we have MPP Sandhu.

Mr. Sheref Sabawy: Thank you for the presentations. It's really very important to understand how the life of the victims change, and that's what's driving us to try to do some changes to make our roads safer.

I will just switch a little bit and ask a question to John in regard to the towing industry, which has been an issue for a long time and we can see that from multiple municipalities. How do you see the changes proposed by this legislation can help this industry or regulation—

Failure of sound system.

The Chair (Ms. Goldie Ghamari): We're having some technical difficulties.

Mr. John Creelman: Yes, and I didn't hear the question—

The Chair (Ms. Goldie Ghamari): We'll just wait and see if we can—we'll go to MPP Sandhu and see if we can get MPP Sabawy back online. MPP Sandhu?

Mr. Amarjot Sandhu: My question is to the Ontario Safety League. Even though our roads are amongst the safest in North America and we have seen the drops in traffic at all levels caused by the pandemic, some people take this as an opportunity for street racing and stunt driving and would put the lives of many at risk. We share common goals: making our roads safe and protecting our most vulnerable. What other safe measures for infrastructure would you suggest, Mr. Patterson?

Mr. Brian Patterson: I would say that the quickest way for this committee would be to have a look at the vulnerable road users' act. There's clear, clean language and there is some very good legal language in there. There is some very good engineering language in there.

1450

At the end of the day, much of the benefits in saving a life on the road are by changes in engineering. I happen to live in Newmarket. They put rumble strips on Highway 9 and they had 35 fewer major collisions just following that one engineering change.

To the member from Kapuskasing: Those rumble strips are invaluable in keeping people reminded that there's an area that cyclists might be in on those edges of roads in the north. So I think engineering is a big part.

I think the vulnerable road user bill is well worth treating it as an apolitical safety-focused bill, and it has very, very adoptable language in there.

Mr. Amarjot Sandhu: Thank you. I'll quickly switch to the deputy mayor of the town of Mono. Deputy Mayor, you have recently submitted a letter requesting increasing speeding fines and a broader use of automatic speed enforcement. With this bill, we're taking strong action to protect people and families by introducing the new legislation to combat street racing, stunt driving and aggressive driving on our roads. What are some of the measures you would like to suggest?

Mr. John Creelman: The bill leaves the current range of fines intact for stunt speeding. It doesn't increase those fines. It doesn't address any of the other fines under the Highway Traffic Act either. So I don't, again, understand why, in addition to all the things that it's doing, which are terrific, frankly, we aren't increasing the fines and hitting people in their pocketbooks.

When somebody's insurance rates go up or their insurance policy is cancelled, it is much more consequential than any fine that the court would impose.

Mr. Amarjot Sandhu: Thank you. These are all the questions I have, Madam Chair.

The Chair (Ms. Goldie Ghamari): MPP Sabawy?

Mr. Sheref Sabawy: I'm sorry, my Internet has been acting up since this morning. That's why I keep closing my video, so that I conserve bandwidth.

I'll put my question again for John in regard to the towing industry. How do you find the changes we are

proposing for helping the towing industry? Especially when we are in a situation when you are an accident, you need a tow truck, and then you run into another situation where tow trucks are fighting on the case.

Mr. John Creelman: I think the changes are excellent. I hope, specifically, we're going to have regulation that makes certain that the impoundment is in the municipality in which the offence occurs. In Dufferin county, we have a lot of tow truck operators coming up from Mississauga. Vehicles get towed to Mississauga and impounded there, which is, of course, very inconvenient for the person trying to retrieve their vehicle. I think Brian spoke to this problem earlier.

The other thing that I think is important is to have a reasonable schedule—a tariff rate schedule—because right now it's the Wild West out there. It's whatever the traffic will bear. Some of the stories I've heard are just incredible, frankly.

It's long overdue. We, as municipalities in Dufferin, were in fact working on this, so I think that we can set aside our efforts and wait to see what the province comes up with.

Mr. Sheref Sabawy: My final question for you is in regard to that: If you have the chance to go through the proposed bill in regard to the towing industry, and if you have any suggestions from your experience which can improve this, please let us know about that.

Mr. John Creelman: I'm happy to.

The Chair (Ms. Goldie Ghamari): Any further questions?

Mr. Sheref Sabawy: Is there any time left for us?

The Chair (Ms. Goldie Ghamari): There is one minute left.

Mr. Sheref Sabawy: Yes, a quick question for Jessica in regard to the victims. Do you see anything that—especially in bad cases where somebody, God forbid, loses their life—can be added to help the families in those conditions?

Ms. Jessica Spieker: I think the contents of Bill 62 give something meaningful to families, because they know the driver's life is going to change with the licence suspension, the fact that they're going to go back to driving school and the fact that they're going to do community service. I think those three things combined are really important for families.

There's a diversity of opinion in the community of road violence victims about incarceration and things like that, so I can't really speak to that definitely. But the three measures that are currently available to this committee today to add to this bill mean something to families. I think that's really important.

Mr. Sheref Sabawy: Thank you very much.

The Chair (Ms. Goldie Ghamari): Okay, thank you. We'll now turn to the official opposition. MPP French, you may begin.

Ms. Jennifer K. French: I wanted to continue in the vein I had been starting but that we have been hearing from everyone, and that is that what we see in the courtroom doesn't reflect what is needed to keep our streets safer, and to have some kind of justice for families.

We're well acquainted with Bill 62. Certainly, MPP Bell and I—I'm well aware of that work, as are you and many others on this call. But I'm going to direct your attention and focus, hopefully, to my bill, Bill 122, which, as I'm hearing your own personal journeys—I'd like to, outside of this committee, hear from you as well, but certainly share with the government if it's something that you think should be moved forward. It's been around a long time. The numbers have changed. MPP Gates had brought it in because of, actually, the Bikers Rights Organization. They had brought it forward. Thousands of people have signed petitions about this.

Currently, as you both know personally very well, if a person is convicted of contravening the Highway Traffic Act for minor offences like unsafe turn or failure to stop at a stop sign, if someone is injured or killed, you've got that \$100 to \$1,000 range, and that is all that is available to the judge, which is—you've both lived it. The bill actually gives the judge discretion. It increases the penalty, but it is not prescriptive. It allows the judge to make a decision case by case.

Mr. Creelman, Jessica, Heather, if you guys could look at that and see if it is something that you would support. It's been before the Legislature a long time. I was so disappointed that it wasn't incorporated in this bill. What would that mean for people? Obviously, it's not so much a deterrent as much as it is the justice and fairness side, and I think it works hand in hand with Bill 62, frankly.

Ms. Jessica Spieker: Heather, do you want to speak to that one?

Ms. Heather Sim: I'm not very familiar with that bill, but your question is asking what could be done to make it better for the families?

Ms. Jennifer K. French: What would it mean to have the ability for a judge to use their discretion and have access to—

Ms. Heather Sim: Oh, yes. In our case's example, the judge thought the \$500 wasn't enough and she went to see if there was a way she should increase it, because it was crazy that that was all it was going to be. I think that would be fantastic, because that happened in our exact case, and the judge made it clear that she thought this should be a lot higher, based on what happened, but her hands were tied. And she made that very clear in the sentencing.

Ms. Jessica Spieker: If I could add to that, something that might be productive is tying the fine to a perpetrator's net worth, so that everyone feels the fine the same. When you use fine-based deterrents, in a way, you're making it legal for rich people, because they just don't care. They will pay a few hundred dollars and move on. But if you make the fine tied to their last tax return or some other declaration of wealth, then a rich person gets a big, whacking fine and they feel it, and that money can then be distributed into other areas where it's needed. A poor person will also feel a fine, but the fine would be smaller. That might be a more equitable approach to expanding that kind of thing in the sentencing.

Ms. Jennifer K. French: Thank you for that. I'd be glad to have those specific conversations in terms of discretionary, but also appropriate. And we'd look at the

vulnerable road users' act, the idea of impact statements, community service, that re-education or training—all of that is an important piece to this. Thank you.

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I wanted to actually also ask, John, with uninsured folks who are allowing others to use their cars and when we are talking about stunt driving—or, Brian, you said “extreme driving,” although I don’t love “extreme driving” because I think of extreme sports as being almost as Hollywood as the term “stunt driving.” I’ll leave that to a later conversation. But, John, specific to uninsured folks, do you see something specific that could maybe be addressed, either in this bill or moving forward?

Mr. John Creelman: Well, I think you and the public would be astonished at the number of uninsured drivers there are on our roads right now. Again, many of them just simply don’t care. The Legislature has set a \$5,000 statutory minimum for a first offence on driving uninsured. It’s rarely imposed. It’s usually less on a first offence than that, somewhere in the range of the equivalent of a year’s worth of insurance, sometimes two. But you also have a lot of suspended drivers out there driving around as well, and again, the penalties simply don’t match the gravity of the offence. There has to be a fundamental rethink of that whole penalty scheme, from the smallest fine to the biggest fine. It all has to be rethought. I think the Attorney General has to re-engage in the area of provincial offences, instead of backing off from that field.

Ms. Jennifer K. French: Thank you. It was a comment I had made earlier, actually, that came to me from a former traffic cop who was very thoughtful in his comments. It was what you just said, that we would be shocked to know how many suspended drivers are uninsured and how many folks allow others to drive their cars that are uninsured. I believe the MTO does have data on that. So how can we be thoughtful—and I appreciate your comments there. Certainly, I think you would be a resource to the government. I’m hoping that many of my government colleagues on this take that back. To know that speeding fines have not been changed or increased in, I think you said, 30 years is quite something to think about.

The Chair (Ms. Goldie Ghamari): One minute.

Ms. Jennifer K. French: I wanted to also say to the Friends and Families for Safe Streets, we have been working hand in hand, I’ll say, with the e-bikes folks. They have waged quite an enthusiastic campaign to tighten up the language to ensure that this legislation reflects that. So rest assured, the NDP are putting forward a series of amendments, both for vulnerable road users, fairness for road users, and on the e-bikes. There may be some others, and we’re definitely hearing from people today. So thank you very much to everyone for their input, and please continue to send things to the government and to the opposition when you have thoughtful comments that would make our roadways and communities safer.

The Chair (Ms. Goldie Ghamari): Thank you very much. At this point, I’d like to thank our presenters for joining us. You may now step down.

LONDON BICYCLE CAFÉ
COALITION FOR VULNERABLE
ROAD USER LAWS
ONTARIO ROAD BUILDERS’
ASSOCIATION

The Chair (Ms. Goldie Ghamari): For our next set of presenters, we have a slight change in schedule. London Bicycle Café, who was supposed to appear at 5 p.m., will be appearing at 3 p.m., and Our Greenway Conservancy will be appearing at 5 p.m. instead.

At this point, I would like to call upon London Bicycle Café. Please state your name for the record, and then you may begin. You will have seven minutes.

Mr. Ben Cowie: Thank you. Hi, I’m Ben Cowie. I am the president of London Bicycle Café here in London, Ontario. I’m here to chat a little bit today about the bike industry and what our views are on Bill 282. I wanted to give out a special happy birthday wish to my partner on the screen right now, Caroline. I’m here hanging out with you instead of hanging out with her on her birthday, but she’s showing off the Tern GSD, which is one of these family cycles that we want to talk about today.

Broadly, what we’re talking about is that there’s a revolution happening in bicycles and in transportation, and it’s all derived from the power-assisted cycles, including bicycles, tricycles and quadricycles. These are all critical for 21st-century transport. We see these as the fastest-growing sector of the global transportation sector, outselling electric vehicles in the EU for years and now outselling electric vehicles in North America by a factor of two to one and growing by almost double every year. Primarily, the two purposes of these light electric cargo bikes, trikes, family cycles—they’re used for freight and individual family transport. You can see a really good example here of one of these bikes.

Technical issues that we wanted to bring to you today: We’ve done a lot of consultation with a lot of people in the industry. Fundamentally, the prescriptive technical language in this bill effectively bans many models. We presume this is by accident and should be rectified at some point by amendments as the process moves through the Legislature.

We have some market issues that we want to resolve. No reference to the standard North American three-class system was included, and we think that would be beneficial for Ontario business and for Ontarians who want to cycle more often. We want to do this to enable innovation in a growing sector. We think that there are lots of opportunities here. We want to capture those as best we can.

We have some AODA concerns regarding what “pedalling” means. Access for seniors and people with disabilities etc. is important.

Ultimately, we want to see harmonization with the EU and US markets, where these bikes are primarily made.

Talking quickly about the three-class system: Originally generated in the United States by PeopleForBikes, it’s used for design specs of bikes by virtually every manufacturer. Three classes: class 1, pedal assist—it just gives

you a little boost as you pedal; class 2, pedal assist or throttle—you can push a button or turn a dial and it will push your bike forward a little bit; and then class 3—they're called speed bikes. They're pedal assist only, like class 1, but they're slightly faster. Typically, these are reserved for sporting applications, high-performance athletes training on off-days, that kind of thing. But they are part of the legislation as well.

We want to get the definitions of what these bikes look like correct. These are all class 1 e-bikes in the three-class system, and you don't need to worry too much about the technical specs. I've sent this presentation to the Clerk so you can all have it there. But fundamentally, they all do similar things. Whether you're a road bike, a mountain bike, a city trekking bike or a folding commuter bike, they're all considered class 1. All of them are going to be banned by a strict technical reading of the MOMS Act, based on the technical specifications, primarily on wheel size for these four bikes.

Looking at a little more comprehensive work, these family cargo bikes are also considered class 1 e-bikes, both in the United States and Europe. The Babboe Carve and Centaur XL are both trikes, and the Tern GSD and Urban Arrow are two-wheeled family cycles that can carry kids and cargo, when we take to the grocery store and beyond.

You can notice here that one of the important things is that cycle weight is restricted, but gross vehicle weight, including payload, is not. There's only a small variation in gross vehicle weight among these four vehicles, so the Babboe Carve, the Centaur trike—which is more of a cargo freight application bike—aren't that different in terms of what mass is moving down the road compared to the GSD and Urban Arrow Family, but they're both banned because they require a little bit more chassis on the trike end, and so they are over the prescribed weight limit.

Ultimately, what these bikes actually can function on the road—gross vehicle weight is the thing that matters rather than the cycle weight itself. So we think these are basically the same, despite having only two of them legal in MOMS.

Similar bike, different uses: This is the Larry vs Harry eBullitt. Kids and cargo can both be transported using either type of box configuration on the front. They're lightweight, nimble, not subject to the cargo e-bike pilot, which is separate from Bill 282. EBullitt meets all the technical specifications in the MOMS Act, and it's presently used for both freight and families in Ontario. I use this bike to transport my kid, my dog, things for my store. I think it's a great bike. FedEx agrees. They have used it for their pilot now in Toronto as well.

So why are all these bikes so similar in power, speed and gross vehicle weight? Because they're all designed for the same North American standard. All the manufacturers are meeting this exact same spec. They're meeting all those standards. I think that we should be doing that as well here in Ontario to have the same level of regulation.

The other thing all of these bikes are doing is meeting the same market specs for Europe. In Europe, they go

through stringent safety tests that aren't required here, and as such, they are safe for operation, well, heavily tested, and actually are below most of the power standards that are permitted in North America because they're trying to sell to the larger European market.

Ultimately, it's highly beneficial for our regulations to align so we can be part of this broader e-bike market in general and we can deliver the best-quality, safest bikes—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Ben Cowie: Great, thank you—to Ontarians.

Finally, some other bigger picture stuff—talking about accessibility: This man on the left, is he pedalling the bike? He's using his hands to power the bike. We want to make sure that the definition of "pedal assist" is inclusive.

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In the middle, this little person is trying to go between Ottawa and Gatineau. How does interprovincial stuff work in this system? Having harmonized regulations is helpful.

Up in the top right, Sharon from Sharon, Lois and Bram is riding on a tricycle designed to carry seniors for a ride in a program called Cycling Without Age, funded by the provincial government. They'll be banned by the MOMS project.

And then FedEx: Should they be allowed to transport goods in the same vehicle that I transport my kid around in? I think so.

Fundamentally, the bike industry—what we would like to see is harmonization with existing markets. I think there are lots of opportunities for entrepreneurship and innovation. Let's encourage it. We're here to help. Thank you.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to the Vulnerable Road Users Coalition. Please state your names for the record, and then you may begin. You will have seven minutes.

Mr. Patrick Brown: It's Patrick Brown. I'm the head of the coalition, and speaking before me will be Melissa Dowrie, executive director of Bike Law Canada in Ontario.

Ms. Melissa Dowrie: Good afternoon, standing committee. My name is Melissa Dowrie. I'm the executive director of Bike Law Canada. I sit on the steering committee for Friends and Families for Safe Streets, and I'm here today representing the Coalition for Vulnerable Road User Laws.

Firstly, we would like to commend the minister for Bill 282. We think it is a step in the right direction. However, our coalition feels that more steps must be taken in order to truly move Ontarians more safely. That is why we are here today to request an amendment to Bill 282 to incorporate the contents of private member's Bill 62, the Protecting Vulnerable Road Users Act.

I am speaking today representing the Coalition for Vulnerable Road User Laws. Our members consist of the Ontario Brain Injury Association; the United Senior Citizens of Ontario, representing over 300,000 seniors across the province; the Ontario Trial Lawyers Association; the Brain Injury Society of Toronto; 8 80 Cities; Walk Toronto; and more. We are a diverse group with a vested

interest in road safety. We have spent long periods of time looking at traffic violence and analyzing the gaping holes in our system which allow a person to walk away from killing someone on our roadways. We know what must be done to stop this and we are here once again to bring that information to committee.

All of the organizations in our coalition would publicly champion the passing of such legislation. This would assist with public communications about changes to the Highway Traffic Act, therefore creating deterrents, letting drivers know that they need to pay attention and drive with care or they will face meaningful penalties.

Our coalition formed in response to a pattern of small penalties that we saw being handed out after a bad driver killed a vulnerable road user. These fines were ranging from \$85 to \$1,000 in most cases.

Ryan Carrier was riding his bike home; a truck made an illegal turn, sucking him into the undercarriage of the truck and killing him. The driver was charged with turn not in safety and had an \$85 fine. Ryan was on his way home to take his kids trick-or-treating that night.

Bruce Tushingham was killed by a driver who went on to the opposite of the roadway, hitting Bruce and catapulting him into a field. That driver was charged with an unsafe lane change and given a \$500 fine.

Gary Sim was killed by a driver who made an improper turn. The judge agreed the driver ought to have seen Gary and even attempted to determine if she could impose a higher penalty. However, the HTA maximum was \$500. Heather Sim was here earlier this afternoon to tell you just how that felt for her and her family.

My hope today is that you remember them: the stories of Gary Sim, Bruce Tushingham, Ryan Carrier and the countless other lives lost. But you have heard our stories before. We have stood in front of committees, met with ministers, provided written submissions, held press conferences and more. We have answered your questions, provided feedback, and at this time, I feel as though the victims of our groups who have stood before you deserve to know, why not?

I'll now pass things over to Patrick Brown.

Mr. Patrick Brown: Firstly, thank you for having me, Madam Chair and members of the committee. I am the past chair of the Ontario Safety League, past president of the Ontario Trial Lawyers Association and past chair of the Ontario Bar Association's insurance law section. I initiated and was counsel at the coroner's review of cycling and pedestrian deaths. I've been an active lawyer for over 25 years, dealing with cases of road violence and their movement within our court system.

I commend the government for moving forward and adding mandatory minimum increases to licence suspensions and vehicle impoundment for those criminals that use 2,000 tonnes of steel as part of a game or a race. I commend you also on ensuring that dooring crashes will now be investigated, reported and documented, which will lead to change. Thank you for these.

I am here today, as Ms. Dowrie has indicated, to ask you to consider more—an ask made previously to all

political parties, three Ministers of Transportation and this ministry; a change that the coalition that I represent and the vast majority of citizens want. Unlike criminal behaviour that this bill speaks to, the vast majority of deaths and injuries suffered by vulnerable road users is at the hands of those who ignore our basic driving laws under the Highway Traffic Act. To kill or maim a pedestrian, you do not need excessive speed nor do you need to be racing or acting criminally. It does not take much for a two-tonne vehicle to crush the head of a pedestrian or snap the spine of a small child riding a bike. It is for this reason we must, as a community, address penalties that speak to these bad and distracted drivers: the stop-sign runners, the drivers who text and drive, the speeders, the illegal right turns.

We have over 47 sections that lay out what is illegal. They are taught and known laws crafted to prevent injury, but these laws have no teeth. When someone kills a child, a mom, a daughter, a son, a father, a grandfather or a dear friend, what is the response in our present-day legal system? A small fine. I have documented and been witness to these small fines ranging from \$85 to \$1,000. For the victims and families watching these sentences—I see their broken faces. I see their tears streaming and their disbelief in the system. It is for this reason that I tell my clients: Do not expect any meaningful penalty or sense of justice.

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Patrick Brown: We hear comments like, "Things like this just happen." The Chief Coroner of Ontario has emphatically stated every death of a vulnerable road user is preventable. These things don't just happen. Unless there's change in our laws and penalties, the message is loud and clear to all bad and distracted drivers who choose to break the law: Don't worry. It's not a big deal.

If we can set mandatory minimums for extreme driving behaviours such as those set in this bill, is it not too much to ask for those who break the law and kill vulnerable road users that at a minimum they take remedial driving courses, that they do hours of community service and road safety? That is not a big ask.

Public Health Ontario has advised that the death and injury rate has gone down in the last four decades for those people inside cars. That was based on government action. Unfortunately, public health reported that is not the case for vulnerable road users, and their deaths and injuries continue to rise. Kindly consider adopting Bill 62, the vulnerable road user law, into your bill.

Lastly, I would also ask—

The Chair (Ms. Goldie Ghamari): Thank you very much. That is all the time that we have.

We'll now turn to the Ontario Road Builders' Association for seven minutes. Please state your names for the record, and then you may begin.

Mr. Andrew Hurd: Thank you, Chair and members of the committee. My name is Andrew Hurd. I'm director of policy and stakeholder relations with the Ontario Road Builders' Association. Our association was founded in 1927. Our members build and maintain the majority of provincial and municipal roads, bridges and transportation infrastructure across the province. The road building

sector directly and indirectly employs some 56,000 Ontarians at peak season.

I'm pleased to appear before you today in support of Bill 282, specifically the measures to protect construction workers and impose stiffer penalties for unsafe driving. For our industry, the two are related: The proposed measures to combat unsafe driving are also proposed measures to further protect highway workers.

Although sometimes considered an inconvenience by drivers, roadside construction zones are workplaces first. As an association, we are highly cognizant of the inherent risks common to our contractor members who undertake construction operations which are conducted adjacent to live vehicular traffic.

Our members have operated as an essential service throughout the pandemic, and because there have been fewer drivers on the roads, this has meant that work in many cases can be completed with the benefit of longer lane closures. That said, with fewer drivers on the road, our members have noticed an increase in aggressive driving behaviours from members of the public, including increased incidents of excessive speeding.

As statistics have shown, stunt driving began an upward trend in 2014, and the pandemic further highlighted that trend. Charges in 2020 effectively doubled those in 2019. We strongly believe that the proposed measures to combat dangerous driving in Bill 282 are needed to counter this dangerous trend.

We also strongly support the specific measures to further protect highway construction workers, including permitting the use of automated flagger assistance devices, or AFADs, under the Highway Traffic Act. Workers serving as traffic control persons are often in an exposed position, adjacent to live lanes. Permitting the use of automated flagger assistance devices is an important additional tool to help keep workers safe.

1520

These devices are currently recommended to augment traffic control persons for certain situations in Ontario Traffic Manual Book 7, which is the go-to reference for setting up traffic control zones near a work site. However, they're not currently considered traffic control signals under the HTA, which means that a driver is not legally required to stop for them as they would be for a stop sign. This has limited their use. By permitting these devices under the HTA, it should increase the uptake of these devices.

Adding an exemption under the HTA to allow for construction vehicles to reverse on highways when it is safe to do so is also welcome.

I would also like to mention a potential initiative that we'd like to keep on the radar for a future bill. One of the initiatives that we've long advocated for is for provisions to be included in the HTA regarding safe driving on encountering a snowplow. Statistics compiled by ORBA show 214 collisions with plows over three years, from 2017 to 2020. When a collision involves a plow it doesn't just affect the drivers and vehicles involved; it interrupts the service that plow was providing, affecting other road users in the area.

In discussions with MTO, we discussed the need for a provision that would prohibit drivers from overtaking a snowplow unless a full lane's width was available to overtake safely. The ministry has agreed to work with us on this important initiative and we look forward to further discussions with the ministry and other stakeholders in the months to come. Ideally, we'd like to see a draft provision in place for a proposed introduction in fall 2021 that could be highlighted in safe-winter-driving campaigns.

In closing, we think the road safety measures contained in Bill 282 are important tools that will make our construction zones safer for workers and make our roadways safer for all Ontarians. On behalf of the Ontario Road Builders' Association, thank you for the opportunity to comment. I'd be happy to take your questions.

The Chair (Ms. Goldie Ghamari): Thank you for your presentation. At this point, we'll now turn to the official opposition for seven and a half minutes. Who would like to begin? MPP French, you may begin.

Ms. Jennifer K. French: Thank you to the presenters. It has been appreciated that we're hearing a lot of the same push from all presenters: the need to keep vulnerable road users safe but also the conversations with some of the earlier presenters around impact statements, community service and re-education training.

We also had touched on briefly with other presenters the need for thoughtful infrastructure, which, as infrastructure, transportation and highways critic for the official opposition, I'm glad to have those conversations going forward. It's outside the scope of this bill, perhaps, but it's an important part of all of this.

I'll start with Ben—nice to see you again. There's been a lot happening quickly to try and tighten up parts of this bill, specifically around e-bikes. I very much appreciate the campaign that folks across communities have waged to make sure that we are clear on maybe unintended consequences of this bill. I asked the minister about it the other day and it remains to be seen whether the amendments we've put forward will be adopted, but hopefully we can keep folks safe and sustainable.

Without getting into some of the specific details of language, the Cycling Without Age pilot or the cargo e-bike pilot: Can you maybe speak a little bit about that? Because that is something I want the government members to hear. The government, with one hand, is investing in a program and, with the other hand, is introducing legislation that will make that unlawful.

Ben, can you just elucidate for us, please?

Mr. Ben Cowie: Yes, certainly. The Cycling Without Age program began, I believe, in Copenhagen. It's a program that's designed to enable seniors and younger people to ride together. I'm going to share my screen again here, if I can. Basically, what this means is that we can all—I'll make sure I get the right thing up here so you can see what I'm talking about. A picture is worth a thousands words. Ultimately, what we're talking about is here. Does everybody see this bar on the top right? It's the Sharon, Lois and Bram one. What we're seeing here is the introduction of a cargo trike that can carry seniors and take them for a bike

ride when they might not be able to anymore. These trikes have a small class 1 motor and typically weigh more than the prescribed 55 kilograms—in this case, up to 97 kilograms, I believe, in terms of vehicles purchased by the provincial government for a pilot this spring. In terms of these bikes, they're safe to use. They're slow-moving vehicles that are intended for primarily recreational use, but shouldn't be included in the cargo e-bike pilot in this case.

Being able to provide these types of services is why the three-class system allows for these things to exist as a single type of vehicle where we don't have to be so prescriptive about weight. Because when we're prescriptive about motor size, it sort of dictates what you can do with that. Fundamentally, this is the type of vehicle that we're talking about banning, in this case, a Cycling Without Age pilot being something that I think is very valuable to the province, interconnecting generations, doing all kinds of things that wouldn't be possible without electric assist.

Ms. Jennifer K. French: Thank you. And, Ben, thank you for all of your work with trying to get these thoughtful and precise amendments through. We'll see what happens next week at clause-by-clause consideration.

I'm going to flag for Andrew and Patrick and Melissa. Thank you for your presentations. Yes, we support Bill 62, of course. Jessica Bell of our caucus has done remarkable work there. I have a complementary bill, which is Bill 122, the Fairness for Road Users Act. I spoke about it earlier today. It kind of works hand in hand; it's the idea of insult to injury and what you had talked about with penalties being maxed at sort of that \$100 to \$1,000 or \$500, depending on the contravention. This bill seeks to give the judge that discretion so that families are not further traumatized or further—the insult to injury. So I would have you both take a look at that, because it's more focused on defining the wrongdoer rather than the victim in Bill 122. It's been around since 2015 in different iterations, but that idea of a fairness—I'd be glad for you to take a look at that and work with the government and with us on some of these initiatives.

We had heard earlier from a presenter that there's a need for the AG to re-engage in provincial offences and penalties. Could you guys speak to that, from the Vulnerable Road Users Coalition?

Mr. Patrick Brown: Yes. Can you hear me okay? Thank you. Of course, any intervention in relation to the Attorney General in reviewing the Highway Traffic Act, the language used, using words like "accident," needs a revision. It's dated and everybody certainly did—when I did the coroner's review into cycling deaths, one of the recommendations was a review of the Highway Traffic Act so that it could address some of the issues that have been happening in relation to the increase in cycling deaths. So that has been an ask.

I have met with the Attorney General's office before in regard to this, and certainly our coalition is more than ready to speak to the government, the AG, the ministry in relation to any changes to the act, which we feel is dated, in addition to these penalties, which we think are a gaping

hole. A lot of people plead down and they walk away with these small fines.

But you have other holes where—I certainly have cases where—a gentleman, for instance, was struck by a vehicle in a parking lot and he lost his leg. In relation to that particular case, and this happens on a frequent basis, no charges were laid. That's because the Highway Traffic Act does not apply to parking lots. So that is, again, a hole inside the legislation that needs to be addressed.

The Chair (Ms. Goldie Ghamari): Thirty seconds left.

Mr. Patrick Brown: If it isn't, it again is this sound of, "These things happen." There's no deterrent, and it has to be reviewed. So, certainly, in addition to the language used as well as the way the laws are structured, we do think the AG—it would be good to review the entire Highway Traffic Act.

Ms. Jennifer K. French: Thank you. And that's all for time. I know we'll have a second round.

The Chair (Ms. Goldie Ghamari): Thank you. We'll now turn to the independent member. Before we begin, though, MPP Harris, can you please confirm that you are present and in Ontario?

Mr. Mike Harris: Thank you, Madam Chair. I am here in Ontario, and I am quite clearly present.

1530

The Chair (Ms. Goldie Ghamari): Thank you.

MPP Schreiner, you may begin. You have four and a half minutes.

Mr. Mike Schreiner: Thanks to all three presenters for taking the time to come to committee today.

Ben, I think I'm going to start with you. By the way, I have had meetings at the London bike café back in the times when we could actually do that. It's a great, great place. I appreciate your advocacy on this. There's been a lot of advocacy in my riding and other ridings regarding e-bikes. I just want to be crystal clear, so it's on the record, that there are currently e-bikes on the road today in Ontario being safely used, legally used, that, if this act passes without amendments, would become illegal to use on our roadways. Is that correct, from your interpretation?

Mr. Ben Cowie: Yes. As an interpretation of the technical details of the language, virtually every e-bike on the road in Ontario would be made illegal by this bill.

Mr. Mike Schreiner: I appreciate you being so detailed in your technical recommendations of how we can alleviate that issue. I have an e-bike manufacturer in my riding who has raised concerns around the economic implications of us not being harmonized with the US or the EU. You alluded to that in your presentation, but could you maybe just expand upon that a little bit for us, why that harmonization is so important?

Mr. Ben Cowie: Certainly. The e-bike manufacturers are primarily designing bikes for the EU market. They sell more bikes there than the rest of the world combined. They have to meet the strictest safety regulations in order to sell in Europe. As a result, we get bikes that are generally very well spec'd, very well tested and very safe. So, these big global manufacturers have very detailed criteria that they

have to meet to make those sales in Europe and, as a result, we can benefit from that by harmonizing our regulations with the European market, and the US market in this case, to allow these very well-tested, very safe vehicles to operate here in Ontario.

Mr. Mike Schreiner: You probably just answered my next question, but I'll ask it anyway. Have there been any safety concerns arising out of the use of these bikes that are currently legal in Ontario? I guess maybe more relevantly to where they're more widely used in the EU, have there been any safety concerns or any data suggesting safety concerns with the classifications?

Mr. Ben Cowie: Nothing to the effect of the classifications themselves. One of the most recent studies that I think is most compelling is that about 76% of e-bike trips are actually replacing car trips, which I'm sure Patrick Brown would agree is the ultimate safety goal: to move people out of cars and move them more safely by other means when possible. I think that in this case, the net safety gain is outrageously large compared to the possible risk. These vehicles are designed to be safe. They're designed—even the trikes. Adding a third wheel also means adding a third brake, so you have 50% more braking power on a trike than you would on a bike.

The Chair (Ms. Goldie Ghamari): Forty-five seconds left.

Mr. Ben Cowie: I'll just end with that and say, yes, there is no track record of these vehicles being unsafe in Europe or in the United States.

Mr. Mike Schreiner: Great, I appreciate that.

To the others: I'll ask questions in the next round because I'm probably down to 20 seconds at this point.

Ben, I'll just say that I really appreciate your advocacy. Share the Road, Wike in my riding here have been very vocal, and GCAT and others. So thank you. I appreciate that.

Mr. Ben Cowie: You're welcome.

The Chair (Ms. Goldie Ghamari): Thank you. We'll now turn to the government for seven and a half minutes. MPP Sabawy, you may begin.

Mr. Sheref Sabawy: My first question is going to Andrew. Last week we celebrated the National Day of Mourning, which is basically the day we remember the people who got injured on the job. Was this legislation adding some more measures and safety for the road workers? How do you envision that, to improve the working conditions of the workers on the road, basically—road workers?

Mr. Andrew Hurd: Well, thank you for the question. I think one of the specific measures is the use of those automated flaggers. They're mentioned in book 7, which is a guideline, so enacting it in legislation—basically what that does is that it allows a traffic control person—they don't have to stand by the side of the road with a stop sign. They can stand off to a safe distance and remotely control these devices.

Some of them are quite sophisticated. Picture a typical traffic light, but instead of three lenses, it has two, so there's just a red and an amber lens, and there's obviously

an arm that goes down with a flag. On the other side, facing the workers, there is a light that's showing the workers what colour the light facing the traffic is. On some of them, there are also warning signals as well, so if a vehicle is approaching that device and is not going to stop safely, that warning signal does sound to alert the workers that there's a hazard and to take the appropriate action.

Specifically, when it comes to combatting unsafe driving, unfortunately, in the road-building industry, we do have some injuries from time to time. As a proportion of the larger construction sector, they're not that high, but when injuries do happen, particularly vehicles travelling at high speeds, we unfortunately do have some fatalities. There are quite a few, sometimes, instances of struck-bys that do result in fatalities with vehicles travelling at high speeds.

I think more education and more awareness and more penalties put in place to combat this is only a good trend.

Mr. Sheref Sabawy: So just to summarize that, you think that the changes we are proposing are improvements in the right direction?

Mr. Andrew Hurd: Yes.

Mr. Sheref Sabawy: Perfect. Now my question would be for Patrick or Melissa in regard to—specifically, you spoke about the education courses. When somebody is involved in an incident, you are asking to add more measures into community service as well as retraining for the persons who are involved in such. My question is, what do you think can be implemented? I mean, now it's after the fact, giving training to somebody who already got involved in an accident or something. Why don't we start looking into something which is embedded into all the training of new drivers, or even mandate training for new drivers, including how to protect the people who are on the street or on a bike or something like that? Because I think that could be proactively doing something, not waiting until some incident happens and it looks like a punishment to put somebody in retraining versus just training them from the beginning.

The second question I have as well is, how do you see the proposed changes improving? Because since the careless driving act, I don't think there's anything added into the driving and road safety act. How do you see that? Is it a movement in the right direction? I understand it might be missing something you want to add, but, in general, does what's proposed in this legislation serve the purpose you are looking for?

Mr. Patrick Brown: Thank you very much for that question. I'll take it first. In relation to re-punishment in driving training, part of the coroner's review when he looked at pedestrian and cycling deaths was, in fact, that we need a re-education policy that takes into consideration these individuals, because they are vulnerable. There have been steps by the government, certainly, in relation to changing how people are educated in driving and dealing with vulnerable road users. That's just one step in the process, and that is happening.

The retraining here is in reference to someone who actually has been convicted of not complying with that

type of training, so either that they don't understand it or they're ignoring it, and therefore it calls for reconsideration and retraining of that individual. You must know that in other circumstances when people are horribly injured or killed outside of the road, like construction sites, there is retraining of those individuals and companies to ensure that they're complying with occupational health and safety. When a pilot, for instance, fails to abide by certain rules of flying a plane, they are subject to retraining and ensuring that they understand the mechanism of that flight, so we don't think it's a big ask for the retraining of these individuals who have in fact been convicted of breaking a law that they already knew about. But I agree with you, absolutely, that it's a combination of all kinds of things like education, which I think the government has been doing.

1540

And remember, too: These are the individuals under the vulnerable road user law who in fact have killed or seriously hurt, so it's not like we're going to fill up the retraining by a mass number of individuals. From a cost standpoint, it's also something that they would be responsible to pay for, so I don't think it's a costing issue either.

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Patrick Brown: I think it's just one other step we can take.

On the careless driving—and again, we commend you, in addition to some of the steps that you've taken so far in this bill to ensure that people are met with certain sentences like impoundment and licence suspensions. We also applauded when the careless driving provision was brought. But you have to remember, that's only one of 47 Highway Traffic Act provisions. Day in and day out when I go to court, they generally all plead down to these lesser and included offences and they walk away from the fine. Although the intent was there to make sure that you can increase penalties for these bad drivers, what happens in actual fact is that they still walk away from small fines, they plead down, and it's a repeated pattern. I think we have to be conscious of what's actually happening out there and moving forward.

Again, thank you for what you've done so far, and there's so much—we're quite prepared to work, as well, with your government on moving this forward.

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes all the time that we have for this round.

We'll now turn to the official opposition. MPP French, you may begin.

Ms. Jennifer K. French: Just to finish up with that last line of conversation: If we do fill up the re-education programs with people who need to be retrained before they operate that weapon again on our roads, I think that that is fine. Certainly, I think that, as we're talking about curriculum—and the government members have actually introduced this a few times, which I've noticed, about training in the beginning, I think that that is an important part of this. But as we look around, we see a lot of folks who—we've talked about confusing infrastructure, that they

don't know what's going on; that's one thing. But also, people make choices, with improper left turns or ignoring a stop sign or taking a Zoom call while they're driving, or distracted driving or putting on their makeup. We've all seen it. I think that, of course, there needs to be a re-education there. I appreciate the thoughtful input, and I hope that you'll continue to do that consulting work with the government and share a lot of that with us, please, as well.

I see my colleague Chris Glover. I know that he had his hand up. I'm going to hand that over to him. Sorry; go ahead, Chris.

Mr. Chris Glover: Thank you so much, and thank you, everybody, for being here today. This is actually one of the most informative committee sessions that I've been in. It has really been good.

To Ben: The vehicle that you showed there, the Sharon, Lois and Bram vehicle—I want to get one of those. My parents are older. I'd love to be able to take them out on a ride, and Jen knows them, because they live in Oshawa. Could you share that slide deck? Could you mail it to my office? Because I'm very interested in that and certainly will be advocating at committee to make sure they get the classification right on this, so thank you for that, and thank you for your technical expertise on this.

I want to address my next question to Patrick and Melissa. Patrick, you and I actually worked together on a dooring motion at the city of Toronto a few years ago. You were the one who actually told me that in 2011 the government had de-classified or reduced doorings from "accidents" to "incidents." I'm glad to see, and I know you've mentioned that you're supportive of reclassifying them as accidents, which will clarify a lot of things. I think it will have real implications.

I also heard that you said—and, Melissa, you, too, are asking for an increase in penalties for bad or distracted drivers, mandatory minimums and a remedial driving course, hours of public safety and road safety for penalties. You want Bill 62 to be involved in this and increase education for drivers. Around the issue of doors, I'm also asking: Would you be supportive of mandatory training for all rideshare drivers? It's only a correlation, because we don't have the data, but it seems that, as the number of rideshare vehicles has increased, the number of doorings has increased. I know the time that I was doored and the time that I was almost doored, both times it was by a rideshare vehicle. Would you also be supportive of having the driver partly responsible in a dooring incident, if it is a rideshare vehicle and it's a passenger exiting the vehicle?

Mr. Patrick Brown: On behalf of Melissa and myself—and Melissa has also been involved in this, but we both agree on those points: education of rideshare. There was an education process with taxi drivers on the same issue. I think we need to really upgrade our education and make it mandatory for rideshare or other services that transport people about dooring and the implications of it. So I think that's a great thing.

In relation to drivers being responsible for the actions of their passengers on rideshare, I also agree with you,

Chris: an excellent thing that would make it responsible for these individuals to give their passengers fair warning of the cyclists that might go by. I say that because, as you know, the consequences can be alarming. They can be pushed out into traffic and then hit by another vehicle, which does happen on a frequent basis.

The one thing I didn't ask, though, in this particular bill to give some consideration is, when I read it, in relation to doorings, it indicated there had to have been contact made with the door, at least the way I read the proposed legislation. I would ask that you consider not making it mandatory that contact be made but rather the dooring caused the individual to crash because, in many instances, sometimes there's not contact. The cyclist tries to veer away and then ends up in a crash situation and seriously injuring themselves. So, just that one point: that it doesn't necessarily have to have contact between bike and door in order for them to have it a reportable incident.

Mr. Chris Glover: Okay. And there's a question I have. It's actually a legal question that maybe you'd be able to help with. There was an accident a couple of years ago where a rideshare vehicle was in an accident. There hadn't been training for that rideshare driver. There was a young couple who were killed on their way to the airport just as they were getting on the Gardiner in this rideshare vehicle. When the rideshares came in, the city already had mandatory training for taxi drivers, and instead of raising rideshare vehicles up to that level, my understanding is, they eliminated all training for both taxis and rideshares. And now the city's looking at reinstating some sort of training for rideshare vehicles. What are the different jurisdictional responsibilities between municipality and the province, through the HTA or other measures, regarding mandatory training for rideshares and taxi drivers?

Mr. Patrick Brown: Certainly the training of individuals that participate in rideshare and other services within the city boundaries are things that they can certainly legislate in relation to what training is required within the services, within their municipality. I think there are boundaries to certainly allow them to do that and, in the past, they have done that. The same applies with trucks being in the city grid, in the urban setting. I think there's a real concern as well with trucks making right turns across bike lanes that there does appear—certainly in my experience, and in being one who sees the investigations in those crashes, there's a lack of understanding by many people on how to do it properly and correctly. I think there was also a call, in addition to rideshare, for additional training that's mandatory for trucks, rideshare and other people navigating within the city.

It's also a provincial area that they can regulate as well. I'm not saying it all falls within municipalities, but I think it's there for either one of those jurisdictions to employ some new laws.

Mr. Chris Glover: So should we be doing it—

The Chair (Ms. Goldie Ghamari): That's all the time that we have for this round. My apologies. We'll now turn to the independent Green Party member for four and a half minutes. MPP Schreiner, you may begin.

Mr. Mike Schreiner: I think I'll direct my first questions to Patrick and Melissa. I just want to thank you for your work. I know you've been advocating for—I think, since 2015 now, and predating with other organizations. I know when we were discussing Bill 107, there was a lot of hope we could get the vulnerable road users' act into that bill, and hopefully maybe MOMS is another opportunity to do that.

1550

Patrick, this may be an unfair question, but when you started doing your presentation, you were making some points, which I was writing down, and you said "lastly," and then your time ended. And so, I have a "lastly" with a question mark. I'm wondering what that last point was.

Mr. Patrick Brown: Thanks, Mike. I appreciate that. I appreciate everything that everybody, not only in the government but every party that has an MPP such as yourself and MPP Glover and all the MPPs that have really been active in road safety, whether they be in the government or not—I just think it's a good thing that people are thinking of these things.

My "lastlys" were—in fact, thankfully, I was able to get a few of those out through the questions that were made by the members of the committee, which included the Highway Traffic Act applying to parking lots. It really is something that is a gaping hole. I also wanted to get in the dooring contact, that it doesn't necessarily have to have contact with the door, so that was my "lastly" as well. And then I wanted some of the provisions of the language changed. We really dislike the word "accident," because these are not accidents. They're preventable. We don't have plane accidents. We have plane crashes.

Mr. Mike Schreiner: Great. I appreciate that. You did get two of the three in. I've got the third "lastly" down; you're not the first to bring that up today, so I appreciate that.

The one thing I did want to ask you about, and this is just probably more related to your legal practice—and I asked the minister this the other day—was data around the types of collisions that do happen. I compliment the government with stunt driving, dooring, aggressive driving etc., but I'm just wondering, in your practice, how many other types of violations to the Highway Traffic Act result in injury or death to vulnerable road users that fall outside the scope of what's included in this bill, and how including them in the scope may or may not address some of the concerns that your coalition brings to the table.

Mr. Patrick Brown: Great question, Mike. It's partly why I'm here. I'll commend the government, certainly, for bringing this type of approach of minimum mandatory sentences in relation to stunt driving and race driving, but the fraction that we deal with, that is a small fraction. You are dealing with the most heinous criminals who are using cars as sport, but the vast majority that result in death and in serious injury from these other illegal activities—

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Patrick Brown: —that are not as heinous, meaning, like you said, the right turns. When the coroner did it, for instance, in the cycling deaths, they found 62% of the

activities were illegal activities. They were not these excessive stunt driving but, rather, distracted driving, improper turns, running red lights, and the vast majority of conduct that's resulting in death are those activities, like you've indicated, Mike. That's why we're asking that we try to catch the vast majority of these things in the legislation. So, yes.

Mr. Mike Schreiner: I know we're almost out of time. Would you feel that we would be achieving the goals of this particular act if we could include those other illegal acts in this act?

Mr. Patrick Brown: I think you would be achieving the same goals, perhaps just a different type of sentence. Obviously, you don't sentence somebody for race and stunt driving the same way you would sentence somebody for an improper right turn. But you can still have mandatory minimum sentences for that improper right turn, which might be less of—

The Chair (Ms. Goldie Ghamari): Thank you. That concludes the time that we have for this round. We'll now turn to the government for seven and a half minutes. MPP Sabawy, you may begin.

Mr. Sheref Sabawy: Thank you very much, Madam Chair. My question is for Benjamin this time. I think I asked two questions from the two presenters; I want to ask Benjamin.

I visited Amsterdam a few years back and I saw thousands of bikes. They use bikes intensively, even with their narrow roads. I was very impressed. Seeing some talking about the EU in your presentation, so obviously you're a subject matter expert in this. Can you give us some idea, just for our education, about the difference in the laws protecting the cyclists in one of the EU countries like the Netherlands or any other—being that they more intensively use bikes—and the Canadian ones? And how can we improve our road code to accommodate more of that?

Mr. Ben Cowie: Certainly, and thank you for that question. I'm always happy to talk about infrastructure in this context. Fundamentally, the thing that allows people in Amsterdam and Copenhagen to ride safely is the separation of bikes from cars with concrete. A physical situation, not just paint, is what makes people feel safe to cycle and safe to cycle with their families. We find there's an incredible correlation between the quality of the infrastructure and the number of people who choose to ride, particularly women and people with families on their bikes. That is above any other thing you can do: separate cars from bikes with curbs.

Mr. Sheref Sabawy: In this legislation, which may be setting some value in protecting commuters generally and cyclists specifically, knowing that we are not specifically talking about separation, do you think the measures taken in this legislation would add a step for the safety of cyclists or not?

Mr. Ben Cowie: I've been reviewing primarily from the technical aspects here. I think Patrick Brown or Melissa would be better suited to answer that question.

Mr. Sheref Sabawy: Patrick?

Mr. Patrick Brown: Obviously, every step forward where you address a safety concern based on driver conduct, whether it be addressing issues like minimum licence suspensions, impoundment of vehicles, in part definitely benefits and reduces the amount of crashes involving what we call vulnerable road users, which includes cyclists and pedestrians. The more you send out that message that this is not acceptable conduct, that you will be faced with penalties that are reflective of the conduct, is a good thing and will help safety and reduce injury.

The problem is, this represents one very small fraction of the bad drivers out there. We're hoping to increase it to catch a larger volume of bad driving so that we can increase the number of people who are safe, including cyclists.

Licence suspensions: A licence is not a right, as we all know—and I think everybody's on this. It's a privilege, and with that privilege comes responsibility. I think we have to look at these things and say, "You know what? If you're not driving responsibly and in the way our laws say, we're taking that licence away."

The one thing I love about this bill is on the third offence, on the stunt driving, your licence is gone indefinitely until you prove one day that you can drive responsibly. I thought that was really a good thing to see, that the government took a hard look at licences and suspensions because that does change behaviour.

Mr. Sheref Sabawy: Thank you.

My final question will be again to Benjamin. Being an expert in cycling and bicycles, I would like to ask a question—maybe not exactly on the content of the bill, but I have seen a lot of cyclists who actually break the law, like jumping in front of cars, taking a very hard left turn or right turn or speeding like there's no tomorrow, flying down the road. How do you think those cyclists—because cycling doesn't need a licence. So now the question is: We are putting all the measures we can to protect them from drivers. How can we protect the drivers, from your experience and expert point of view, from cyclists who are not abiding by the rules in driving their bicycles?

Mr. Ben Cowie: Sure. The first point is that drivers need no protection from cyclists. A 100-kilogram cycle going into the side of an 11,000-kilogram car poses no risk to the driver whatsoever. So there's no risk in that direction. Research has shown very clearly that cyclists and drivers break the law at approximately the same rate; however, cyclists do it generally for their own safety rather than for their speed or for other reasons. Often it's because the laws are designed to move cars fast through cities, it's often safer to break the law, such as riding on a sidewalk than on the side of a very busy street. We have an example of that where a five-year-old was killed in Mississauga a couple of days ago.

1600

I think that, really, the idea of vulnerable road user is important here, that cyclists pose virtually no risk to any other road user in terms of life and limb. When we're thinking about who is causing all of the risk, it's the drivers who pose all of the risk to cyclists, not the other way around.

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Sheref Sabawy: Thank you very much for that answer. I understand the magnitude of risk, talking about life and injury and stuff, but again, being a driver and you get involved in a bicycle accident where you are not at fault just because of the irrational behaviour of a cyclist, it still puts you at risk of being in the legal system or in a case or even charged a heavy fine or whatever—a suspension if, God forbid, it's something big. How do you see that from the other side's point of view?

Mr. Ben Cowie: The driver is alive. I think the big difference here in this case is that the driver may be sorting out whether they were legally responsible for the crash, the cyclist is dead, and until there's better infrastructure—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes this round of presentations, and I wanted to thank our presenters for joining us. You are now released.

MADD CANADA

MR. MARK ANDREWS

MS. JAMIE STUCKLESS

The Chair (Ms. Goldie Ghamari): We'll now turn to our next group of presenters. Each group will have seven minutes to make their presentation, followed by a round of questions.

Our first presenter is MADD Canada. Please state your names for the record, and then you may begin. You will have seven minutes.

Mr. Andrew Murie: Thank you. My name is Andrew Murie. I'm the chief executive officer for MADD Canada.

Bill 282 is a good step forward. It increases impoundments, licence suspensions, lowers to 40 kilometres an hour for stunt racing for certain speed limits, and has the mandatory course.

From the impaired-driving perspective, I can tell you two things that work well and one thing that doesn't work well. First, the thing that doesn't work well is our judicial system and there are way too many plea bargains, especially with stunt driving now and, I expect, in the future. The two things that do work well are immediate sanctions at roadside and escalating sanctions.

I track most of Ontario's police enforcement agencies on social media, and I've noticed a great increase in stunt driving, but there's also about 25% of the incidents of stunt driving include impaired driving, G drivers and drivers with no insurance, no licence or they have a suspended licence. I would recommend to this committee that drivers that have dual offence for both stunt driving and one of these other offences get increased sanctions. For example, on a first offence, for a dual offence that the vehicle impoundment period is 30 days and a 60-day licence suspension; second offence, 60-day vehicle impoundment and a 120-day licence suspension; a third one would be 90-days vehicle impoundment and a 180-day licence suspension. This would all be with a 10-year look-back period, which is fairly common with offences within the Highway Traffic Act.

I would also recommend very strongly that repeat offenders within a 10-year look-back period would also get increased sanctions. So, for a second offence for straight stunt driving, it would be a 30-day vehicle impoundment and a 60-day day licence suspension, and a third or more offence would be a 60-day vehicle impoundment and a 90-day licence suspension.

I would also change the name of "stunt driving." This is a badge of honour for these people who do it. So I think very seriously you need to change the name to take away that badge of honour and give it a name that respects the reckless behaviour that stunt driving is.

The other couple of quick things: The mandatory course should not just be for people that commit death or serious injury. In impaired driving, when somebody gets a conviction, everybody has to go for the Back on Track program. Why are you just limiting it to these few people? Everybody who stunt drives puts everybody at risk and should take that mandatory course.

With e-bikes, every e-bike, if you're driving impaired, is a Criminal Code offence. But, depending on how you define those e-bikes in the Highway Traffic Act, some of them would not be considered a vehicle, and thus they're not subject to the 0.05 offence or any of the offences for G drivers, which is zero tolerance. So you've got to be really careful here. I don't have any problems with the three definitions of the e-bikes, but they all should be considered vehicles within the Highway Traffic Act.

The last thing I'd like to mention is that there are numerous mentions in the Highway Traffic Act of the word "accident." These are not accidents. These are crashes. These are collisions. They seriously give injuries to people that are life—and also, a lot of them result in death. So I believe that, to respect these victims and survivors, they should be called "crashes" or "collisions."

Thank you very much for the opportunity.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to our next presenter, Mark Andrews. Please state your name for the record, and then you may begin. You will have seven minutes.

Mr. Mark Andrews: Thank you. My name is Mark Andrews. I am a retired police officer serving 32 years with the Ontario Provincial Police, finishing my career for the last 15 years as a traffic inspector for northeastern Ontario. I'd like to talk about two key issues in regard to this bill: subsection 172(2), the penalties, and section 18, subsection 199(1), the duty to report an accident. I recommend that the committee look at the fact that the existing fine structure isn't effective, and I would seriously recommend that you would look at a primary fine structure that allows the courts or police to fine a driver a percentage of what the value of the seized vehicle's worth is, like the day fine system across the world, for first-time offenders who are street racing, contravening section 172, the stunt driving. Another thing that I think we should look at is repealing the section and amending the owner exemption for 172, and also, definitely, where able, increase automated speed enforcement.

The impact of adopting this fine structure will allow the courts more flexibility to deal with offenders and first-time

offenders. Police are prohibited from pursuing a vehicle under the Highway Traffic Act. An owner liability clause for 172 allows us to lay a charge where we can, and the automated speed enforcement increases exponentially the perception that you will be caught.

The current penalty system that we have is not effective, and there are several studies across the world that show that. The New South Wales crime statistics and research of March 2007 showed it: There is no deterrent to effective higher rates of fines. The Pew Charitable Trusts study of April 2020 showed it. The SWOV Institute for Road Safety Research in the Netherlands in 2013 showed it: There is no impact for increased fines and penalties. Each of these studies show that increased penalties do not deter nor stop repeat offenders. The issue that these studies and others have proven is the belief of unfair or biased penalties results in an emotional response and nonconformity, the belief that they'll not be apprehended, and some people are unaware of any penalty or consequence with this legislation.

In a study done by TIRF Canada recently, 23% of the representatives sampled of the survey responses admitted that they speed; 4% say they do it all the time. An estimated six million Canadians drive well over the speed limit, and an estimated one million do this very often. In Ontario, during the first five months of 2020, compared to the first five months of 2019, speeding charges decreased by 29%, but stunt charges increased by 40%.

The psychology of the offenders who street race or drive aggressively has to be taken into consideration if we're to quash this behaviour on the roadways. The fear of losing a driver's licence or a vehicle impoundment is mitigated by the thrill of the speed and the thought of being chased. The reality is, being apprehended by police successfully and convicted is extremely low. The suspect apprehension guidelines of 2013, public safety division, mandate that police cannot pursue vehicles for Highway Traffic Act infractions. We can't chase them, or couldn't chase them.

1610

The requirements of the police to identify the driver as per the HTA make successful conviction very problematic. Full-face helmets, tinted windows, fleeing police all prevent officers from identifying who is operating the vehicle. The motorists who do stop—this is where the bias comes in. The people who do stop and face the penalty are the ones who would obey the directions of a police officer. Chronic stunt drivers and street racers don't stop for police, but the people who do stop are at least obeying the law.

Attitudes, beliefs, personal experiences, sanctions, peer groups and social norms are just some of the factors that play an important role in shaping behaviour. Some persons are more amenable to change where others are more persistent and risk-taking and they're more reluctant to adopt safe behaviours. As such, it is important that the continuum of strategies that I've laid out are taken into consideration.

Despite the fact street racing is illegal in almost every country that we deal with or have any association with,

there's aggressive marketing from the auto industry selling high-performance vehicles. The HotCars news site in November 2020 published an article entitled "15 Most Popular Cars for Street Racing in 2020." Of those, there were models from every manufacturer you can think of, and the value of those cars ranged from \$33,000 to \$350,000. This is where the marketing for high-performance vehicles—the people who buy them are not intimidated by fines. Sadly, they're not intimidated by no insurance, and they're definitely not intimidated by driving with no licence. Look at how many people are unlicensed in this province already.

If we seized a vehicle and we're successful—let's say it's a \$90,000 vehicle and the fine could be 25% of the value of that vehicle. For a first-time offender for street racing, the fine would be \$22,500. If they're unable to pay the fine, the vehicle should be forfeited to the crown. The vehicle: That's their world. Street racers: That's their world. If they think you're going to take their car forever and hit them with a fine like that, they will find somewhere else to race, not on our public highways, where they put all road users at risk.

The system would allow, if we leave things as they are and add—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Mark Andrews: The system as it stands right now—so you have a person driving their family sedan, and they made a bad mistake and now they're late for work and we catch them, the court can still rely on the existing laws that we have to deal with them, either for speeding or stunt driving. A robust media campaign with this change would hopefully impact some of these drivers not to take the risk and have a substantial first-time penalty. The ability to charge the owner allows the police to charge the owner of a fleeing vehicle if there are proper plates. Automated radar enforcement has proven in studies across the world that it makes people willing to obey the law slow down because they're afraid of being caught.

The second part—I just want to add what was already said: Please, this committee, take the first time ever—replace the word "accident" in our legislation. Words have huge impact. The word "accident" is defined as "something that happens by chance, without expectation; an event without apparent, deliberate cause." Every collision happens because someone chooses to do something, disobey the law, or they choose not to do something but don't make—

The Chair (Ms. Goldie Ghamari): Thank you very much. That's all the time that we have.

We'll turn to our next presenter, Jamie Stuckless. Please state your name for the record, and you may begin. You will have seven minutes.

Ms. Jamie Stuckless: Good afternoon. My name is Jamie Stuckless. Thank you for the opportunity to speak with you today. I'm a resident of Hamilton, and I've spent the last decade working and volunteering in the social profit sector to make it safer and easier for people to ride a bike as well as to walk and wheel to school across Ontario.

I am currently self-employed and have had the opportunity to do a lot of freelance writing about e-bike research and e-bike tourism around the world. I'd like to speak with you today specifically about the definitions for e-bikes included in Bill 282 and how they could impact this growing sector.

Power-assisted bicycles, or e-bikes for short, are increasingly popular. Studies from around the world and right here in Ontario tell us that e-bikes have the potential to help more people cycle longer, further and for more trips. Having access to an e-bike can help address common barriers to cycling such as hills, carrying cargo, distance and keeping up with friends, and they can serve as a mobility aid for people with disabilities. It has been over a decade since meaningful updates were made to how we regulate e-bikes in Ontario, so I'm very glad to see this being addressed.

Up until recently, Ontario had been using the federal definition of e-bikes, which was repealed earlier this year. This definition was broad enough to include both bicycles with an electric assist as well as low-speed electric motorcycles, which are sometimes commonly known as mopeds. As a result of this broad definition, many of the provincial regulations and municipal laws for e-bikes have felt more focused on restricting where mopeds can go and where mopeds can operate than on increasing access to e-bikes. I'm glad that the province is seeking to more clearly distinguish between these very different types of vehicles. This is an essential step that will help municipalities and trail operators create clearer and safer rules about where e-bikes and mopeds can operate.

Although municipalities have always had the ability to make distinctions between different types of e-bikes, very few have done so to date. Those who did often chose differing language and criteria. For example, while Peterborough distinguished between where bicycle-style e-bikes and scooter-style e-bikes could operate, Toronto implemented a distinction between pedal-assist e-bikes and power-assist e-bikes.

The lack of a distinction and clear language at the provincial and federal levels has been a challenge. As noted, most municipalities did not take the step to officially distinguish between different types of e-bikes and have ended up banning them altogether on trails in an effort to keep larger, faster-moving mopeds off of shared-use trails. This is a real barrier to people who use e-bikes to expand their mobility options and participate in essential outdoor exercise. Your action to change this is welcome.

In terms of our next steps, I'd like to see Ontario align itself with the broader e-bike market rather than create its own unique bike criteria. What has been presented in Bill 282 is overly prescriptive and limiting to the potential for e-bikes. The definitions in this bill seek to create three distinct types of e-bike, but these types are different from the three-class system that has been adopted in 28 US states as well as by the National Park Service. Creating three types of e-bikes here in Ontario that are different from the three-class system already in use across North

America will create a lot of unnecessary confusion. If the province wants to go in the direction of creating three types of e-bikes, aligning ourselves with that broader market could help to facilitate trade and tourism and allow us to build on and learn from the experience of other jurisdictions.

We can also be flexible with how we want this framework to be adopted in Ontario. For example, I know that stakeholders here would like to see electric mopeds continue to be defined as power-assisted bicycles so that they do not require a licence or insurance. We could look at adopting a fourth class here for mopeds, which is, I believe, what the state of California has done.

The definitions proposed in Bill 282 also include very specific requirements around things like frame design, weight and wheel size that are not reflective of best practices across the United States and Europe and are not included in the US-based three-class system. I know this committee has received multiple submissions from retailers and people across the province outlining how these requirements would limit their access to e-bikes, especially the limit of a 55-kilogram weight. Many of the e-bikes used today by people, including seniors, families and people with disabilities, weigh more than 55 kilograms. We should not ask them to wait to be able to use those e-bikes again until their municipality passes a bylaw permitting the new Cargo E-Bikes Pilot Program. And there is, of course, no guarantee that their specific municipality will elect to participate in that cargo bike program at all.

Surveys have shown that the top concern for people about e-bikes is their speed. However, research shows that e-bikes don't actually travel that much faster than conventional bikes. In Europe and the US, most class 1 and class 2 e-bikes have been found to travel between one and four kilometres faster than conventional bikes. That's not a big speed difference and should not result in them being restricted as a mobility option. Research also shows that infrastructure and street design are actually the main determinants of speed.

I'd like to close once again by emphasizing the challenges associated with adopting our own unique set of definitions for e-bikes here in Ontario. It is very unlikely that the specifics that have been chosen will be in line with other jurisdictions here in Canada, in the US or in Europe. This creates trade barriers for retailers looking to import e-bikes—

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Jamie Stuckless:—and it also creates confusion amongst users and barriers for cycle tourism.

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I appreciate that the province has sought to address some of the long-standing concerns around e-bikes in Bill 282, including the creation of distinct types of e-bikes and getting rid of the Ontario-specific rule that both operators and passengers had to be 16 years of age to ride on an e-bike. This is a good step overall, and I hope that by making a few adjustments to what is proposed, to align with the existing market in North America, we can truly move forward with a more supportive environment for the e-bike

industry and the growing number of Ontarians riding them.

Thanks again for the opportunity to speak with you today. I look forward to any questions that you might have.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to our first round of questions, starting with the government. Who would like to begin? MPP Harris.

Mr. Mike Harris: Thank you, everyone, for being here. These are the first presentations I've been able to hear in full today, so I certainly have a few questions. I'm going to start with Mark, and then I'm going to pivot over to Jamie.

Mr. Andrews, during your presentation you were talking about high-performance vehicles and linking that to stunt driving. I'd like to get some of your rationale behind that, and I'll give you an example. I have a 1984 Camaro that I would say is a rather high-performance vehicle, and I also have a Volkswagen Passat, which certainly is not a very high-performance vehicle. But they both go about the same speed, weigh the same and certainly could do about the same amount of damage. So what would be your correlation between someone owning, in your words, a high-performance vehicle or an expensive car and the fines that you would want to associate with that, versus someone who is driving a \$10,000 vehicle that's 20 years old and the fines associated with that, when they both can do the same amount of damage? I'd just be curious to hear what some of your thoughts are.

Mr. Mark Andrews: It has a lot to do with the behaviour and the mindset of some of the folks who we deal with, or who I've dealt with over the 32 years of this struggle with this kind of behaviour and aggressive driving. You're a great example because you have two vehicles in the spectrum that we're talking about.

I don't think that for a first offender, it should be an automatic, "If you have a high-end vehicle, here it is." It depends on the circumstances and why we stopped you. If you're lined up with someone standing between you with a little red flag and you go screaming down the road, I think that regardless of the vehicle you're going to drive, we should maybe look at that percentage kind of fine and present that to court, to give them an option.

If you are a single parent who's working two jobs, and now you're trying to get to the babysitter to get your first kid so that you can get them home and then get to the second job, and you've made a bad decision driving your Passat, and you are in the range of stunt driving when we stop you, first of all, officer discretion may never see a stunt charge, but also, that's before the courts. We would allow, if you leave the statute as it is—because we know this increasing fine structure doesn't work; it's proven—and you're fined accordingly, without perhaps a percentage, because it's how you've used the vehicle.

I can give you a classic example of where the behaviour of these people—they don't care. This happened last week to a young officer. I talk with officers still all the time, because we never really retire. This officer had stopped a vehicle speeding, and it was a man who was 62 years old,

and he was stunting. He forgot his medication at his drugstore, and he was trying to get there before it closed. The officer used discretion, dealt with him the way he should have, phoned the pharmacy and got his prescription held, and they waited for him. He dealt with it.

The same officer, within the same week on the same highway, was dealing with another speeder when a motorcyclist in the opposing lane came screaming by him doing a wheelie, fully trying to engage the officer to pursue him, which—we will not pursue motorcycles. Because the officer ignored him, he came back and he sprayed both cars and the officer with gravel, and then took off. The officer couldn't identify the driver pursuant to the act, because he had a full-face helmet on. He knows who it is. He also knows that this same person has over 30 charges, knows that he's pleading not guilty to every one of them, knows that they're being dealt out. The progression isn't working, and they don't care.

If that's a high-end motorcycle, when we finally get him and we say that this motorcycle, because of what it is—perhaps it's a BMW or whatever—we could then apply that for the court and give that tool to the court. That's what I'm talking about.

Mr. Mike Harris: It's certainly an interesting perspective and one that, personally, I haven't heard before. That's why I'm kind of interested in learning a little bit more about it.

You're right; I've been out on several ride-alongs with Waterloo Regional Police Service where we've actually had motorcycles doing wheelies in parking lots and different things like that, and we've kind of rolled through to give them a gentle reminder that they shouldn't be doing that and they all just take off. There's really nothing you can do, but that's also a whole other problem that we're not necessarily addressing in this particular bill.

Thank you for that insight, because it's again, like I said, not something that I've heard before. I'd be interested to learn a little bit more about how that might work.

But we are limited on time, and I did want to move over to Jamie just quickly. I know you've had a lot of opportunities to speak with people at Queen's Park and legislators over the years and worked hand in hand with a lot of different people that we interact with on a regular basis.

As someone who represents a very, very fast-growing community—we're the fifth fastest-growing community—sorry. Actually, we're the fifth largest community in Ontario but one of the fastest-growing. I'm out in Kitchener. We've made some investments in bike lanes and different things over the years, but I also represent a very diverse riding where about 60% of my riding is really a rural community but still interact quite a bit, obviously, in the cities of Waterloo, Kitchener and Cambridge.

I was just wondering from your perspective—we talked a little bit—I heard a snippet of the previous folks that were talking about vulnerable road users. From an education campaign standpoint, how can we help educate maybe people who aren't necessarily used to dealing with—whether it be e-bikes or whether it be your traditional

cyclist on the roads from some of our more rural areas where they wouldn't necessarily be seeing these people on a regular basis? How do you think we get that information out to them—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Mike Harris: Oh, sorry—if you can condense it all into a minute.

Ms. Jamie Stuckless: Okay, yes. Thank you for the question. I will keep it short. I think that one thing you're looking to do in Bill 282 that will really help around education, especially when it comes to e-bikes, is trying to make those distinctions and provide people with the language. I think if you listen to conversations around tourism tables or even municipal councils, someone says "e-bike" and you can have three different ideas of what someone is talking about pop into your head, and then 10 minutes in you realize you're not actually talking about the same thing.

So, a really important tool in any education campaign is being able to tell people what an e-bike is versus what a moped is or a motorcycle is, and letting people know. I think a lot of people think that because mopeds aren't allowed on a trail, all e-bikes are banned on a trail, and that can make for really confusing conversations and education. The language element and the distinction you're trying to make in Bill 282 will play a really big role in any—

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time we have for this round.

We'll now turn to the official opposition for seven and a half minutes. MPP French, you may begin.

Ms. Jennifer K. French: I want to thank everyone for their presentations. It's nice to see all of you. This has actually been an excellent day of committee with the learning, as we have heard.

Jamie, I'm going to briefly start with you. The campaign from the e-bike community has been fast and furious and very illustrative of what you've been discussing, because everyone has sent lovely pictures of themselves, their grandparents, their babies and their pets in e-bikes so we can have that clearer picture. We're working on those amendments to tidy up the language.

There have been some interesting conversations today, whether it's about helmets, whether it is—you've raised it yourself—mopeds and how they fit. As the critic for infrastructure, transportation and highways, I would ask that as you continue to consult with the government, you continue to share that with us for the specifics and, as we look at regulation, what that needs to look like. If there's anything you want to just add about the harmonization. Province to province is another piece. Can you just highlight why this bill before us is a problem if you live—oh, I don't know—in Ottawa?

Ms. Jamie Stuckless: Thanks for that question. Actually, I lived in Ottawa my whole life up until three years ago. It was something I had to cut from my presentation, but as somebody who very regularly biked across those bridges where the municipalities and the provinces have done a great job of building infrastructure and counters on those

bridges—thousands of people bike across the border in an interconnected area like Ottawa and Gatineau every day for recreation, for work, for school. I think we're really at risk of seeing those bikes become illegal every day for people as they cross the border if we have rules for e-bikes that strongly vary across provinces.

1630

The Ottawa-Gatineau example, where people cross the border regularly, is just one example. I think we see a growing market for cycling tourism. Ottawa and Quebec are increasingly connected when you look at things like the Great Lakes Waterfront Trail and La Route Verte that Quebec has invested in building. There's just a lot of cross-border cycling that happens and that would really be limited or put people doing it at risk of enforcement, for not necessarily researched and well-founded reasons.

Ms. Jennifer K. French: Thank you. I think hearing from Mark and Andrew, it's a reminder that our enforcement folks have things to be doing other than measuring the tire and wheel size of a grandma bike and an e-bike. The Cycling Without Age pilot—we've already heard that the government is investing in it, but on the one side, and on the other side it will be illegal if they don't change this bill. Thank you, Jamie.

I'll turn to Andrew from MADD. It's nice to see you on this call. Thank you. I appreciate what you've said about the name of stunt driving, that idea of the Hollywood concept. We've heard some different examples today of language, and we'll leave that for the government to continue. But I think the mandatory course—if you don't mind just delving a little bit more into that, about how we can't leave people out. Because there's been, actually, a fair bit of conversation. The government has been talking about training and the idea of training at the beginning versus retraining or education if someone is charged. Can you speak to the importance?

Mr. Andrew Murie: Sure, like the remedial program that's run by the Ministry of Health, through the Ministry of Transportation, for impaired driving. There are a lot of people that take that course that have been charged with impaired driving and never come back into the system. They have researched that to show that it's been very effective. It wouldn't have that effectiveness if you just waited for death or serious injury.

So part of an education course is not that—you're not going to get everybody never repeating the offence again, but it will go a long way. So use that as your peer and establish that, and that's just one more addition: If you don't complete that course, you don't get your licence back, so there's a requirement to do all those pieces or a certain time frame. It also has an impact on their insurance. So you've got to kind of look at those things. It doesn't affect everyone, but it affects a large chunk of them. It makes no sense just to have it for death or serious injury, for the people required to take the course.

The Chair (Ms. Goldie Ghamari): You're muted, MPP French.

Ms. Jennifer K. French: I know—

The Chair (Ms. Goldie Ghamari): Okay.

Ms. Jennifer K. French: —with whoever’s actually got the power. Thank you.

I also wanted to say that you have been among several today who have pointed out the importance of language—“collision” or “crash” versus this idea of something, oops, that just happened out of nowhere. I think that you and Mark, if you haven’t met before, the two of you are quite in sync in terms of what you’re saying about insurance, those people driving on the roads with suspended licences, without insurance, without a care—that we’re not going to get them with a polite reminder, that there need to be very targeted interventions.

Andrew, is there anything else that you would add, sort of to that psychology aspect when we’re dealing with people in the stunt driving world?

Mr. Andrew Murie: The one thing I can bring from the impaired driving: When BC brought in their program and started impounding vehicles for impaired drivers, and then—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Andrew Murie: —at the 30-day interval, the alcohol-related deaths in that province dropped by 50%. So impoundment, the immediate roadside stuff works. Too many of these—you’ve beefed up the penalties in Bill 282 when you get a judicial. It’s not going to work. They’re going to get plea-bargained away. They do it all the time. So make the toughness of this bill at the front end: what the police officer can do to that driver to send that message home. It’s really hard to explain where the car has gone if it’s been impounded.

Ms. Jennifer K. French: Thank you. I have no time, but Mark, I’m coming to you for the second round.

The Chair (Ms. Goldie Ghamari): Thank you. We’ll now turn to the independent Green Party member for four and a half minutes. MPP Schreiner, you may begin.

Mr. Mike Schreiner: Thanks to all three presenters for coming in and providing such valuable information. My hope is to be able to ask all of you questions.

I’m going to start with Jamie. Jamie, we’ve had a lot of organizations come in and really detail the importance of bringing forward some amendments on the e-bike classes and how they should be defined. I wanted to ask you a question that maybe is beyond the scope of this bill but is connected to this bill. The tourism industry has been probably hit harder than any other industry during COVID: first to close, last to reopen. I’m just wondering, you had talked a bit about cycling and tourism and the role of e-bikes, especially if we can get this bill fixed to not make e-bikes illegal—can you maybe just talk about the tourism opportunities? Because I’m also thinking that you’re outdoors and COVID is safer outdoors, and maybe there are just some opportunities if we can get this right and promote cycling tourism.

Ms. Jamie Stuckless: Thank you for the question and the emphasis on tourism and the potential for recovery there. I think, broadly, e-bikes can really help to increase tourism in terms of giving people that confidence that they can cycle between towns, that they can cycle the full length of a trail that they might want to be trying out in a

different community. A really big one from the research, and from my own personal experience, is that when you’re on an e-bike, you can be more confident that you can keep up with the group and keep up with friends. So there’s a real impetus in opening up the cycling tourism market for new people, with e-bikes.

I think, on the flip side, one of the things that we’re really seeing in terms right now with the very confusing and broad definitions around e-bikes is that it’s incredibly hard to figure out, when you’re looking at off-road trails, whether e-bikes are permitted or if they are not. Sometimes, the sign will say “no motorized vehicles.” In one province, that might mean that e-bikes are okay; but here in Ontario, that might include e-bikes.

I’ve actually had the opportunity to write stories about 20 different trails across North America, and you wouldn’t believe the research that goes into—and how many people you need to speak with—whether or not e-bikes are allowed on that specific trail, because here in Ontario, it’s really up to the individual trail operator and the municipality. Is every single independent person looking for a cycling trip going to do that kind of deep research? When I was doing an e-bike test here in Hamilton, I went on the city of Hamilton’s website: It said nothing about e-bikes. I went on the Hamilton police’s website: It said nothing about e-bikes. So I rode my e-bike on the rail trail and later found out via a council delegation that that was not permitted, and I had done some research.

So I think that the first step is that we need to provide some clarity for municipalities and trail operators to do some clearer communication and education about what’s going on. I think that there are a lot of people that, once e-bikes start getting promoted with, “Hey, you can cycle further for longer and with more confidence,” I think that could really open up a market of outdoor activity that also supports small business in communities along trails and along highways with cycling infrastructure.

Mr. Mike Schreiner: Thanks for that. I appreciate it.

The Chair (Ms. Goldie Ghamari): Fifty seconds left.

Mr. Mike Schreiner: Fifty seconds? Okay. I’ll stick with you, Jamie, and we’ll get Mark and Andrew on the second round. Maybe just some final thoughts around how cycling tourism could bolster recovery.

Ms. Jamie Stuckless: Research has shown here in Ontario that cycle tourists have to stop more often, so they’re very likely to support local business. They stay more nights and spend more money at local businesses because they just can’t travel as far as other people moving on buses or in cars. We’re also, as you mentioned, seeing a growing interest of people looking for outdoor activities to be outside and exploring new communities, so I believe—

The Chair (Ms. Goldie Ghamari): Thank you. That’s all the time we have for this round.

We’ll now turn to the government for seven and a half minutes. MPP Thanigasalam, you may begin.

1640

Mr. Vijay Thanigasalam: Thank you to all three presenters. I will start off with Andrew Murie, CEO of

Mothers Against Drunk Driving. Andrew, in terms of aggravating factors when it comes to children in the vehicle, impaired driving or driving in a construction zone, currently the aggravating factors would be considered in court in determining the penalty. What's your take on having penalties, or enhancing the penalties, based on these aggravating factors? It could be any aggravating factors, like children on board, impaired driving or construction zones.

Mr. Andrew Murie: I agree with you that these aggravating factors put everyone at risk when there are multiple things going on. I have no faith—and it has been shown in the judicial system. They'll bring a number of aggravating factors before, and it gets plea-bargained away. The intent is never delivered. The message is never delivered.

That's why I'm strongly encouraging you, as a committee, to make amendments that sanction those aggravating offences, along with stunt driving, with the vehicle impoundment and the licence suspension where it's immediate and the greatest impact, and you can do the greatest impact on campaigns to say, "If you do this and you're doing this, this is what's going to happen." It'll make a difference. Don't trust the courts to make the difference.

Mr. Vijay Thanigasalam: Thank you for that answer. In terms of having drivers go through mandatory remedial courses, can you please speak to that? I know that you were passionate about that in the consultation process as well. Right now, those mandatory courses would be applied to those who are convicted of dangerous stunt driving that we have right now. Can you please speak to that? I really want to hear your take on that.

Mr. Andrew Murie: Drivers are required to do it. Like the Back on Track system, they pay for it, so it's another additional cost for stunt driving, and getting their licence back is conditional on them successfully completing the program. The fact that it's mandatory—it has all those elements. There are very few people that don't go through the Back on Track program, so you get these people, you get them in front, you get a chance to educate them on the dangers of stunt driving and you can show them some of the people who are impacted. You might not impact everyone, but you're going to get through to some of those people.

Why do we have to wait till they kill somebody or seriously injure before they get that course? That's why I'm so strong on this. There's a reason why every province and territory has a remedial program for impaired drivers. Do the same thing for stunt drivers.

Mr. Vijay Thanigasalam: Great. In terms of the education piece, how does the Mothers Against Drunk Driving organization feel that the public—what is the best way to educate or inform of the changes that are coming included in this proposal? I'm sure that—you are in this advocacy for such a long time, and you probably have done so many workshops and information sessions. What's the best way to inform or bring awareness about some—there are a lot of changes coming through this bill. What's the best way, according to your experience?

Mr. Andrew Murie: The model is that you pass good legislation, which Bill 282 is, you give the police the enforcement tools and you educate the public about what's in there.

The other thing that I've seen that's in a couple of regions around the GTA is that they are now starting to have signs that say "If you see unsafe driving, call 911." Now, we've been doing that for the better part of 15 years, "If you see an impaired driver, call 911." Expanding that to report stunt drivers, all that kind of stuff—we're now seeing about 50% of impaired driving arrests by police coming from people calling 911. Nobody likes stunt drivers. They all see that they're a great risk to them and their families. Engage the public to help the police, to report them. Those are the kinds of things that will work.

Mr. Vijay Thanigasalam: Thank you, Andrew.

I'll move on to Mark Andrews from the Traffic Injury Research Foundation. In terms of MTO, we recognize that to achieve the desired road safety outcomes, our policies must be combined with a targeted communication strategy, and obviously that's on top of the public education activities as well, whether it could be speeding, aggressive driving or safety on roads.

I really want you to speak to whether you are supportive in terms of these provisions around the street racing and stunt driving. If yes, what do you think is the way to take this forward, not just to the public, because obviously we have to take it to the public, but the people who are in this community, where stunt driving is part of their lifestyle? You mentioned that it doesn't matter about the fines or the costs, it doesn't matter about the penalties; they will still do it, right? So can you please speak to—other than, obviously, you had a solution that you take away their vehicle—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Vijay Thanigasalam: Is there any other way we can interfere and educate that community, that niche community, about these provisions and changes and how this would help the entire community at large?

Mr. Mark Andrews: I think you really need to expand where you're sending your message and you need to go where those people have their blogs, their chat groups, where they were advertising the 15 best cars to buy to street race, those kinds of avenues, because they're not reading where a lot of people who are law abiding—they want to read about high-performance cars and they want to read about the best fuel, all those kinds of things. Go to where they are and have it available for them, be it electronic, printed, on TV, on radio, on cable. You've got to get to where they are, because they're a very niche group. You want to have your messages put there.

Also, look for sponsors who are selling the kinds of products that street racers are using. Get them on board to get them onto a private track—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes all the time that we have for this round.

We'll now turn to the official opposition for seven and a half minutes. Who would like to begin? MPP French, you may begin.

Ms. Jennifer K. French: Yes, thank you. I think I promised/threatened that Mark would be up next. Mark, I'd like to say that it's nice to see you again. I have appreciated your consistent advocacy on safety issues in the province. As critic, I appreciate voices wherever they come from, but I know that after 32 years on the roads you've seen things and you know things none of us could ever imagine, and I thank you for all of those years and for continuing to not retire, as you put it, because we really value the insight.

Some of the things that we heard today are that the AG should be re-engaging in provincial offences and penalties. That was sort of a recommendation earlier. It was highlighted that speeding fines haven't increased in, I think they said, 30 years. I don't know the ins and outs of that, but I know that you've talked in the past about suspended drivers, uninsured drivers, the people who are on the roads. I would like to know if you have thoughts on what the MTO—do they have information that they can work with in order to deal with people who are allowing their vehicles to be used for, I'll say, stunting or any of that? I'd like to pick your brain, so go ahead and brain dump at me. If you want to talk about something else, have at it. You've got the government here; go nuts.

Mr. Mark Andrews: Well, that was quite the offer. The reality is, the folks who do this, the people who have that behaviour, who are going to take risk, be it stunt driving, be it impaired driving—I've dealt with people who have had 10 and 12 charges and arrests for impaired driving. That's when they've been caught, not including all the times they never were caught.

Does the MTO have all of the information? It's overloaded. There are close to 100,000 people driving in this province right now that the MTO know about who are suspended. There's not enough of us out there to stop them. We have to think of a different way. There are so many exemptions and there is fear about people who—charging the owner of a vehicle. I get that in the stunt driving—it's exempted from 172. You can't charge the owner; I get that. That's to stop the delivery company who has a bad driver so that you don't seize the delivery truck.

But the trouble is that, sadly, we have people who are enabling stunt drivers, who have the vehicle in their registered name but allow their friend, their kid, somebody else, to drive it and to race it. They're enabling them; that's their hobby. They still have access to that vehicle, whether it's impounded for seven days or not. We've had instances where the vehicle has been impounded for the seven days—make it seven, 30, 50—and the next day, they're in a different vehicle provided to them by someone else and they're doing exactly the same behaviour.

1650

We have to remove this fear that we can't have the owners charged for that. You've got to give us those tools. When you have the motorcyclists who go flying past us—there was the incident of the motorcyclists who surrounded the cruiser on the 400-series highways, intimidating the officers, in full-face helmets. They couldn't identify who those operators were. There were licence

plates, so we know who they were, but we can't charge them, because it's an HTA offence. It's not sharing a lane. How do you prove dangerous driving etc.?

So we have to make it so that a lot more offences—the reverse onus: Explain to me, the owner of this vehicle, who was driving, if it wasn't you, and why did you allow that kind of a person who's unlicensed, uninsured—and the insurance companies don't want to have that risk out there. We're talking about e-bikes. Talk about vulnerable road users, pedestrians, e-bikes, bicyclists, motorcyclists, people on mobility devices. We have way too many people who are getting killed by uninsured, risky people who don't care, out there driving. We have to do everything we can to give everybody the tools.

I also can tell you that the court system is overwhelmed. I've used the phrase, "It's a one-inch pipe going into the courts, and there's a six-inch flow." They can't handle it. Currently, sadly, I do know for a fact that in a jurisdiction up where I live, because of COVID restrictions, every impaired charge right now is being deferred and returned, and it's a careless driving charge with no trial. There's no criminal record. That person's not going to get into accession of a various number of suspensions and go into a program. They're getting a ticket for impaired driving because there's not enough time, there are not resources out there in the criminal justice system to deal with what's being asked of us. There's not enough of us. For so many people, as proven by the studies that I quoted, those people who are the chronics don't care.

I've investigated fatals where people have killed somebody. I've gone back into their history, and they have had over 30 charges, and they've gotten through the system until they kill somebody. As Andrew says, why are we waiting until they kill somebody? We can't. It's too costly.

Ms. Jennifer K. French: I don't think that there's going to be—well, there's not a quick fix in this bill. You've highlighted some stuff, but hopefully, the folks on this call and people connected to the ministry—if you guys haven't written down Mark's name and made sure that you've got him as a resource, please do that.

In terms of some of the things that are missing from this bill—not just what's in it that's problematic—is there something that you would highlight that we could add that is easy while this bill is in front of us, beyond some of the larger-scope problems?

Mr. Mark Andrews: I will use this opportunity to talk about—please remove "accident" from every piece of legislation you can, because I can tell you, I've sat with families explaining to them why someone's not coming home, and I sure don't trivialize it by saying it was an accident.

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Mark Andrews: You need to remove that word. The Ministry of Transportation in their own collision reporting system have replaced the word "accident." It's a collision reporting system. Be the first in this province's history to remove that word from our laws, because it trivializes the impact that a collision can have. That's

something that reinforces to everyone—take away the phrase, “It was just an accident.” Take away that ability for someone to trivialize tremendous loss, tremendous pain, for the community, for the individual, for this province. Words have power. I implore this committee to make that change.

Ms. Jennifer K. French: Thank you very much. And I will take this opportunity to thank all of the presenters in this round. You guys speak from experience, and that is why we have these committee hearings, so hopefully we see not just this legislation be the best version, but it would seem there is a lot still to do in the province that is going to take some time and be thoughtful about. So thank you very much, folks.

The Chair (Ms. Goldie Ghamari): Thank you very much. We’ll now turn to the independent Green Party member for four and a half minutes. MPP Schreiner, you may begin.

Mr. Mike Schreiner: Thank you, Chair. Mark just gave a very powerful statement of why language matters and there are some others today who similarly talked about the power of language and the importance of it in legislation. Andrew, you raised it in your comments when it comes to the term “stunt driving.” I’m just wondering if you had an alternative suggestion to “stunt driving” that you would recommend for the legislation.

That’s for Andrew, if you can unmute him please, staff.

Mr. Andrew Murie: Yes, thank you—and thanks. We’ve discussed many options and I know that the MTO circulated around three or four names. They reached out to all the traffic safety groups, and we were all able to give one, two, three, four. The one that is the one for me is “reckless speeding,” which classifies a bit better the behaviour and takes away that badge of honour. So that’s what I kind of push, but I’m very comfortable with any of those things, with those words that reflect the kind of behaviour and the risk it puts to others. I don’t have a degree in marketing, but that’s what I came up with. I’m sure there are some really good people to come up with something. But the four names that the Ministry of Transportation circulated around—I was supportive of all four.

Mr. Mike Schreiner: Okay. Thank you, Andrew. I appreciate that.

Mark, I think I’ll ask you this one: You talked about how the existing fine structure doesn’t work. You talked about the fine based on the value of the vehicle. One thing that’s come up over and over again is the ability of people to plea their way down to a lesser offence. Do you have any thoughts about how we can prevent that from happening?

Mr. Mark Andrews: The problem is, as I said, there are not enough resources or hours in the day for the current court system that we have to deal with everything that’s hitting them. The fact that you have dockets across this province that have 800, 600 names on them for one day—they’re trying to reduce that work flow, and that’s how they’re managing it. They don’t look at what the circumstances are of any of the things that are there. I hate to say this, but I’ve heard this for many, many years: “It’s just an

HTA offence. We need more time for real crimes.” And that’s coming from members of the court.

So you need to throw—maybe not throw. That’s a bad word. You need to fund the courts with enough resources and personnel and people of interest to deal with everything that’s coming at them—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Mark Andrews:—because new laws come out all the time, and you increase fines and you put in new laws and new restrictions and new legislation, and then they talk about, “We’re going to hire more police officers.” Well, give us 6,000 more officers, but if you’ve only got one prosecutor in your region, they’re not going to be able to manage that.

You need to look at the court system: How much work flow is going through there? What is their focus? What is the specialty? Do you have specialized traffic courts? Do you have specialized impaired driving courts? Who does what well? You really need to look at the whole system and how we do this, because when I see impaired driving charges routinely withdrawn, with a careless driving ticket to replace it, we have a problem.

Mr. Mike Schreiner: Yes, I appreciate that. We’re probably out of time, but at some point I’d love to talk with you about how we can get people to not say “It’s just an HTA offence” anymore, because oftentimes HTA offences lead to severe injury and death. But we’ll leave that to the next time we can have a conversation, so thank you.

The Chair (Ms. Goldie Ghamari): Thank you, and I’d like to thank our presenters for joining us. At this point, you may step down. You’re released. Thank you.

1700

MS. FRANCESCA DOBBYN
CAA SOUTH CENTRAL ONTARIO
OUR GREENWAY CONSERVANCY

The Chair (Ms. Goldie Ghamari): We’ll now turn to our final group of presenters, starting with Francesca Dobbyn. Please state your name for the record, and then you may begin. You will have seven minutes.

Ms. Francesca Dobbyn: Great. My name is Francesca Dobbyn. Thank you so much for the opportunity to speak to you this afternoon. As I said, I’m Francesca. I’m the executive director of the United Way of Bruce Grey. I’m also the secretary-treasurer of the Bruce Peninsula Safe Communities Committee and the treasurer of the south Bruce safe communities committee, and I recently became the co-chair of the newly formed regional road safety working group.

The stretch of Highway 6 between Wiarton and Tobermory is about 76 kilometres in length and only accounts for 0.06% of the nearly 120,000 kilometres of paved roads in Ontario; yet nearly 2% of the 12,000 stunt driving charges laid in Ontario last year were laid on this stretch of highway.

Founded in 2014, the Bruce Peninsula Safe Communities Committee is focused on injury prevention and community safety for the peninsula region. We have conducted

distracted driving awareness campaigns with our young drivers, instituted AED programs on Sauble Beach, and other municipal parks work closely with the Bruce Peninsula OPP and other community-based organizations on our community safety.

In August 2017, a fiery two-vehicle crash took the lives of four people, including Traves Atchison and Jana Watson, who were visiting the region. Spurred by this horrific accident and a significant increase in the number of stunt driving charges laid by OPP in 2017, the safe communities committee held two public meetings that fall. The community was simply asked: What would it take to have a safe Highway 6? Everyone attended these meetings. We had both municipalities; input from our two Indigenous communities; Bruce Peninsula National Park; the Owen Sound Transportation Co., which is the Chi-Cheemaun ferry; fire; EMS; OPP leadership; and we invited the Ministry of Transportation to listen as well. Minister Bill Walker was in attendance at some of the meetings and has been kept up to date on the activities of the committee from the very beginning.

Spurred by these meetings and in partnership with the local OPP, the safe communities committee was able to fundraise for and purchase two SpeedSpy devices. These devices were then gifted by the committee to the OPP. I wanted to call them Thelma and Louise, but the OPP called them SpeedSpy 1 and SpeedSpy 2. These devices use radar and measure just three data points: date, time and speed. They are not an enforcement. They are a data-collection tool. They will not differentiate between an ambulance responding to a call and a Maserati that's speeding up the highway.

For the summer of 2018, these devices were deployed to gather data. In the fall of 2018, the OPP reported back to the community on the data collected and we knew we had a problem. For six days around the 2018 Canada Day long weekend in Ferndale, a 60-kilometre-hour zone: 35,000 northbound vehicles; 20,000 were going over this posted speed limit; 15% were going over 86 in the 60 zone; 256 of those vehicles were stunt driving.

Three days in August: 8,000 northbound cars; 7,000 over the speed limit; 30 stunt driving.

Thanksgiving: 7,000 northbound cars; 6,500 over the speed limit; 38 stunt driving.

Getting in on the data action, the MTO also put out traffic monitors in three different time frames and locations. Their top speeds recorded were 200 kilometres an hour. It couldn't go any higher because the monitors wouldn't measure any higher. All of the data is available on reports that we can supply to this committee.

With the data as proof of the problem, solutions were actioned. The OPP deployed targeted traffic enforcement during the trouble times identified by the data. So in 2017, 43 drivers were charged with stunt driving; in 2018, 130; in 2019, 191.

In 2020, two roadside signs were created by Avenue A, a local sign company that was also concerned about speeding and dangerous driving on the highway. These two signs were updated weekly with the number of stunt

driving charges laid in the year to date. When the signs were tucked away in the winter, the number for 2020 was 221.

The response to those large signs was so significant we created lawn signs, such as the one that's behind me, that people could put out on their lawns to further drive home the message. We empowered the community to call 911 to report unsafe driving, and the calls doubled from 2017 to 2018. I, myself, called in a speedy driver who was passing under a hill and, two kilometres later, the OPP had them at the side of the road.

The MTO responded as well. Highway 6, south of Ferndale, is the only two-lane highway in Ontario that is marked for OPP aircraft-based speed enforcement. Subsequently, two weekend blitz events have occurred with the OPP's communication team to generate awareness that stunt driving will not be tolerated on the Bruce Peninsula.

All of this community work and awareness has drawn significant attention from across the province. So despite it being all pandemic, all the time, the regional road safety working group was formed in 2020. The safety working group is a collaborative of professionals from southwest and central-west regions of Ontario that provide a community perspective on road safety issues and promote public awareness, education, enforcement, engagement programs and initiatives to reduce traffic-related injuries and fatalities.

With the United Way as the host organization providing structure, the working group was successful with an MTO-based grant this winter, and we've launched DRIVES, Driving Responsibly In Vehicles Everywhere Safely, with the hashtag #dontpaytheprice to raise awareness of the consequences of a stunt driving charge.

The Chair (Ms. Goldie Ghamari): One minute.

Ms. Francesca Dobbyn: In Grey-Bruce in general, 330 drivers were charged with stunt driving in 2020; the peninsula was 220 of those.

I share all this information and data to thank the provincial government for these proposed changes to increase the licence suspensions and vehicle impoundments at the side of the road. This should make a difference. The reduction to 40 kilometres an hour will have a significant difference in Ferndale as well.

Thousands of dollars have been donated and raised to raise awareness on this issue. We needed more teeth, and this act bites. We look forward to updating our campaigns with these new consequences.

If I had one ask, it would be a separate fund from those fines that is dedicated to help us do things like maybe buy an ad in a CAA magazine—I don't know—to drive home this message that we will not tolerate this in our community. Thank you.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to our next presenter, from CAA South Central Ontario. Please state your name for the record, and then you may begin. You will have seven minutes.

Mr. Raymond Chan: Good afternoon, Madam Chair and members of the standing committee. My name is

Raymond Chan, and I'm the manager of government relations with the Canadian Automobile Association, CAA, here in Ontario. Firstly, thank you for allowing me the opportunity to address the committee today, to speak to some of the proposals within Bill 282 and its aim towards improving road safety across our province.

CAA has been recognized as a road safety advocate since 1903. As Canada's largest not-for-profit automobile club, we also provide reliable roadside assistance to our over 2.4 million members across Ontario. Annually, CAA answers nearly 1.5 million requests for service in this province alone and is here to rescue those stranded at the roadside 24 hours a day, seven days a week. Just earlier this week, for a second year in a row, CAA was awarded the distinction of Canada's Most Trusted Brand by the Gustavson Brand Trust Index, recognizing our association's honest communication and good treatment of our customers.

CAA is supportive of many of the recommendations proposed in this bill, particularly those under schedule 3, the Towing and Storage Safety and Enforcement Act, TSSEA, as it relates to towing reform and oversight. The proposed legislation is an important step towards addressing the needs and challenges expressed by both motorists and the towing industry.

For over a decade, CAA played an instrumental role in advocating for provincial certification or licensing of the towing industry, as well as enhanced consumer protection measures. We're pleased to see that these are highlighted in the proposed legislation.

In 2020, a public opinion survey commissioned by CAA showed that 90% of Ontarians agree with a tow truck licensing system, as well as certification of operators and provincial oversight of this industry. Furthermore, the study found that only one out of every five Ontario drivers feels very protected under the current system. Proposals within this bill, if passed, will address the most pressing issues related to safety and consumer confidence.

When a motorist selects the towing service after being involved in a collision or an unplanned vehicle breakdown, they are in a very reactive state and largely unaware of their rights. Through previous changes to the Consumer Protection Act, motorists are now required to sign a consent form before proceeding with a tow. However, these have either been ignored or misused, with fraud cases revealing that motorists are encouraged to sign things like blank work orders and they may not know if the form presented to them adequately captures their rights as currently stipulated in existing and largely municipally based bylaws.

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The proposals outlined under the TSSEA within this bill proposes the appointment of a director of towing and vehicle storage standards and the appointment of a dedicated team of MTO officers. Creating this office and new channels for complaints and oversight will help the industry. It will help combat potential fraud at the roadside and, most importantly, provide greater trust and accountability to the consumers who use our roadways.

We know that tows involving collisions are the most lucrative when it comes to some of the biggest concerns and most expensive problems along our roads as it relates to fraud, but we must not lose sight of the fact that the majority of roadside services provided in this province are not for collisions but, instead, are problems such as mechanical breakdowns. It's important that any regulation presented does not create further obstacles of over-regulation that creates more challenges while resolving others.

A provincial certificate or towing licence will allow the industry to evolve, ensure that invisible borders, like the ones that presently exist between municipalities, will not hinder the free flow and operation of towing services across Ontario. I would encourage this government to move more expeditiously on the issue of provincial licensing or certification. With many municipalities presently watching the long-awaited provincial actions and pondering whether to implement or reform existing towing bylaws within their local communities, any delay in creating a provincial licensing regime causes a level of uncertainty as to when it would be in place and leaves towing operators with an added burden of additional and often redundant municipal costs and paperwork to file. Quick implementation of provincial licensing or certification identifying operators or drivers will mitigate these concerns.

This provision should also lead to the eventual elimination of the duplicate municipal licensing requirements, which in turn will reduce added costs and will allow them to operate without those municipal borders. That said, CAA does have a concern with TSSEA under section 41, subsection 2, which allows municipalities to create restricted tow zones within their own boundaries. This, to us, seems counterintuitive to establishing a single licensing system that would permit towing across all municipal boundaries.

I'd now like to speak briefly about the issues of dangerous or stunt driving in this province. Since the COVID-19 lockdown measures first began in March 2020, the OPP and municipal police services have reported a significant spike in incidents of speeding and street racing, both of which can have serious consequences. Tougher measures aimed at curbing that behaviour and stricter penalties for those caught driving dangerously are a step in the right direction.

The proposals to increase the amount of days permitted for vehicle impoundments, roadside licence suspensions and expanding the criteria of stunt driving locations to include places like parking lots is long overdue. Between March and August 2020, about 7,400 Ontarians had their licences suspended for stunt driving. That's more than 50% higher than the same period in 2019, according to MTO. A study commissioned by CAA in March of this year found that 74% of drivers agree that stricter penalties and increased fines would discourage drivers from performing stunts or driving aggressively.

CAA is also pleased with the proposal to amend—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Raymond Chan:—the collision reporting centres and the way the data is collected by changing the definition of a reportable collision to include cyclists that collide with vehicle doors, also known as the act of dooring, and making these changes to the reporting system to better capture and track these occurrences. This initiative is something that CAA has long been advocating for.

In closing, CAA believes that safer streets for all Ontarians are possible. We look forward to the continued collaboration between the Ontario government, relevant stakeholders and our CAA members to advancing legislation that will better protect the motoring public and the towing industry.

Thank you again for the opportunity to appear before you today. This proposed legislation, if passed, will not only bring clarity for consumers when requesting towing services, but the tougher penalties for stunt driving will help to curb the impulse to speed or drive dangerously here on our roads. Thank you.

The Chair (Ms. Goldie Ghamari): Thank you very much.

The next presenter is Our Greenway Conservancy. Did I say that correctly?

Mr. Darnel Harris: Yes, that's correct.

The Chair (Ms. Goldie Ghamari): Yes, Our Greenway Conservancy. Thank you. Please state your name for the record, and then you may begin. You will have seven minutes.

Mr. Darnel Harris: My name, Madam Chair, is Darnel Harris. Is it possible for me to share some slides?

The Chair (Ms. Goldie Ghamari): Yes, that is possible.

Mr. Darnel Harris: Okay, thank you.

I would like to thank the committee for their time today. Today I'm going to be speaking about the versatility and value of pedal-assist cycles. Here you can see, for example, a number of adaptive cycles that are in use by Cycling Without Age and Canadians across the country to allow them to be mobile and active, especially during COVID-19, and in the outdoors in general.

I'll start with Cycling Without Age. Cycling Without Age is an innovative program that makes it possible for seniors or those with mobility challenges to stay active and get back on cycles, allowing them to enjoy the outdoors.

Bruyère Continuing Care opened Ontario's first CWA chapter in 2016, in collaboration with community partner Gary Bradshaw. This program has blossomed across Ontario. There are 31 communities running the program, 37 trishaws, 12 nursing homes and growing, and 775 volunteers. Some 10,000 rides have been given just in the last couple of years, with over 21,000 passengers.

Inclusive cycling for all supports the Accessibility for Ontarians with Disabilities Act, and I'm pleased to note that in five short years, this program continues to accelerate.

With the generous support of the government of Ontario just a few short months ago, the Toronto Council on Aging and Our Greenway Conservancy were funded to launch our new chapter, proudly serving seniors living in

Etobicoke North, Humber River–Black Creek and York Centre. You can see the images of our fleet of trikes below.

We're so excited about getting seniors out on slow-speed rides, which is fundamental to this program, and to enable them to feel the wind in their hair—a simple pleasure lost for more than a year, of course, during COVID-19. However, even if the city passed a cargo bike pilot bylaw, many trikes and adaptive trikes do not have conventional exposed fork-and-frame bicycle design and appearances, which are one of the issues with the current regulations at the moment.

“Seniors are just not having enough fun, bottom line, so how can we help seniors have more fun?” said Annie Tredray, a Banff Mineral Springs' physiotherapist—which is the hospital there.

This adaptive trike, which allows seniors to get outside and get their legs working or to sit back and enjoy the ride, is an innovative part of the CWA programming. This is a fun bike and a fun trailer—that's the name—and it seats two people side by side, allowing three passengers and a trained attendant to ride together at once. Seat belts, adaptive pedals and high handle bars with bells, with the option to lock the pedals for those who wish to rest their legs—or, for example, if they have dementia, they might forget to pedal while they're riding, so this allows them to work as well. This bike has gears and an electric power-assist battery. This is a safe trailer, in the mindset that you can use it to support people in that you're limiting the rollover risk of a bike with the five wheels that effectively touch the ground here.

In terms of the possibilities, it also says in our cargo bike bylaw that no person operating a cargo-powered-assisted bicycle should tow another person, so that is out too.

Speaking to the commercial side of it, here's our Our Greenway Babboe Centaur cargo-assist cycle. We bought one late last year for our cargo cycle library, which we are leasing to local businesses for their use. This has allowed local businesses to try a new approach to local logistics during the pandemic, lowering their costs. FedEx is using the same one for deliveries as well and plan to expand their cargo cycle fleet.

Why do these cycles make sense? Because they're designed to lower costs, decrease emissions and raise efficiencies for small package delivery, which they can do with their large cargo holds, as you can see here.

Pedal-assist cycles are safe because the motor and battery are providing simple assistance and do not move if not pedalled. Research has shown that fully-loaded e-cargo cycles go on average 17 kilometres, dropping to 14.5 kilometres when fully loaded. So why are we seeking to overregulate these safe cycles?

DPDgroup is an international parcel delivery service headquartered in France. They ship parcels weighing 30 kilograms and under, and they deliver about 7.5 million of those worldwide every day. In rapid response to the rising volume of e-commerce parcels, their DrivingChange-sustainability strategy is employing micro-depots and electric cargo bikes. In January, they took the hull of a

former car repair shop, so not large at all, and converted that into a modern parcel-handling centre, employing leading heavy-duty electric cargo cycles from ONO, including four other cargo cycles. They're now delivering 400 parcels a day, with quantities set to rise in the future as they reload at that micro-depot.

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The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Darnel Harris: Another example in their fleet is this EAV purpose-built quadricycle, which also accelerates to a maximum of 25 kilometres an hour. Overall and again, this is being able to, using mini-hubs, do over 100 parcel stops in a single day. Again, using four wheels allows further stability with more [*inaudible*]. All of these meet EU EPAC regulations, and are saving businesses, large and small, time and money.

Last but not least, the Fraser Institute has noted that as we recover from COVID, removing interprovincial and international trade barriers is one of the best ways we can accelerate our recovery. Differences in regulations and red tape restrict the flow of products and services. So how can we reduce trade barriers here? Well, we import most of our e-cycles, as you've heard from industry today, so we need to adopt the same three-class e-bike system that is used across—

The Chair (Ms. Goldie Ghamari): Thank you very much. That's all the time that we have for our presenters. We'll now turn to the government for seven and a half minutes of questions. MPP Harris, you may begin.

Mr. Mike Harris: Thank you very much, Madam Chair. If it's possible, could we go back to the gallery view, just so it's a little easier to see everybody? Thank you very much. I appreciate that.

Thank you again. I believe you're the last presenters we have here today. It has certainly been an informative day. I know MPP French has mentioned that quite a bit. It's been good to get some insight into a lot of the different facets that this bill touches.

I'm going to spend some time in this first round with Mr. Chan from CAA. It's good to see you, as always. We've had some good conversations in the past, obviously, with your organization through my office, and it's really great to have you here participating today.

I want to talk a little bit about what you think this bill does to kind of reform the towing industry, and a little bit more depth into—you were talking about some of the inter-jurisdictional challenges with municipalities and those “invisible borders,” having to have a licence in one community, but then not necessarily being able to practise, so to speak, in a neighbouring jurisdiction, or a lot of the challenges that operators can face.

What do you think of some of the tools that we're looking to enable through this bill? How is it going to make things a lot clearer for operators, I guess, number one, and number two, what do you think this is really going to do for the general public who are going to be using these services? How do you think it clarifies what they're able to expect from someone who might be coming to help them out?

Mr. Raymond Chan: Thank you for the question. It's good to see you, too.

Through you, Madam Chair, I would say that the towing situation as it exists right now in the province is a bit of a mess. We have 444 municipalities here in this province, and 19—19—have any sort of regulation or bylaws relating to the towing industry. So I think, first and foremost, that is the one barrier for the industry, because if I were a towing operator and I wanted to operate in all 19 of those communities, I would be paying 19 different sets of licensing requirements throughout the year. There could be 19 different educational requirements that I, as a tower, might have to meet, and the various demands of each and every single municipality. It's quite a challenge.

I would say that, as a towing operator, before I even take in a single dollar in a given year, I would have to potentially spend tens of thousands of dollars on those licensing costs, on those training fees, on the redundancy that exists in the current system, before I'm even able to take in a single dollar. So if I have a fleet of 20 or 30 vehicles, that's literally tens of thousands or maybe even hundreds of thousands of dollars before I'm actually able to start operating in any given year.

What I would say from a consumer perspective is: how that would help would be that it provides a lot of certainty and clarification. If I'm calling for a roadside assistance vehicle if I'm broken down at the side of the road, the last thing I want to have to think about is: Is this person going to take me for a ride? Are they able to accept different forms of payment other than just accepting cash? Are they going to know what their rights are in towing my vehicle, my second-largest possession in life next to my home? Are they going to be able to take care of it and make sure that there's no further damage to it? I think that looking at it from a greater perspective of training and certification and then ultimately providing an endorsement or a towing licence to the provider is going to allow that level of certainty to the consumer in hooking up that vehicle.

But I think it also provides an educational and a career advancement pathway for the towing industry as well, which we also don't have. What we envision at CAA is very similar to perhaps the mechanics who operate across the province as well, that you go to a trade college or you take a particular program and you get certified. That allows you to do certain things. I think that working your way up from, let's say, simple towing of a passenger vehicle—you might be working towards towing heavy vehicles as a result, right? Maybe it's you being an apprentice and you working under somebody for a number of years and then getting certified that way. That's really where we see the evolution of this industry and how it could advance itself and really provide better consumer protection for consumers along our roadways.

Mr. Mike Harris: I don't know if you can answer this, but if you can, fantastic: What are some of the major differences when you look at how each different municipality has their own set of bylaws or regulations when it comes to towing? Do they differ very much, or are they fairly similar?

Mr. Raymond Chan: They differ in the sense that requirements definitely differ. I mentioned before that some municipalities require training for towing operators. This training isn't necessarily technical training, so it doesn't necessarily tell you exactly how to hook up a vehicle, what to tie down for safety reasons, things like that. It's really focused on customer service and making sure that you're checking the right boxes and things like that.

But, to your point, I think that the challenges that do exist are really looking at these fees and this extra burden of paperwork that people have to file in each and every community. Pushing for this particular reform and looking at a towing licence that would be applicable across the province of Ontario and only filling out one set of forms and paying one certain fee to the province that will allow me to operate as a towing provider is extremely important.

I think that if I give the example within the GTA area of Yonge and Steeles—you have four different municipalities that look after that particular intersection. If I'm broken down there, is it the city of Toronto that looks after me? Is it the city of Markham? Is it the city of Vaughan? Do I have to be licensed in each one of those in order for me to service and to pick up that vehicle? It's quite the challenge.

Mr. Mike Harris: Yes, I certainly can understand—

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Mike Harris:—how that can be very challenging, that crossroads.

Just quickly over to Francesca for a quick second: Did you say that 12% of the stunt driving infractions in the province are on Bruce-Grey roads? Did I hear that right?

Ms. Francesca Dobbyn: Two per cent.

Mr. Mike Harris: Sorry, 2%—and so, what's the actual total number, then?

Ms. Francesca Dobbyn: It was 12,000 in all of 2020 across the entire province, and there were 221 up Highway 6, just on the peninsula, and 330 in the Bruce-Grey counties in general—

Mr. Mike Harris: Sorry—I hate to cut you off, but was that attributed mostly to folks who are not residents there and were just coming to take advantage of the natural resources that the Bruce has to offer?

Ms. Francesca Dobbyn: I don't have the exact data on that; the OPP do. But yes, we have data that over 50% are in the GTA region, of who's being charged.

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time that we have for this round.

We'll now turn to the official opposition. MPP French, you may begin.

Ms. Jennifer K. French: Folks, I really appreciate all of your input. Some of you, I speak to you on a regular basis as critic for infrastructure, transportation and highways.

I'm going to start with Francesca, because, Francesca, I haven't had the chance to learn from you, and it sounds like you and that community group have really accomplished a lot. Certainly, if it isn't measured, then it can't be a targeted intervention, and so I really appreciate and

applaud that you have indeed been measuring so that you could have those successes. I want to applaud your advocacy there, and it sounds like you're having that positive outcome.

1730

There was an earlier presenter who was highlighting to the government that the question around the posted speed limit being 80 kilometres and that depending on the roads and depending on where it was a reduction from the current 50 per hour to 40 per hour but only where the speed limit is less than 80—not 80 or above. So for a lot of rural communities—you're seeing speeding and you can attest to that.

Are you happy with the wording as it stands with the current legislation, or did you also have that concern? Do you have questions around that or guidance for the government?

Ms. Francesca Dobbyn: Absolutely. We're hearing from other communities that are coming to us and saying, "Okay. What you've done is great. Now do my community." Bruce Road 3 runs parallel to Highway 21, which is the north-south over by Lake Huron. Okay, the OPP is going to be on the main highway; let's do the county. We can go on the county road faster. Then you get into the small towns. You're out into the less dense areas of southern Ontario; on county roads, when you're coming into small towns, it drops from 80 to 60 or sometimes 50, depending on how big.

What we've seen from our data is that they're coming in doing that speed already. They're already over, they're not slowing down and they're going through these communities. So it will need to be communicated, absolutely, that 40 over is stunt driving inside communities where the speed limit is less than 80.

But I know for this area in Ferndale where we've done a lot of that data, and I've looked at some data that they shared with us today, it's a real concern. That is really important, that reduction to 40 instead of 50.

Ms. Jennifer K. French: Also in that Ferndale area where it is posted 80, you think it also should be 40 over, not just the 50.

Ms. Francesca Dobbyn: No, no; that area is 60. The 60 starts before the village and the buildings of the village actually begin. It starts at 60 just slightly south of it, and people are just coming in, flying in, and it's not till they get to the intersection—there's no lights—it's just straight through, and people are just booking it.

Ms. Jennifer K. French: Perhaps the government can reach out and see some of your numbers as they are—

Ms. Francesca Dobbyn: Absolutely. We have data.

Ms. Jennifer K. French: Hopefully, taking a thoughtful look at that 80 and above versus 80 where you've got the rural communities—we don't want to leave them out of being safer. Thank you for that.

I'm going to turn to Darnel. Darnel, it's nice to see you again. We're all having these conversations all across the province right now because this bill has been flying through the Legislature. So, here we are again and hopefully making some of the changes.

You had shown us a lot of different vehicles. Just so that I'm clear, the ones that you've shown us, if the interpretation of the legislation as it stands now, would not be lawful: Is that correct?

Mr. Darnel Harris: Yes, and there would certainly be barriers put in their place for different reasons. For the Cycling Without Age program that serves seniors all across Ontario, they have no forks, for example. There are many different types of cycles and many different types of designs, and again the CWA program, the hallmark of that, is slow speed. That's one of the requirements to run that program and to have pilots. So certainly it would affect them.

Ms. Jennifer K. French: Okay. I appreciate that you were showing—I mean, the pictures earlier, I think, are worth a thousand words, but I'm seeing some of these vehicles or some of these bikes for the first time. I was struck by what you were saying with business and different opportunities in communities that are looking for different ways to get goods to market or around the community during the pandemic.

What are some of the opportunities for post-pandemic recovery that you worry might be lost if these changes are not made to this legislation, like if the amendments to these amendments aren't tightened up?

Mr. Darnel Harris: Sure. Really, what's going to be lost is an opportunity for people, seniors and also businesses to be able to conduct their businesses cheaper, more effectively and more sustainably. Literally today, France noted that they're going to introduce subsidies for packages delivered sustainably because of challenges regarding fine particulate matter, for example, from trucks. What's also going to be lost is really the opportunity to have safer streets and to move more Ontarians safely because we don't want to overregulate devices that are pedal assist, that certainly keep on the slower speed of things but are also extremely practical and are important. We don't want to be overly prescriptive. For example, the reason cars have four wheels is because they're stable that way. There were a bunch of three-wheeled cars back in the 1970s and they all got banned because they would tip over in the wind. So having regulations that will limit bikes to two and three wheels is something that's not necessary, for example.

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Darnel Harris: What I was showing here today is that what we need to be doing is certainly focus on safety, certainly focus on harmonization with our largest markets in the EU and the US, because we import all our cycles right now.

Ms. Jennifer K. French: And Darnel, we've heard from a few folks earlier talking about that harmonization in detail, so that has been presented to the committee and has been, I think, heard loudly and clearly. While you may not have had the time to get into all of that, it's on the record.

I think I'm out of time, but Raymond, I'm coming to you next round.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to the government for seven and a half minutes. Who would like to begin? MPP Park, you may begin.

Ms. Lindsey Park: The question I have is sort of one that probably every witness here this late afternoon or early evening has an opinion on, but I just wanted to throw it out there. We've heard lots of stories today about the tragedies that come as a result of dangerous driving, and I think everyone who's here, everyone who's on this committee, wants to say we've done everything we can to deter that kind of activity. Part of that is making sure that there are proper penalties in place.

Now, the legal question you often run into when having this discussion on what's an appropriate penalty—and different traffic offences fall in one of these two categories under the Highway Traffic Act—is: Should penalties for dangerous driving causing bodily harm and/or death be framed as a strict liability offence or should they be an absolute liability offence? The difference being, with strict liability offences, you have the opportunity, if you're accused of the offence, of using the defence of due diligence, saying you took every reasonable step you should have and every step a reasonable driver would have taken; whereas for an absolute liability offence, you don't get that chance to defend yourself in that way. So I just wanted to see if any of our panellists here—and I don't have strong feelings about who chimes in first—have an opinion on that question.

Ms. Francesca Dobbyn: I'm not a lawyer, so I'm not really going to chime in on that in terms of liability. I believe in personal responsibility and go from there. So that's really my only comment. That is way out of my wheelhouse around liability and the inferences in our legal system of such a thought.

Mr. Raymond Chan: Yes, I would add to that. It's a bit out of my wheelhouse as well, but what I will say is that when it comes to liability, if people were to commit an act and be found guilty of such an act, I think under our justice system and the rules that exist now, everyone has the right to defend themselves. I would say that that would be the greatest thing to do, providing everyone with that opportunity to defend themselves. There may be underlying circumstances as to what happened, and I think ultimately everyone has their day in court and deserves that.

Mr. Darnel Harris: I will just say also, to echo the other presenters, it's also quite a bit out of my wheelhouse, but I'm glad to echo Mr. Chan and Ms. Dobbyn as well.

1740

Ms. Lindsey Park: Excellent. I appreciate the perspective, and I understand, when these situations happen, there are strong emotions and feelings, and rightfully so, on all sides of the incidents. So I think that's the challenge, as government, writing these laws. Some of the laws in this bill are making sure we find that right balance, where you're still giving people an opportunity to defend themselves.

I think that's very important and, obviously, leaving—and we've had that debate today, too, about how much

discretion should a judge have. Should we be reducing, through the bill, the amount of discretion that a judge has in determining what the penalties should be? You've seen discussions at the federal level around some of this stuff, around mandatory minimums. You would see, in the case of some of the fines, mandatory minimums on some of these throughout the Highway Traffic Act.

So maybe I can just ask that question more broadly on what kind of discretion should be left to the court, versus that view of putting mandatory minimums or maximums in the bill, especially for that type of offence that is particularly dangerous, driving causing bodily harm.

Ms. Francesca Dobbyn: So what I can speak to around this is that when we started this in 2017 and 2018 and really started—you know, “We have a problem”—the OPP officers committed on that section of the highway that nobody gets dropped. You're doing 51 kilometres over? They're not dropping you to 49 kilometres over. There's no courtesy, reasonable doubt, “Oh, you're late for what you think you're late for.” Then our crown, when they hit the courts, if they pled not guilty and wanted to go to the courts, they would not do plea deals. They would go through that full process because they want to honour the work that the community committee that I'm involved with has done. They want to honour the people whose lives were lost as a direct result.

So those charges go all the way through because it matters to us. We're dealing right now with a backlog in the courts. I had a crown call me and say, “Tell me more about what you're doing, because we have to face the balance of the right to speedy trial against what you're trying to do here and what matters to this community.” Yes, send them all the data. I think that matters, giving people the discretion of understanding what's happening, but there's no excuse. There's no excuse for this type of behaviour on our roads.

Mr. Raymond Chan: I'll have to echo what Ms. Dobbyn just said and—

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Raymond Chan: —just say that I completely agree with what she has said, and that I'm in agreement with that. No further comment.

Mr. Darnel Harris: Just to echo that as well and say, certainly, part of preventing these shattering incidents is designing safer streets, because a certain amount is personal responsibility; a certain amount is the design of the road itself. For example, of the CWA program, part of the reality of running a program in northwest Toronto is that you have Finch Avenue, which has tractor-trailers and oil tankers. The city is concerned that we're wanting to have seniors on a bike lane that's painted, that is just paint, on Finch. It's legal to do that, but the issue here is more the design of the street than a question of personal responsibility—

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time that we have for this round.

We'll now turn to the official opposition. MPP French, you may begin.

Ms. Jennifer K. French: Thank you very much. Raymond, as promised, I'm coming after you. So I wanted to kind of drill down to some of what you had been saying. I think that—was it 41, section 2, something like that—allowing municipalities to create restricted tow zones. You had talked about why that's, I'll say, problematic, but if there's specific language, like a specific amendment that you have already shared with the government, if you'll also share it with us, because we want to make sure to—I think the goal of this legislation is to make the world a better, safer place.

We've seen with e-bikes that maybe we need to tighten up there, but if there are other—I'm being generous—unintended consequences, we don't want to end up in a mess when we do want clients to have access to safe tows and to have the support in the community where things may or may not happen. If you can specifically share that with us, I'd appreciate that.

I'm just going to mention—because I see Chris Glover on here, so I'm actually going to speak for him. He has been speaking eloquently about dooring and his extensive work on that, because he had been doored. And Raymond, I know that the CAA has been an important advocate on that. But one of the things that we've heard about today, actually, is that if we—not just as written but the idea of near misses, that you don't have to come into contact with the door, but if a cyclist, for example, has an instinct and veers out of the way and doesn't actually make contact with the door but potentially, then, there's another crash—that we're not tracking these things. It's dooring with contact—I'm using the term “near miss.” If you could maybe speak to that a bit.

Mr. Raymond Chan: Sure. Thank you for the questions. I think you hit the nail on the head with the first one, regarding the restricted tow zones within municipalities. As I mentioned in my remarks, I think it's basically counterintuitive to what is being proposed now, and what our organization, CAA, and other like-minded stakeholders have been working towards is really this one particular system that exists across the province: levelling the playing field, making sure that everyone abides by the same rules, that everyone is paying the same amount of dues and is able to operate freely across the province as a towing provider. I think that by allowing municipalities to essentially create, again, artificial borders around their particular community and putting up restrictions about who is able to tow and not tow there, you're really limiting the ability of businesses in this space to flourish and to service Ontarians along the roadway.

I think, with this government supporting small business and making sure that the little guy is protected, this really goes counterintuitive to that. I'll use the example of the city of Mississauga. There's a very active towing bylaw there. They have their own committee that has been established, but what we found is that there is a cap. There's a moratorium on the amount of licences that are allowed to be issued within that particular municipality, so if you're giving these additional rights to other municipalities, you're effectively limiting the amount of potential service

that could be going in there. If your preferred towing provider—which, under the law, you are permitted to call who you want for service—doesn't have a licence to access there or has some sort of barrier by way of a bylaw and can't go to service you, that really goes against this whole system of a single-tiered licensing model.

Ms. Jennifer K. French: Thank you. Raymond, if I can also ask—that was the one thing that I caught that was really specific in terms of a potential amendment. Were there any other specific amendments? If yes, tell me, but also, what are some of the regulations that you want to make sure that we see? Because a lot of this is left to regulation—some of that understandably. But is there regulation that you think actually should be in this bill, in the statute itself, any other amendments that you didn't have a chance to highlight?

Mr. Raymond Chan: I think the big, big thing for us in our organization is really this provincial licensing piece, and we think that the government can really move a lot more quickly on this and have it implemented sooner. With respect to the regulatory pieces, there are many, many facets of that. I had a read of the bill; it's quite long. We are still going through it as an internal team and are happy to provide further commentary and feedback to that to this particular committee and also to your office as well, as critic.

Ms. Jennifer K. French: Thank you very much. And then the other thing I'd say is that it's interesting that further regulation is needed—and we all know it is; there's no question there. But the last government had brought forward Bill 15. They kind of tinkered around the edges for quite some time, and that's what we ended up with. How come the provisions that came from that are insufficient? Why are we here?

Mr. Raymond Chan: Well, I think that really speaks to the lack of enforcement as well. What I do like about the proposals that are in front of us now is that there is going to be a dedicated office, a director of towing and storage and safety—so somebody who is going to be actually overseeing this industry, who has the ability to appoint MTO officers to do the proper inspections, to do

the follow-ups, to look at the consumer complaint process should somebody feel like they were being taken advantage of by a towing company. This is definitely a very huge step in the right direction.

I think where the misstep or where that previous Bill 15 didn't go far enough is really this enforcement aspect. They put in some laws to say that a towing operator must accept different forms of payments, including a credit card, and you must sign a permission-to-tow form, but nobody's really actually keeping a record of these things either. One of the things that we would like to see is to make sure that there's a level of accountability by both the government—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Raymond Chan:—the towing provider and also the consumer—so things like a triplicate, when it comes to a permission-to-tow form, where you're going to have a record of it at the government, the consumer is going to have a copy, as well as that towing provider. Any discrepancies that do arise, that could be made as evidence in court and allow people an opportunity to really have their say in court and to battle things out, whereas we currently don't have the system, and it's really up to the civil court. And the consumer, who has been taken advantage of—the liability really rests upon them to take the towing provider to court.

Ms. Jennifer K. French: Thank you very much to all presenters. I think that's probably my time. Thank you very much. I know it's late in the day, but I appreciate your input.

The Chair (Ms. Goldie Ghamari): Thank you very much. This concludes this round of questions. I'd like to thank our presenters for joining us and for the informative presentations. You are now released.

As a reminder, the deadline for written submissions is 7 p.m. on Monday, May 10, 2021, and the deadline for filing written amendments to the bill is 3 p.m. on Wednesday, May 12, 2021.

The committee is now adjourned until 9 a.m. on Thursday, May 13, 2021.

The committee adjourned at 1752.

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Ms. Lindsey Park (Durham PC)

Clerk / Greffier

Mr. Isaiah Thorning

Staff / Personnel

Ms. Laura Anthony, research officer,
Research Services
Ms. Sude Beltan, research officer,
Research Services