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**Official Report
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Thursday 5 June 2008

**Journal
des débats
(Hansard)**

Jeudi 5 juin 2008

**Standing Committee on
Justice Policy**

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

**Comité permanent
de la justice**

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

Chair: Lorenzo Berardinetti
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Thursday 5 June 2008

Jeudi 5 juin 2008

The committee met at 0902 in room 1.

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

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

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

The Vice-Chair (Mr. Jeff Leal): We'll bring this meeting of the Standing Committee on Justice Policy to order. We're here today to hear representations on Bill 41, An Act to amend the Highway Traffic Act in relation to the use of speed-limiting systems in commercial motor vehicles in the province of Ontario. Presentations will be limited to 10 minutes, and if there's time left over in the 10-minute frame, we will have time for questions from the three parties represented here.

SUBCOMMITTEE REPORT

The Vice-Chair (Mr. Jeff Leal): The first order of business is a report of the subcommittee on committee business. Mr. Brown, please?

Mr. Michael A. Brown: I move the minutes of the subcommittee of Friday, May 30, 2008:

(1) That the committee hold one day of public hearings at Queen's Park on Thursday, June 5, 2008.

(2) That, where possible, conference calls be scheduled in the morning and in-person presentations be scheduled in the afternoon of Thursday, June 5, 2008.

(3) That the committee clerk post a notice regarding the committee's business on the Ontario parliamentary channel and the committee's website.

(4) That the committee clerk send a notice regarding the committee's business to the list of stakeholders prepared by the research officer, as well as to the subcommittee members.

(5) That interested people who wish to be considered to make an oral presentation on Bill 41 should contact the committee clerk by 12 noon, Tuesday, June 3, 2008.

(6) That on Tuesday, June 3, 2008, the committee clerk provide the subcommittee members with a list of all requests to appear. This list is to be sent electronically.

(7) That, if required, each of the subcommittee members provide the committee clerk with a prioritized list of names of witnesses they would like to hear from by 3 p.m., Tuesday, June 3, 2008, and that these witnesses must be selected from the original list distributed by the committee clerk to the subcommittee members.

(8) That the committee clerk, in consultation with the Chair, be authorized to schedule witnesses from the prioritized lists provided by each of the subcommittee members.

(9) That if all groups can be scheduled, the committee clerk, in consultation with the Chair, be authorized to schedule all interested parties and, if necessary (due to the number of requests), be authorized, in consultation with the Chair, to start the committee meeting at 8 a.m.

(10) That groups be offered 10 minutes in which to make a presentation.

(11) That the research officer provide the committee with research on other jurisdictions in Canada and the United States that have speed-limiting requirements.

(12) That the deadline for written submissions be 5 p.m., Thursday, June 5, 2008.

(13) That the research officer prepare a summary of the recommendations heard.

(14) That the deadline (for administrative purposes) for filing amendments be 1 p.m., Wednesday, June 11, 2008.

(15) That the committee hold one day of clause-by-clause consideration on Thursday, June 12, 2008.

(16) That the clerk of the committee, in consultation with the Chair, be authorized, prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

The Vice-Chair (Mr. Jeff Leal): Thank you, Mr. Brown. Comments or questions? All in favour? Carried.

LIBERTY LINEHAUL

The Vice-Chair (Mr. Jeff Leal): We'll now move to our first presenter, Liberty Linehaul, Inc., Mr. Brian Taylor, president. It's a conference call.

Proceed, Mr. Taylor.

Mr. Brian Taylor: Good morning, Chairperson and panel. It's Brian Taylor calling from Liberty Linehaul, Ayr, Ontario. We have a trucking operation in Ontario with 54 trucks. Approximately 30% of those are owner-operators, and we have 17 trucks domiciled in California as part of our American subsidiary.

My background in this industry is that I started as a mechanic. I drove a truck across North America for different companies, and I progressed to being an owner-operator and worked with my own truck for several cross-border operations. I've been running this operation here, my own company, for 20 years now, primarily in a management role.

We currently limit our trucks to a speed of 110 and now are reducing that to 105. Our company speed policy is 100 kilometres with five kilometres available for passing. I feel somewhat embarrassed, actually, that it's taken this current economic climate and fuel pricing to motivate us to be more diligent in our efforts to conserve fuel. It's obviously, at this point, imperative for our survival to reduce our fuel costs.

I know that most companies when changing the speed will get some pushback especially from owner-operators. In the past, I've talked to my owner-operators and forced them to slow down. At that time, a few years ago, it was primarily because of safety, but what astonished me is that three months later they came back to my office and were there to thank me as they were saving approximately \$1,000 worth of fuel a month, which was a great surprise to them. That was a few years ago, obviously, when fuel was 30% of its current price.

I've heard the argument that reduced speed will jeopardize delivery times. Our company does a lot of critical appointment and expedited shipments to points across Canada and the United States. One of our primary lanes is California. We run about 20 trucks a week out there, so a lot of it is less-than-truckload, time-sensitive shipments. We seem to meet those time requirements very efficiently. This requires dispatch coordination, obviously, customer education and co-operation, but at no time should a driver be expected to make up for a lack of planning by using excessive speed to meet schedules. That's happened in our industry for far too long, and this may finally be the catalyst for change that will improve the drivers' work expectations.

I've run the trip to California as recently as a few months ago myself, which I don't do very often. With the traffic congestion and volume, it's much more relaxing and less stressful for a driver to let traffic pass him, and the flow moving away from his vehicle helps him to manage proper space.

Our industry struggles to attract young people—or any people, for that matter. I believe that with a speed policy we will see more lane discipline, better vehicle control, fewer accidents and an improved reputation in the public's eye. This will also translate into reduced insurance costs and accident severity and frequency. There are numerous other savings in reducing speed such as tire wear, brake wear and various other moving parts that sustain less abuse.

I believe that Bill 41, the amendment to the Highway Traffic Act through the use of speed limiters on commercial vehicles, is a win-win solution for all parties. I believe that the people resistant to this change will be won over in time with the fuel savings and reduced insurance and accident costs, as well as the new-found respect of the general public when operating responsibly. Like a lot of changes and benefits, they're not always apparent to everyone, especially to those who work so close to the problem.

0910

That's all I have. Thank you for your time. Are there any questions I can answer for anybody?

The Vice-Chair (Mr. Jeff Leal): Thank you very much, Mr. Taylor. We do have some time for some questions. In round one, we'll have the official opposition, the third party, and then the government. Mr. Klees.

Mr. Frank Klees: How much time do we have?

The Vice-Chair (Mr. Jeff Leal): We have about five minutes—six minutes.

Mr. Frank Klees: Each?

The Vice-Chair (Mr. Jeff Leal): No, collectively. We want to get as many questions in as we can.

Mr. Frank Klees: Mr. Taylor, thank you very much for your submission. I have a very quick question for you with regard to the suggestion by some in your industry that to limit the speed through a speed limiter, there are some inherent safety issues, whether it comes to the ability to avoid collision or other aspects of unexpected things that might happen in the course of being on the road. What is your response to that?

Mr. Brian Taylor: I think it's nonsense, to be honest with you. I don't think that driving a vehicle faster helps you avoid any circumstances. I know that there have been some issues; there are some problems that people talk about—speed disparity between cars and trucks. I think that's also nonsense. There's good science to support—in some of the US states, when they had the 55-mile-an-hour speed limit, the frequency of those types of accidents or incidents didn't increase. We've done a lot of homework on this, as I say, from my involvement with OTA. We did a lot of research and we read a lot of stuff on what other states and provinces have experienced, but through my own experience in our speeds—some of the safest fleets on the highways today run at those speeds.

Mr. Frank Klees: Mr. Taylor, from a practical standpoint, I think we've all been in circumstances on the road in our cars when something happens and you actually have to speed up in order to avoid someone coming into your lane of traffic. Are you saying that that is not an issue and that trucks don't experience that circumstance? It's not enough to just say that it's not an issue. I'd like to have an explanation as to why those who claim that it is necessary to have the ability to speed up to avoid a collision—why is that not the case?

Mr. Brian Taylor: Most of that happens, in my estimation, if you're on a three-lane highway going into the city of Toronto, for instance, and a car was approaching in a lane, coming in on an on-ramp or coming off the

shoulder or an emergency vehicle coming off—a lot of times that’s from a guy driving too quickly and not paying attention to what he’s doing. If you’re managing your speed and you’ve got lane discipline and you’re in that right lane, you have all kinds of time to foresee those situations happening, and if you’re looking far enough in advance and you move over one lane to allow that to happen in front of you, there’s no reason for sudden and immediate movements. I can see that you need to have avoidance or you need to change lanes, but the idea that you need speed to do that—I’ve never, ever experienced that. I’ve driven almost a million miles in a tractor-trailer, so it’s not that I’m talking from strictly a management perspective here. I’ve never experienced any time that I’ve ever needed speed to avoid a collision.

Mr. Frank Klees: Thank you.

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

Mr. Paul Miller: Thanks very much. One of the main problems of the independent owner-operators is they’re telling us that it’s going to affect their income because of arrival times and departure times. You seem to have indicated that you don’t feel that that will be a problem for the individual truck owners, that time is of the essence for them to deliver and pick up new loads from destinations—once they drop a load, they pick up a load and go somewhere else. You don’t feel that that’s a problem?

Mr. Brian Taylor: No. I don’t know if any of you have ever tried that in your car, but try going on an hour-long trip and speed five or six or eight miles an hour over that speed limit and see how much difference it makes in time. We’re talking about very little difference in time. Like I said in my submission, I think that lack of planning by a company or by a shipper as to when they ship products and when their expectation is—that needs to change in our industry. The driver shouldn’t be expected to speed.

Their income absolutely will be affected: It will be increased dramatically. Anybody running 70 miles an hour today as opposed to running 62 miles an hour in our fleet here, in a team operation run in California at 225,000 miles a year, will likely be ahead \$35,000 a year, net income, if they would slow down eight miles an hour.

It’s drastic; fuel has become the number one cost that we have in our industry. This is almost a non-argumentative issue right now, because anyone who’s not going to slow down isn’t going to be here in the next few months anyway, right? This law is almost too late, from the other perspective of our reputation and our industry’s reputation and other factors of safety. But from a fuel perspective and a cost perspective, it’s going to be a lot more beneficial for those people to slow down.

It’s a big adjustment for somebody to go through. But, like I said, I really think that once this goes through and they have a couple of months to manage it, they’ll find that it’s a lot better world out there for them.

Mr. Paul Miller: Has your organization, as well as the independent operators, had the ability to study the program called Tacho in Europe? Have they ever taken a

look at that? They monitor trucks all over Europe. They have actually monitored police that check the trucks. Have you ever looked at the success or fallbacks of that program?

Mr. Brian Taylor: The OTA sent a group of people to Europe and talked to a bunch of different representatives in the trucking industry—drivers, owner-operators, truck owners—and different countries’ departments of transport and the minister for the EU. They talked to a lot of different people about their program. They’ve got a very strict program on speed—tachometer graphs that they monitor hours and service and speed on. So they’re very diligent with their speed program. The biggest comment that I heard back from that is that they had the same issues that we had and the same cowboys that we had on the road a few years ago. Once they changed their program and created the discipline, it was far better. Most of the people they talked to, whether they were a driver, owner-operator or a company owner, agreed that the industry there today, after 20 years of speed limiters or however long it’s been—it’s been a long period there—is a far better industry than it was when they had the less discipline that we do here at this present time.

Mr. Paul Miller: Thank you.

The Vice-Chair (Mr. Jeff Leal): You’ve got about one minute. Is there a question from the government? Mr. Brown, please.

Mr. Michael A. Brown: Just quickly: I appreciate your presentation, Mr. Taylor. I particularly appreciate the fact that you’ve done it all: You’ve worked for truckers, you’ve been an owner-operator and you are operating your own fleet.

Maybe you can expand on the just-in-time-delivery issue. We’ve had a number of people talk about that as it pertains to crossing the border into the US, for example. You do that, so maybe you can tell us about it.

Mr. Brian Taylor: You know what? I think that there are things that happen during the trip, like getting delayed at the border—which is an ongoing issue for us—or traffic congestion and things like that. But the idea that you can make that up with speed is utter nonsense. It’s just not possible. If you take a trip that’s eight hours to Chicago at seven miles an hour more, the argument is that that’s 56 miles and you could be there an hour earlier. But the reality of that is, it just doesn’t happen.

I’ve run a trip all the way from California at 62 miles an hour and had the same truck pass me nine times. When I cleared the Ambassador Bridge and came through customs, he was coming over the bridge behind me. I’ve seen that hundreds and hundreds of times. The problem with speed on long-distance trips or a lot of trips is that the guys who are running that speed get tired. It’s an aggressive way to drive, it’s tiring and they tend to stop more. The idea that they can make up more time with speed just isn’t there. If there’s a marginal amount of time that they can make up, they shouldn’t be expected to do that because they’re jeopardizing safety and their

fuel costs are extremely high. There are a lot of things that they're doing to create that time, but on the other side, I don't think that—

The Vice-Chair (Mr. Jeff Leal): Thanks so much, Mr. Taylor. We appreciate you being with us today. We have to move on to our next deputant. Have a good day, sir. Thanks for being with us.

Mr. Brian Taylor: Thank you very much.

ONTARIO SAFETY LEAGUE

The Vice-Chair (Mr. Jeff Leal): Next, I'd like to call Mr. Brian Patterson from the Ontario Safety League. Mr. Patterson, please.

If you could identify yourself for the sake of Hansard. You will have 10 minutes. Any time not used by your presentation will be left for questions. Welcome; good to have you with us this morning, sir.

Mr. Brian Patterson: It's Brian Patterson. I'm the president and general manager of the Ontario Safety League. As many members of this committee know, the Ontario Safety League has been actively engaged in safety matters in this province for 95 years. The OSL is dedicated to eliminating preventable death, injury and loss in Ontario through education, partnerships and promotion of safety advocacy. It is in that capacity that I speak to you here today.

0920

I will not likely be using up my entire time slot because I really only have three messages for you. One: This is excellent legislation for this province. It will save lives. I believe, even as it is being discussed, that the dialogue is moving towards safety on our roads and for better use of technology in producing that safe envelope on the highways. Education is key.

You will hear deputants today from across the spectrum. I want to make it clear that our constituency is safety. Our only constituency has been public safety and we only speak to the government on issues of safety. We have been at times very critical of legislation that isn't safe. So for us to endorse this legislation, you can rest assured that we've given it a very good review and counsel.

I want you to know that we really consider the fact that speed kills an axiom that has been lost on many Ontarians. Simply adding the 120-kilometre argument that you may hear from some in these presentations, or that the speed differential is the key element that you should consider, I would say to you, that is not the case. We want to be able to create a safe operating envelope for commercial vehicles on the highway.

In my line of work we see many corporations that have embraced safety as part of their regulations, how they operate. They are pillars of their corporate philosophy in this province. In fact, we identified two this year for their sustained commitment to safety and education.

I want you to understand that from our perspective, any vehicle going 100 kilometres an hour—taking an average tractor-trailer—is travelling about 88 feet per

second. When you allow the perceptive distance to take effect—that is, the distance you see that you have to brake, the reaction time to move the foot to the brake pedal, brake lag for the brake to engage—you have travelled 180 feet. On top of that, it's going to take you 347 feet to come to a stop. Unfortunately, I spent part of yesterday on the 400-series highway north of Highway 88. A vehicle did not have sufficient stopping time, and we have a fatality to be dealt with by a family in Ontario.

This is not the only answer, but you will know, from the safety league's perspective, that we take safety in this province in increments. We get people into a better frame of mind, we get them a better understanding of what's required, and this legislation will do that.

We have essentially two concerns. I know that some members of the committee will know that there's no perfect legislation. So I'll give you the two points that I would like you to seriously ponder as you go forward.

One is the minimum fine in this case. We'd like to see the minimum fine somewhere in the range of 10% of the maximum fine. In our respectful submission, \$250 may not be sufficient, and some consideration ought to be given to that initial piece of the enforcement pie. It doesn't follow a philosophy that has developed over time: that the minimum fine should somehow be in relation to the maximum fine. I would submit to the committee that looking at something in that 10% range is there.

Secondly, I would like you to acknowledge that this is legislation that is driven from the stakeholders in the trucking community, which showed incredible leadership by its leaders at the Ontario Trucking Association. When we first saw this draft legislation, we were as pleased as we are to tell you about it today. We found only one shortfall that we think you may be able to either consider in the future or consider at this point in time, and that is motor coaches on the highway, or, as the media liked to dub them during the discussion on speed limiters, the Rama rockets.

As someone who travels the 400-series highways every day, in and out of Toronto, I would tell you that we believe the technology exists to extend this legislation to those vehicles which have similar dynamics on the highway and similar issues. But you are clearly leading and acknowledging the work of safety practitioners in this province by bringing this legislation forward.

The Vice-Chair (Mr. Jeff Leal): Thanks so much, Mr. Patterson. On round two, we'll start with the government. If time permits, we'll go to the official opposition and then the third party. I use the clock up here, not Peterborough time, so we've got about five minutes. Peterborough time tends to be a little faster.

Mr. Michael A. Brown: Thank you, Mr. Patterson, for appearing. We see you on television and other places talking about safety. Overall, I get the drift that you are very supportive of this legislation. I'm interested in your comment about the fine level, the minimum fine being 10% of the max. I'm not familiar with that.

Mr. Brian Patterson: It's currently sitting at \$250. We'd like to see it upped so that it doesn't allow for some to consider it to be economically acceptable to potentially get a ticket under these circumstances.

I think we have the enforcement tools on the 400-series highways now to deal with the enforcement. I can tell you, police officers are put at risk to pull over some of these big rigs and to find a safe location etc. I don't think it's a situation where the driver would be unaware. It's just a suggestion, but I think a sturdier slap at the beginning may be a warmer wake-up call.

Mr. Michael A. Brown: I think you make a good point that enforcement is important, and now that the aircraft is there, it provides some protection for the police officers to do their work without the kind of danger they sometimes put themselves into.

The Vice-Chair (Mr. Jeff Leal): We have about two minutes. Mr. Klees, please.

Mr. Frank Klees: Thank you, Brian, for your presentation. I have a quick question for you. Your focus, obviously, is safety. Of the total number of collisions on Ontario's highways, what percentage involve trucks or other commercial vehicles? Would you have that number?

Mr. Brian Patterson: I haven't got that on hand, but I can get it to you. The biggest problem is that the statistical use of the information is often difficult. In fact, in these cases, when we're talking about slowing vehicles down possibly 15 kilometres an hour, we may turn a number of fatalities into near-misses. It's that type of involvement.

I can tell you that private motor vehicles are more likely to be involved in crashes, and they're often the cause of some commercial crashes.

Mr. Frank Klees: Precisely. We have with us today Debbie Virgoe, who unfortunately can attest to that. If we're going to take this reasoning to its logical end and if safety is the key, the logical conclusion, I would think, would be that if speed limiters are good for trucks or commercial vehicles, they're probably good for passenger vehicles too.

Mr. Brian Patterson: Absolutely. As we presented at the last hearing here, we think this is a technological move that's going to have some long-term benefits. As many members know, when we proposed the 50-kilometre suspension and vehicle seizure, we weren't even sure how many people were acting that disruptively, and now we know. I would say that this is definitely going in the right direction, but it is leadership and it's step number one, I think.

The Vice-Chair (Mr. Jeff Leal): Thanks very much.

Mr. Frank Klees: Just one last question.

The Vice-Chair (Mr. Jeff Leal): Quickly, Mr. Klees. Very quickly.

Mr. Frank Klees: With regard to your comment about motor coaches, I absolutely agree with you. We will be presenting an amendment to bring motor coaches into this legislation. I think you've made that point. I trust the government is listening. While some may think

this is perfect legislation as it is, we happen to think we can improve it, and that's why we're here in committee.

The Vice-Chair (Mr. Jeff Leal): Thank you very much Mr. Patterson.

0930

TRUCK MANUFACTURERS ASSOCIATION

The Vice-Chair (Mr. Jeff Leal): Next, we have Mr. Clarke, president of the Truck Manufacturers Association, on a conference call. Mr. Clarke.

Mr. Robert Clarke: Yes, good morning.

The Vice-Chair (Mr. Jeff Leal): For the sake of Hansard, sir, could you just identify yourself?

Mr. Robert Clarke: Yes. My name is Robert Clarke. I'm the president of the Truck Manufacturers Association. We're based here in Washington, DC.

The Vice-Chair (Mr. Jeff Leal): You have 10 minutes, sir, and any time left over, we'll have some questions. Proceed, sir.

Mr. Robert Clarke: Fine. Our comments are few, and hopefully—I would simply start off by saying that we recognize the benefits to traffic safety and fuel economy of vehicles travelling at reasonable speeds and similar speeds on highways. We have submitted an extensive amount of information to the clerk. I hope that all of you have had a chance to get that and look at it. Almost all of it has focused on some of the technical issues surrounding how these systems work and function.

I think all of you probably know that the speed limit or function is a programmable option on all of the products that we build now and that significant numbers of fleets already use this feature to voluntarily limit the speed at which their vehicles can be operated. Most of our concerns early on with proposals that were put forward, both here and the US, or at least suggested here in the US and in Canada, focused on questions of tamper-proof or tamper-resistance, with implied requirements on manufacturers to ensure that they were either tamper-proof or tamper-resistant. We attempted to submit information describing how the systems work and the limits and capabilities in that respect, as to how tamper-proof or tamper-resistant they were.

I hope you have that information in front of you. If you have any questions about any of it, I'll be happy to try and answer them for you.

The Vice-Chair (Mr. Jeff Leal): Thanks very much, Mr. Clarke. We have about eight minutes for questions on this round. The third party, Mr. Miller, please; you're first up.

Mr. Paul Miller: I'd just like to ask you: What happens when trucks go to the US jurisdictions with much higher speed limits and speed limiters can't be turned off? Will these trucks impede flows in various states? Are you looking at uniform laws for speed in the US, so that this would become more effective with this type of legislation?

Mr. Robert Clarke: I think that issue has been suggested by some. We don't really have a position on

that. Our focus has been on the technical issues of how these systems work and so forth. I am not aware of any legislative efforts at this point to have a national speed limit set in the US, although it has been suggested by some.

Mr. Paul Miller: In your opinion, with your experience, do you feel that, with the speed limiters, this is going to affect the flow of the traffic—never mind the laws, but the actual flow of the traffic—once you cross from Canada into the US, with our trucks being limited? Is that going to have a negative effect on—are drivers going to be on the bumpers of the Canadian truck drivers because they're moving too slow?

Mr. Robert Clarke: There are a number of studies that have been put out by the traffic operations communities of the various highway departments, I'm sure both in Canada and here in the US, talking about speed differentials. To the extent that there are significant differentials between the speeds of vehicles, in some cases, if it's extremely high—in other words, a 30-, 40-miles-an-hour difference, or a 20-miles-an-hour difference—you can get into some safety concerns with vehicles running up on each other. I assume that that would have some traffic flow consequences as well, but I'm not an expert on that subject.

Mr. Paul Miller: Mr. Chairman, that's it for now. I'd like to make sure that everybody gets a chance, unlike the last round. I'll give up some of my time—

The Vice-Chair (Mr. Jeff Leal): We'll try to keep moving as best we can, Mr. Miller.

Mr. Rinaldi, please.

Mr. Lou Rinaldi: Thank you, Mr. Clarke. I guess I wanted to question more on a technical basis. What we've heard up to now, and some submissions that we've had, reflect on safety and on fuel usage as we lower the speed—well, not lower, but control the speeds. Obviously, especially with today's fuel prices, it makes a difference.

But can you tell me, though, beyond that—we also know—and I have some background in the automotive sector, although not in the trucking industry—that the higher speeds that one might want to try are also more detrimental to the actual equipment, the mechanical parts. As we know, the more we try to get out of an engine, the more it costs in the long run. Can you verify that? Do you have any statistics?

Mr. Robert Clarke: Truck operators are very sophisticated buyers, and trucks are highly tailored devices that are used by businesses for the locational application in which they are intended to be used. If vehicles are specified correctly in terms of tire sizes and drivetrain gear ratios and so forth, they are capable of travelling at whatever legal posted speed limits the vehicle will be operating in and can be very, very efficient and so forth at those speeds. But they have to be spec'd properly, so to speak, to operate at those speeds.

Mr. Lou Rinaldi: Thank you very much. I don't have any further questions, Mr. Chair.

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

Mr. Frank Klees: Yes, thank you for your presentation. Could you comment on the cost of installation of a limiter? First of all, I understand that all of the new production includes limiters. Is that correct?

Mr. Robert Clarke: The speed-limiter function is a programmable variable in what they call the engine control module. All modern diesel engines have essentially a computer that monitors all aspects of how the engine and drivetrain are performing. Principal among that too is also emissions control, but the speed-limiter function is one of those features that's essentially inside that computer. It can be programmed or not at the factory and set, depending on the specifics of the drivetrain components and so forth, for whatever speed the owner chooses to have it set at—

Mr. Frank Klees: Okay, and with regard to trucks that are older and don't have that computer installation, what would the cost be, in your estimate, to have a limiter installed in those vehicles?

Mr. Robert Clarke: Modern trucks from about 1992, and certainly by 1994 and forward, have this feature on them. Vehicles that are older than that probably don't have it. I can't say how many of those kinds of vehicles are out there, and I don't have a good feel for what kind of device could be installed on vehicles of that age.

Mr. Frank Klees: So if that's the case, does it make sense, then, that there be a grandfathering of vehicles that don't have the capacity to simply reprogram it, in your opinion?

Mr. Robert Clarke: You'd have to get some information from some folks who knew how to speed-limit the pre-1992, -1994 vintage vehicles and make a judgment on that basis.

Mr. Frank Klees: Thank you.

The Vice-Chair (Mr. Jeff Leal): Is that something, Mr. Klees, you'd like the research officer to track down?

Mr. Frank Klees: Yes. Actually, I have a couple of items I'd like the research office to look into, that being one of them. I'd like to get a sense of—if it's possible; I'm sure maybe the trucking association or others have that kind of information available—the age of vehicles on the road today that are being used, and if we could get some numbers in terms of what installation costs would be for those vehicles that aren't set up for it, if I can use that term.

The Vice-Chair (Mr. Jeff Leal): Mr. McNaught has taken note there.

Mr. Michael A. Brown: Mr. Klees, it is the intention of the government to exempt all trucks that have been manufactured before 1995.

Mr. Frank Klees: And you're willing to put that into legislation?

Mr. Michael A. Brown: We intend to do it through regulation.

The Vice-Chair (Mr. Jeff Leal): Thanks very much, Mr. Clarke. Have a good day, sir.

Mr. Robert Clarke: You're welcome. Thank you.

INSURANCE BUREAU OF CANADA

The Vice-Chair (Mr. Jeff Leal): Next we have the Insurance Bureau of Canada, Mr. Tremblay, director of road safety and special projects. For the sake of Hansard, if you could identify yourself. You'll have 10 minutes, and any time left over will be reserved for questions. Welcome, sir.

Mr. Robert Tremblay: Thank you very much, Mr. Chairman. My name is Robert Tremblay. I'm the director of road safety and special projects at the Insurance Bureau of Canada. Actually, I'm delighted to appear before this committee to provide the Insurance Bureau of Canada's feedback on Bill 41, An Act to amend the Highway Traffic Act in relation to the use of speed-limiting systems in commercial motor vehicles.

The Insurance Bureau of Canada is the national industry association representing Canada's private home, car and business insurers. Our member companies represent nearly 95% of the property and casualty insurance market in Canada, an industry that employs over 104,000 Canadians, pays more than \$6 billion in taxes to federal and provincial governments and has a total premium base of about \$35 billion. Roughly 50% of our business is for car and truck insurance.

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IBC has a long history of spearheading important road safety initiatives. We were at the forefront of campaigns for seat belt use, drinking and driving and graduated licensing. Our most recent initiatives have been in the area of driver fatigue and driver distraction.

As soon as the bill was introduced, IBC was very supportive of it. There is no question that the proposed legislation would greatly contribute to making Ontario roads even safer. We all know that commercial truck drivers are amongst the best-trained and safest drivers on the highways. However, when there is a collision, even if it's not the tractor-trailer's fault, the results are quite dramatic.

That is what this speed-limiting initiative would do. It would give more time to the truck driver to perhaps correct the mistake of the other motorists on the road.

Of course, the other element, which is a benefit that is not necessarily easily quantifiable, is that it will reduce carbon emissions. The insurance industry, on the homeowner side and the business side, is quite concerned about the negative impacts of climate change. Anything that can help reduce carbon emissions is deemed a very positive initiative.

That said, I would like to highlight to the committee two ways in which we believe Bill 41 could be improved. I just noticed that my colleague Mr. Patterson raised the same points. One is the minimum fine. We believe that \$250 is not really a disincentive. It needs to be enforced. When you think of how much they put in in gas in their tractor-trailers, \$250 really is too low a fine. It wouldn't have the dissuasive effect that is desired, particularly as it will require some form of change in habit. Usually, when you're hitting the wallet early on and hard, the message

sinks in, especially if it's accompanied by proper enforcement.

In terms of public acceptance, we believe that the public is accepting well the idea of limiting the speed of tractor-trailers on our roads. That is a positive element.

We would also like to see buses included under legislation. They are also massive, and even though, as we've said, there are not a whole lot of collisions, when they do happen they are quite dramatic, not only for the other vehicle that is involved but for the passengers who are unrestrained in those vehicles.

I want to thank you for the opportunity to share IBC's thoughts on Bill 41. I would be happy to answer any questions you may have.

The Vice-Chair (Mr. Jeff Leal): Mr. Tremblay, thank you very much. We have about six minutes. In this round I'll start with Mr. Klees.

Mr. Frank Klees: Mr. Tremblay, thank you for your presentation today. I have a couple of specific questions. Would you have information regarding the percentage of commercial vehicles that are involved in collisions on our highways?

Mr. Robert Tremblay: I don't have, off the top of my head, the statistics, but I know that a minority of overall collisions on our roads involve commercial vehicles. That is a fact.

Mr. Frank Klees: I would think, with the research that you do, you probably have that somewhere. Perhaps our researcher could be in touch with you to glean that for us?

Mr. Robert Tremblay: Yes, it would be our pleasure.

Mr. Frank Klees: With regard to your comment that this will reduce the incidence of collisions and will improve safety, do I assume correctly that, when this is passed, there would in turn be a reduction of insurance premiums for those vehicles or those fleets that have these installed?

Mr. Robert Tremblay: The premiums are based on collision history and the cost of claims. Therefore, if the claims are less expensive, given the highly competitive nature of our industry, it will translate into savings for—

Mr. Frank Klees: I think you're waffling on that just a little bit.

Just one other question. You make the specific statement that speed regulators will reduce carbon emissions. What scientific evidence is available to you, that you might be able to share with us, that gives you that assurance?

Mr. Robert Tremblay: Essentially, the faster you go, the more fuel you're using to move your vehicle. I don't have exactly what percentage of savings you're going to have, but experts in that area that I've spoken to were talking about 15% savings. That would be significant, but I don't have any independent proof of that.

Mr. Frank Klees: You would be able to provide us with the references that you're using for your statements?

Mr. Robert Tremblay: Yes.

Mr. Frank Klees: Thank you very much.

The Vice-Chair (Mr. Jeff Leal): Mr. Miller, please. You have about five minutes.

Mr. Paul Miller: Welcome. I have a couple of questions in reference to the safety aspect of it. Some drivers are saying that they require the ability to speed up or slow down, depending on what's up ahead. Sometimes it may impair their ability to avoid a collision if they couldn't move out into the passing lane. What's your opinion on that from the Insurance Bureau?

Mr. Robert Tremblay: My understanding is that the technology, as it is currently, allows for a short period of time to go beyond the speed limit, but that is limited to a certain window. That should be sufficient to prevent or to help drivers to deal with unforeseen situations where more speed is what is required for a safe manoeuvre.

Mr. Paul Miller: I'd like to carry on with Mr. Klees's question. What additional incentives would the Insurance Bureau offer these trucking firms for these types of limiters? Are you going to get on board with the rest of us to give them some incentives?

Mr. Robert Tremblay: The Insurance Bureau of Canada is a trade association. There is one area where we do not have a mandate, and that is the individual commercial practices that our members companies will undertake. I would say that some might or might not. I cannot speak on their behalf.

Mr. Paul Miller: I guess that's a maybe. Okay. Thank you.

The Vice-Chair (Mr. Jeff Leal): We have about two minutes. Government side, Mr. Zimmer, please.

Mr. David Zimmer: This is a question I was going to ask Mr. Patterson, and Mr. Miller has already raised it. There have been some objections that we've received, and I anticipate something today. Can you anticipate other objections to this legislation, other than the one Mr. Miller has raised and you've answered? I'm trying to think of some, but I can't. Can you think of any?

Mr. Robert Tremblay: Quite frankly, as long as it is a level playing field, that all the truck operators are subjected to the same legislation, there is very little downside to it. The problem would be that if you had a component of a very competitive industry—the trucking industry is highly competitive—and if you had people who would not abide by that legislation or would not be subjected to that legislation, it would introduce a bias, a competitive advantage, which is, rightly or wrongly, faster delivery time. But so far as we can see, we see no downside to it.

Mr. David Zimmer: Thank you very much.

The Vice-Chair (Mr. Jeff Leal): Thank you very much, Mr. Tremblay. We appreciate your presentation this morning.

AMERICAN TRUCKING ASSOCIATIONS

The Vice-Chair (Mr. Jeff Leal): Next, we have the American Trucking Associations on a conference call. Ms. Margaret Irwin, Mr. David Potts and Mr. David Osiecki, welcome.

Mr. Dave Osiecki: Good morning. How are you?

The Vice-Chair (Mr. Jeff Leal): If you could just identify yourself for the sake of Hansard, I'd appreciate

it, sir. Then you'll have 10 minutes, and any time left over will be for questions.

Mr. Dave Osiecki: Certainly. Thank you. This is Dave Osiecki, vice-president of safety, security and operations with the American Trucking Associations. With me is Margaret Irwin, as well as David Potts, as you previously identified. We'd like to say good morning and thanks for the opportunity to speak with you today about Bill 41, currently being considered by your committee. In general terms, the American Trucking Associations supports Bill 41 as written and applauds the province of Ontario for moving forward on this important safety legislation, but we'd like to offer our comments.

First of all, we'd like to tell you, and you're probably somewhat familiar with this, that the trucking industry is a fairly important link between the United States and Canada, with Canada, of course, being our number one trading partner. In 2006, there were approximately 13.3 million trucks crossing at our common borders, about 35,000 trucks each and every day.

Trucks carry almost two thirds by value of the \$534 billion in trade between the US and Canada. And certainly, Ontario, which generated \$224 billion in cross-border truck trade with the US in 2007, is by far the US's most significant provincial trading partner.

We believe that speed limiters are clearly a part of a comprehensive strategy to make highways safer for all vehicles and drivers. We also believe that they help conserve energy resources and can lower truck emissions.

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In addition to speed limiters, ATA, on this end of the United States, is also advocating and promoting a 65-mile-per-hour national maximum speed limit. With respect to speed limiters, in 2006, ATA filed a petition with our US Department of Transportation, asking them to require vehicle manufacturers, truck manufacturers, to install speed-limiting devices set at no more than 68 miles per hour on new trucks with a gross vehicle weight rating of more than 26,000 pounds. Thus far, no action has been taken by the US DOT on this petition. With respect to our policy on speed limiters, supported by the petition, our policy states that the speed of class 7 and 8 trucks—class 7 starts at 26,000 pounds—used in commerce should be governed at a maximum speed not to exceed 68 miles per hour when manufactured.

With that said, we'd like to make a few notes or a few comments about the differences between the ATA position in our proposal and the Ontario Trucking Association's proposal, and what may be captured in Bill 41.

First of all, under the ATA proposal, as you heard, only newly manufactured trucks would be required to have speed limiters set. We understand that Bill 41 would most likely require commercial vehicles manufactured beginning in 1995 to have speed limiters. This is what OTA, the Ontario Trucking Association, supports.

ATA's proposal would have the manufacturer set the top speed limit of the speed limiter at the time of production. Of course, that top speed would be 68, according to our position. Bill 41 would have either the dealership

or the carrier's maintenance personnel set the speed limiter. Of course, that's also supported by OTA. So there is a difference there as well.

Lastly, our third point in terms of the differences: At ATA we support hard coding on the speed limiter. That goes back to the production side of this, the manufacturer. OTA supports soft coding.

Our proposal would set the speed limiters at a maximum speed not to exceed 68. The Ontario proposal, supported by OTA, would set them at 65 miles per hour. So there's obviously a small difference there.

Our position is that while harmonized regulations would be preferable, we encourage the assembly to give the Ontario Ministry of Transportation sufficient regulatory and enforcement discretion to accommodate any differences with potential future US regulation. ATA believes that Bill 41, as currently written, does provide this flexibility and thus will allow the ministry to write and enforce regulations in a way that will not create significant impediments to cross-border trade. I guess I want to reiterate that: We do not believe that, as Bill 41 is currently crafted, it would create significant impediments. We just don't see that.

That really summarizes our comments. I'd like to thank you and give you the opportunity to ask us any questions you may have.

The Vice-Chair (Mr. Jeff Leal): Thanks so much, Mr. Osiecki. We do have about six minutes for questions. On this round, we start with the government. Mr. Naqvi, please.

Mr. Yasir Naqvi: Thank you, sir, for your comments. I'm an international trade lawyer by training, and I found your last comment quite of interest, that there will be no significant impediment to cross-border trade. Can you further elaborate on that point and the basis of that assertion of yours, please?

Mr. Dave Osiecki: Sure. The basis of the assertion is that the vast majority of trucking fleets in the US—it's about 70%—already have their trucks speed-limited. It's the other 30% that we, as a part of our position, are trying to capture. The majority of trucks already operating in the US—and therefore we believe the majority operating in cross-border trade—are already speed-limited; they've already set the limiter. If they have set the limiter higher than 65, they certainly can turn it down from 68 to 65, or whatever they may currently have their setting at.

But our research also indicates—and this goes back about two years, prior to the significant increase in the cost of diesel fuel—that the average speed-limiter setting was about 68 to 69 miles per hour in the US. That average has come down, at least for the medium- and large-size fleets. We don't have a firm number, but we believe the number is closer to 65 at this point than it was a couple of years ago.

That's why we just don't see a significant trade impediment, given the current number and size of the fleet that's already limited and the fact that speed limiter settings are coming down, both from a safety perspective and, of course, also from a fuel conservation perspective.

Mr. Yasir Naqvi: Great. Thank you, sir.

Mr. Frank Klees: Thank you again for your presentation. I would ask you to comment, if you could, on the hard coding versus soft coding reference that you made. Could you educate us just very briefly on what the difference is?

Mr. Dave Osiecki: Sure. The hard coding means that the manufacturer of the truck would have a hard software code, if you will, in the chip in the engine control module. All new large trucks—in fact, all new cars on the market today—have what's called an ECM, an engine control module. There's a chip in that module that allows the speed to be set.

Soft coding right now means that the speed setting can be altered by any qualified technician or qualified maintenance person. Hard coding means that it can be set at a maximum limit so that it can't be set higher than that. We're advocating that the producers of trucks hard-code no higher than 68; it could be set lower but not higher than 68. Soft coding means it can be set at any particular limit as a part of that chip. It's a software change, essentially.

Mr. Paul Miller: Thanks for your presentation. I just wanted to know: Does this fall under federal jurisdiction or does it fall under state jurisdiction, as far as limiters go?

Mr. Dave Osiecki: I assume you're asking about the US?

Mr. Paul Miller: Yes.

Mr. Dave Osiecki: In the US it is federal jurisdiction.

Mr. Paul Miller: Is this going to be a national program that's going to—and what are the time elements on this? You said that you don't feel that it would be a disadvantage to the Canadian drivers. With different speeds in different states—whether it's implemented or not, will that have a negative impact, for instance, if Canadian drivers are driving slower and the American drivers are on their tail and want to speed up and they have the ability to program their own? That's the understanding I got, that at this point they have the ability to program their own limiters, which our drivers won't have the ability to do, because it'll be stationary. What do you feel that impact will have on our drivers?

Mr. Dave Osiecki: We believe the impact is negligible. Again, most US fleets are governed, and while we don't have this firmly in research, we believe that governed speed has come down from 68 closer to 65, given the fuel issue. Yes, there are fleets out there that have ungoverned trucks and trucks governed higher than 65 in the US, but they're the minority. Speed limits in the western US are indeed higher than 65 miles per hour, but most truck operations, particularly in the current environment with diesel fuel prices, are not operating at 70 or 75, because it's just not economically practical to do that. We see a very limited impact on US or Canadian drivers, no matter if the setting is at 68 or 65.

Mr. Paul Miller: There are some companies that offer incentives for early arrival, due to production possibilities and things. They have in the past offered trucking

firms incentives to arrive early and pick up another load and move on to another destination. How is this going to impact on the use of limiters? If they're self-controlled by the driver, do you think that maybe the driver would have the ability to set it higher so that he can have a more lucrative year?

Mr. Dave Osiecki: In the US, most drivers are not allowed to set the limiter; it's a qualified technician. I assume it's the same way in Canada. Could the drivers take their truck to a qualified technician? Yes, but there are oversight programs that fleets have in making sure that drivers do not do that. Most fleets have attempted to keep their drivers from tampering with the software coding on the ECM. I don't know if that responds to your question. Yes, there are incentives, but I think what's limiting the use of higher speeds today is—while I'd like to think it was driven by safety, I believe a lot of it's being driven by fuel cost.

The Vice-Chair (Mr. Jeff Leal): Thank you for being with us today.

ONTARIO TRUCKING ASSOCIATION

The Vice-Chair (Mr. Jeff Leal): Next we have the Ontario Trucking Association, Mr. David Bradley, please. Welcome. You've been through this before. Identify yourself for Hansard. You'll have 10 minutes, and any time left over will be for questions.

Mr. David Bradley: Thanks, Chair. I'm David Bradley, president of the Ontario Trucking Association. On behalf of the OTA, I'm speaking today in favour of Bill 41, and we urge all-party support for a speedy passage so the job of writing the regulations can commence and define the guts of this legislation.

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I want to tell you that Bill 41 has its genesis in a policy developed by OTA that was unveiled in November 2005. It is OTA's view that it should be mandatory that speed limiters be activated on all trucks equipped with electronic engines built since 1995 that operate into, out of and within Ontario, regardless of domicile, and that the limiters be set at a maximum speed of no more than 105 kilometres per hour. This was a position we came to after extensive research and consultation with carriers, drivers, engine and truck manufacturers, enforcement personnel, safety and environmental experts, and policy makers at home and abroad.

We know that truck drivers are not the worst offenders when it comes to excessive speeding. In fact, I'm proud to say that as a class they are the safest drivers on our highways. However, we also know that some do speed and drive aggressively, or are forced to by unscrupulous carriers and shippers; that voluntary measures have failed to be embraced by all operators; and that as an industry that shares its workplace with the public we have, as safety professionals, an added responsibility to do the right thing.

This is the right thing to do. There is no retrofitting required; the speed limiter just needs to be activated, and

this can be done in as little as 45 seconds. Our motivation is simple: to improve our industry's overall safety performance and therefore overall highway safety, and to reduce our carbon footprint. The public and government demand no less of us, and the responsible operators demand no less of themselves. It is also simply good business.

We are delighted by the support this measure has attained from so many individuals and organizations within and from outside the trucking industry. We are confident that one day we will be able to look back on this issue and know it was because of the leadership shown here in Ontario that the rest of North America will eventually embrace this measure as well. There are no NAFTA issues here; there is no discrimination; trade will not be impaired.

You will be hearing from some people who are opposed to this bill. Debate is good, and the trucking industry is never short of it. Trucking is a tough business, especially in these difficult economic times. However, I urge you to consider the fact that the majority of trucks operating in North America today are already doing so with their speed limiters activated. If any of what the opponents of this bill say will happen was true, how is it that many, if not the majority, of the companies already embracing speed limiters are generally considered to be amongst the best-managed companies in any industry, the most successful in the trucking industry and the most responsible in terms of safety and the environment? How is it that they are regularly recognized by their shippers on both sides of the border as providing the highest level of service and on-time performance? Is it coincidence that some of the most vocal Canadian supporters of this measure also happen to dominate the US Truckload Carriers Association safety awards this year? How is it that they're also likely to pay better than average wages to their drivers? How is it that our members who have governed their trucks for years, even at less than 105, cannot identify one instance of a car-into-truck rear-end collision where the car driver was not either drunk or excessively speeding?

The Ontario Trucking Association is a reasonable and responsible voice for our industry. In the past 15 years or so, we have worked with all parties when they've formed the government. We have been at the forefront of every major safety, environmental, productivity and efficiency measure impacting our industry. In the mid-1980s, we provided the vision for the commercial vehicle operator's registration system, or CVOR program, which MTO likes to say is the envy of North America. We were among the first proponents of the National Safety Code for trucks. We worked with the Rae government to introduce regulation of road brokers, to introduce longer trailers and combination lengths, and to introduce some semblance of shipper responsibility for axle overloads. We worked with the Harris and Eves governments to create the Target '97 task force on truck safety, which led to many tough new initiatives. During that time, OTA developed the mandatory wheel installer certification

program, and there can be no doubt that that saved lives. We have worked with the McGuinty government to develop modernized regulations governing truck driver hours of service and trip inspections. OTA proposed a tougher standard for the heavy-duty Drive Clean program, which was adopted by the Minister of the Environment.

There were people who were opposed to all of those initiatives as well. No piece of legislation or regulation is ever perfect, or the entire solution to all the world's ills. However, I don't think anyone on the committee would say now that those measures were not the right thing to do. OTA believes that Bill 41 is also the right thing to do.

Thank you. I would be happy to attempt to answer any questions you might have.

The Vice-Chair (Mr. Jeff Leal): Thank you, Mr. Bradley. We do appreciate your work in the trucking industry in the province of Ontario.

Round six: Mr. Miller, you're starting off.

Mr. Paul Miller: Thanks, Mr. Bradley. One of the comments that we've been receiving is from, obviously, independent truck driver owners. They're claiming that 70% of all accidents are caused by smaller vehicles, because of the professionalism of our drivers in Ontario. Would that be a fair estimate?

Mr. David Bradley: Yes, I think that is a fair estimate. It hovers, year by year, between 65% and 75%. Those are fatal accidents where a truck was involved and the driver was found to be not necessarily at fault but that it was non-preventable from the truck driver's point of view. That's absolutely true.

Mr. Paul Miller: I've heard many arguments today, but some of the drivers feel that it will have an impact on their financial ability to attain certain levels during the year as independent small truck owners. They feel that the larger companies have some flexibility and have large fleets, that they have a competitive edge over the independent driver, especially with the high fuel costs and things like that. Do you feel that this bill would negatively impact them in their ability to compete as independent owners?

Mr. David Bradley: First things first: The vast majority of independent owner-operators—99.9% probably—do not compete with the fleets. They contract themselves with the fleets.

Mr. Paul Miller: Subcontractors.

Mr. David Bradley: Yes. So there's no competition with the fleets in that regard. In terms of their ability to earn income, we have a shortage of qualified drivers in this country right now. We do not have an interest in putting our people out of business.

Again, the vast majority of the carriers in my association, and across the industry, already limit their trucks. Their drivers are doing fine. People want to work for those companies. I just wish that good drivers sometimes didn't end up working for crappy carriers. They'd find their life a whole lot better off.

Mr. Paul Miller: There's just one last quick question. They feel that uneven flow of traffic will only have the

opposite effect on the highway safety numbers by creating large and lengthy lines of trucks in the right lane, thereby creating a much higher probability of accident or incident due to the increased number of lane changes, due to speed adjustments. Do you feel that that's a valid argument?

Mr. David Bradley: No, we don't see it and we don't see it now. We have a speed differential on the highway now. Most trucks, as I said, are not excessive speeders. Even those that are aren't going the speeds that cars are. So we have a speed differential on the highway now.

The fact of the matter is that the posted speed limit is not a differential, which is what most of the studies in the US have looked at. We have a posted speed differential; we're not talking about that here. I don't see that.

Again, we hear as well that we're going to have all these cars running into the back of trucks. I've got members that for over 20 years have governed their trucks at 90 kilometres an hour and they can't point to one instance where that's because of the speed limiter. Yeah, there's cases where the car driver was drunk out of his mind or doing 150 kilometres an hour. That guy's got a death wish anyway.

The Vice-Chair (Mr. Jeff Leal): We have exactly 30 seconds. Quickly, Mrs. Mangat, please.

Mrs. Amrit Mangat: Mr. Bradley, can you tell us if any environmental groups support the OTA proposal?

Mr. David Bradley: Yes. In your package you will see the list of all of the groups—safety, environmental and otherwise—who are supporting this measure. That includes Pollution Probe and the Lung Association of Canada. I'll tell you that I also include the Ontario Trucking Association as an environmental group. At no time in our industry's history have society's environmental goals been more aligned with our economic goals. When fuel is at a \$1.25 a litre, if you don't get the fact that you need to slow down to save fuel, then you're not going to be in business, or you shouldn't be in business.

The Vice-Chair (Mr. Jeff Leal): Thank you very much, sir. We appreciate your presentation today.

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CANADIAN TRUCKING ALLIANCE

The Vice-Chair (Mr. Jeff Leal): Next I call upon the Canadian Trucking Alliance: Mr. Doug Switzer, vice-president of public affairs, and Ms. Debbie Virgoe, please.

Welcome. You have 10 minutes. Please identify yourselves for the sake of Hansard. Any time remaining will be for questions. It's good to have you with us today.

Mr. Doug Switzer: Thank you very much for having us. As you've said, my name is Doug Switzer. I'm the vice-president of public affairs with the Canadian Trucking Alliance. I'm going to make a couple of brief comments and then turn the rest of my time over to Debbie Virgoe.

Fundamentally, I'm here to tell you today that like the American Trucking Associations, who indicated that US

carriers don't have a problem with this legislation, speed limiters have been endorsed by all of the other provincial trucking associations across Canada. The Canadian Trucking Alliance is just that: It's an alliance of the seven provincial trucking associations. Once the OTA came forward with its proposals three years ago, the other trucking associations across this country took a look at it, and I can tell you that it wasn't too tough of a sell. They all unanimously endorsed this, so this is something that is supported across the country. Unfortunately, only in Ontario and Quebec have our associations been successful in convincing their governments to move forward on this. But as Mr. Bradley indicated, it is our hope that the leadership of Ontario and Quebec will spread across the country and we'll see the rest of the country follow suit in short order.

That being said, I'd like to turn over the rest of my time to Debbie Virgoe.

Mrs. Debbie Virgoe: Good morning. My name is Debbie Virgoe. I am here today to offer my thoughts and support to the Ontario Trucking Association's recommendations to have speed limiters placed on commercial transport vehicles.

My husband David had driven a commercial transport truck for 32 years without a preventable accident. The company that he drove for had speed limiters active on all of their trucks. He never complained about not being able to make his deliveries both safely and on time.

Both his own safety and the safety of others were a priority to David. He never encountered any problem over the years of driving a truck of not being able to support his family. When I approached the company that he was employed by and asked why they use speed limiters, I was told that it was for safety issues, insurance costs and lowering their cost of fuel.

I not only support transports being equipped with speed limiters, but I would also like to eventually see them on passenger vehicles as well. Preventable and reckless collisions are happening far too often on our roadways, and in most cases speed is a major factor. I know all too well that speed kills. My husband David lost his life as a result of three individuals using our roadways recklessly and with excessive speed.

Not that long ago, we had an incident where two dump trucks were allegedly chasing each other and speeding down the highway. One of them lost control, losing a tailgate and killing two innocent people. The need to step up in the fight in helping put an end to excessive and needless speeding is now.

I am very proud of the fact that the Ontario Trucking Association is once again taking the initiative in leading the way in helping to slow traffic down.

Thank you for your time.

The Vice-Chair (Mr. Jeff Leal): Thank you very much for sharing your personal story with us.

This is round seven. We'll start with the official opposition. Mr Klees, please.

Mr. Frank Klees: Thank you. We appreciate you being here, especially Mrs. Virgoe. We appreciate your input.

I'd like to ask Mr. Switzer, in light of the fact that you've obviously written this legislation, according to your e-mails, why did you put such a low minimum fine in place? We've heard from the Ontario Safety League as well as the Insurance Bureau of Canada that they'd like to see higher fine limits. What was your reasoning for using the \$250 minimum?

Mr. Doug Switzer: First of all, I think that it is fair to say that the origin of this legislation was with the trucking industry. We've worked very closely with the ministry in drafting this. I think the fine level is set where it is in the legislation because that's in the context of the other fines that we have. Certainly, in dealing with increasing fines and penalties, which in my previous life working here at Queen's Park I have some experience with, the Ministry of the Attorney General will frequently point out that they cannot make fines out of the context of the other penalties on the road. You can't have the penalty for a speed limiter be \$2,000 when the penalty for operating with brakes out of adjustment is \$500.

Mr. Frank Klees: Would you be opposed to an amendment that would reflect the recommendation from Mr. Patterson?

Mr. Doug Switzer: I don't think we would be. I think that we can have a reasonable discussion about that, but I do think that that discussion would have to include the fact that the fine level needs to be put in context with all of the other fines.

Mr. Frank Klees: We'll deal with that part.

Mr. Doug Switzer: Okay.

Mr. Frank Klees: You've recommended, obviously, a soft coding. We heard from the ATA that they support a hard coding. What was your reasoning for going to the soft coding?

Mr. Doug Switzer: Actually, if you look at our original proposal from 2005, we had originally called for hard coding. We withdrew that suggestion of hard coding at the request of the engine manufacturers and the manufacturers of trucks because they were concerned that they manufacture trucks for the North American market, not just for the Ontario market. So for them to manufacture a truck that was hard coded for just the Ontario market was an impractical solution.

We would agree that hard coding is a preferable route to go. Given that Ontario and Quebec are taking the lead on this and are the first jurisdictions that will be going out on it, soft coding was felt to be a more appropriate response, because it allows vehicles that are sold here to be coded here for this particular market without requiring the manufacturers to set it. The ATA has the luxury of speaking on behalf of the entire US market, and if their proposal were to be adopted, I don't think the engine manufacturers would have the same concern if every truck sold in the US had to be hard coded. But they did have some concerns about it here, and that's why it's soft coding rather than hard coding.

Mr. Frank Klees: My last question to you relates to the busing industry. You indicated that you consulted broadly on it. Did you consult with the busing industry on this, and do you agree, again, with the Ontario Safety League and the Insurance Bureau of Canada that buses should be included in this legislation?

Mr. Doug Switzer: We have had conversations with the busing industry, and I'm aware of their position on this. We have modest goals. We are only responsible for the trucking industry, as has been said. No piece of legislation can cure all the ills of the world in one fell swoop. This is, in many ways, as you've said, our bill. This was written by the trucking industry for the trucking industry and of the trucking industry. It was not our intention to solve all of the problems on the road, so it did not address the busing industry or cars.

While those are very important and interesting discussions that I think should occur, we don't really have a position on that. We take responsibility for the thing that is our responsibility, and that's the trucking industry. We hope that our example in slowing down vehicles will have a positive impact. We do believe that speeding is akin to drinking and driving and should be treated the same way. It is the drinking and driving of our generation. It is something that far too many people do and far too many take lightly. We're hoping that by leading the way as our industry, others will follow. But no, that's for others to decide whether or not the busing industry should be limited as well.

The Vice-Chair (Mr. Jeff Leal): Mr. Miller, two minutes.

Mr. Paul Miller: Thank you, Mrs. Virgoe, for coming. We're sorry about your loss. Fortunately, there are a lot of good drivers out there who avoid other people who shouldn't be on the road. These things happen, and it's terrible.

I guess my question to Mr. Switzer would be: Are you concerned about the differential between the American limiter of speed and the Canadian one? I'm assuming it's three or four miles per hour. They claim that it won't have an impact on arrival times, picking up loads, financial burden. Do you think that it will create a financial burden to our drivers? As a national organization and in talking to your brothers in the States, don't you think that everything should be uniform between America, Mexico—in the North American free trade agreement—that this should be North America-wide, not allowing anyone a little competitive edge, or whatever it might come across as? We all know that the new proposals for the borders may help drivers with their times and with the long lineups, and we're hoping that the new bridge in southwestern Ontario will help, but how do you feel about the fact that not everybody's on the same page?

Mr. Doug Switzer: Just very quickly on the competitive thing, I think you've heard from a number of people that in fact the best thing you can do for your competitive advantage as a trucking company is slow down, because your biggest cost is fuel, and there is no competitive advantage to speed. Even if the speed limit

were higher—I think the ATA mentioned the fact that even in those US states where the speed limit is higher, the companies that are operating there do tend to set their limiters below the posted speed limit for fuel economy reasons.

1020

In terms of addressing the differences between the US and the current proposal, we've had a lot of conversations with the ATA around this, and I think the committee needs to understand a couple of things. The ATA has a proposal that has not yet been adopted by the government, and one of the things that we've talked to the ATA and also to the government about is the fact that while they're at 68 and we're at 65, we don't know what the US government will ultimately adopt; that's just the ATA's proposal. For all we know, the US government will adopt 65 or 60. There's no point in trying to harmonize with a proposal when we don't actually have another law.

The issue around the hard coding and some of the other differences—I think we'll be in a different world if the entire US marketplace goes along with this. If they are successful in getting the US government to move forward with a national standard in the US, I think that would be an appropriate time for Ontario to engage in discussions with the US around harmonization, which is again—

The Vice-Chair (Mr. Jeff Leal): Thank you very much, Mr. Switzer. I've got to keep moving. Ms. Virgoe, thank you for your presentation.

OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION

The Vice-Chair (Mr. Jeff Leal): Next, we have Mr. Terry Button, Owner-Operator Independent Drivers Association. Mr. Button, please, if you could identify yourself for the sake of Hansard, you have 10 minutes. Any time remaining will be for questions. Welcome, sir.

Mr. Terry Button: Good morning, Mr. Chairman. My name is Terry Button. I own and operate Terry L. Button Farms, located in Rushville, New York; we're a New York State Century Farm.

I've driven a truck for a total of 32 years; I've been an owner-operator for the past 28. During my career, I regularly hauled to the Toronto market for about 15 years. Also, along the way, I gauge my farming operation, primarily growing, buying and producing hay throughout the eastern United States to the racetracks, feed stores and other dealers that service the equine industry.

I currently serve on the board of directors of the Owner-Operator Independent Drivers Association, and I'm on the board of directors for the National Hay Association. OOIDA is a not-for-profit corporation established in 1973, with its principal place of business in Grain Valley, Missouri. OOIDA is an international trade association representing the interests of independent owner-operators and professional drivers on all issues

that affect truckers. The more than 162,000 members of OOIDA are small-business men and women and professional truck drivers located in all 50 states and Canada who collectively own and operate more than 240,000 individual heavy trucks.

As a resident of a border state and through my involvement in the transportation industry, I am very aware of the trade relationship that our two great nations enjoy. In fact, I understand that Canada, as we said earlier, is the largest foreign consumer of American goods and that border states like New York and Michigan ship a combined \$30 billion in goods annually into the province of Ontario alone. The overwhelming majority of these goods are brought into the province by trucks owned by small businesses, as I have done in the past.

Small business truckers like me account for approximately 96% of the trucking industry—not what they said before. Few realize that small business truckers are the backbone of the industry. Without us, only a very few, very large trucking companies would monopolize the industry and be able to dictate freight rates to the disadvantage of shippers, receivers and, ultimately, the end consumer.

I speak to you now on behalf of OOIDA, its members and all truckers who will be adversely impacted by this proposed legislation, and provide a brief overview of our concerns with Bill 41.

Safety, as we've talked about, is of the utmost concern to the professional men and women who earn their living operating trucks of all sizes on the highways of North America. Bill 41 and its impending regulatory consequences will mandate that larger trucks, no matter in what jurisdiction they are based or what country they are based, be limited by speed in order to operate in Ontario. While the maximum posted speed on any highway in the province is less than the proposed speed limiter setting, that is not the case in a large number of other North American jurisdictions. In jurisdictions with higher posted speeds, the required speed limiter settings effectively create a situation where the different classes of vehicles are traveling at, in many cases, radically different speeds. Numerous studies show that split speeds result in an increase in accidents where smaller vehicles impact the rear of slower-moving trucks, and side-swipe accidents, many of which result in death.

Some believe that limiting large trucks to the same speed will improve lane management, whereby all those trucks will be merrily driving along in the right-hand lane, out of the way of the rest of the traffic. In reality, this is not the case. Due to a multiple of variables, few affected trucks will be traveling at precisely the same speed—it just doesn't happen—resulting in trucks passing one another over long stretches of highway. I've seen this in Ohio.

Some may think that it would be a good thing to slow down all traffic. We've heard that. Instead, the other drivers will become impatient and enraged, resulting in extremely unsafe manoeuvres—it happens every day—in their eagerness to get around slow trucks as quickly in

and out as they can. So speed limiters will increase both congestion and accidents and will have an effect in increased congestion.

Many believe that slowing down trucks will provide a tremendous benefit to the environment by reducing greenhouse emissions. That is a myth too. Some trucks may be geared so that the proposed speed setting will provide for an optimum engine operating range, but many are not. Mine is not. Speed is not alone in the complex equation that will ultimately save fuel and decrease harmful emissions.

Furthermore, consider the effect of the other vehicles in the traffic stream and how the increased congestion caused by lumbering trucks will increase emissions. You have to accelerate and de-accelerate all the time.

Although I am personally not an expert, it is my understanding that the proposed Ontario law may invoke certain NAFTA implications, in that it will effectively act as a trade barrier for US-based trucking companies and businesses and impede the free flow of goods that the treaty was designed to protect. Based on an OOIDA survey of its membership, 39% of our members regularly operate in Ontario. I use a company out of Michigan, Rumble. They come from Michigan over to Syracuse through Ontario and deliver at east Syracuse at New Venture Gear. They come to my place and load hay into the Carolinas, and then load manufactured parts out of the Carolinas back up to Michigan for the auto industry.

When asked in that same survey if those members would continue to provide transportation services to the province if Bill 41 passes, 88% said no. That's over 50,000 individuals and 80,000 trucks that now haul literally hundreds of thousands of loads a year in and out of Ontario that would no longer do so. There are many reasons why, but economics and safety concerns prevail.

The Vice-Chair (Mr. Jeff Leal): Mr. Button, you have about one minute to sum up.

Mr. Terry Button: Okay. We want to in fact work with all members of provincial Parliament who sit in the Ontario Legislature. We do believe that your good intentions are being taken advantage of and that you are on the verge of a very expensive mistake that will cost consumers and taxpayers millions of dollars and, in the end, you will be left with all the same environmental concerns.

1030

This legislation will have a higher truck accident rate and will drive up the price of goods in the province. So with all due respect, while we hope you will not pass Bill 41 as it is, we must be clear that if you do so, we will not sit idly by, but rather will exhaust all legislative and legal remedies to defeat this incredibly unsafe—I've been in contact with my legislators: Tom Reynolds in Buffalo, Jim Walsh, and my good friend Randy Kuhl in Washington, and their aides.

In closing, I would like to say thank you for the opportunity to address you today, and I will be happy to answer any questions you may have.

The Vice-Chair (Mr. Jeff Leal): Thank you sir. We're out of time. I appreciate your presentation this morning.

OWNER-OPERATOR INDEPENDENT
DRIVERS ASSOCIATION FOUNDATION

The Vice-Chair (Mr. Jeff Leal): Next I'd like to welcome Mr. Tom Weakley, the director of operations for the Owner-Operator Independent Drivers Association Foundation. Mr. Weakley, you have 10 minutes. If there is any time left over, it will be reserved for questions. Could you identify yourself for Hansard, please?

Mr. Tom Weakley: Good morning, Mr. Chairman and committee members. Thank you for providing me the opportunity to offer comments on the matter of mandating speed limiters on all heavy-duty trucks traveling within Ontario's provincial border.

My name is Tom Weakley and I am the director of operations for the Owner-Operator Independent Drivers Association Foundation. The foundation was incorporated for the purpose of funding, compiling and conducting research concerning economic and safety issues which impact the motor carrier industry.

On the personal side, I have approximately 20-plus years in the trucking industry, from the perspective of a warehouseman, driver, recruiter, hazmat instructor, safety manager, operations manager and fleet manager.

It appears that those who are proposing mandated speed limiters on heavy vehicles are selling this concept as the magic elixir to save on fuel, eliminate greenhouse gas emissions and improve safety on the highways. These are indeed noble endeavours that all people, no matter their country of origin, can and should be concerned about. Certainly the government of Ontario has a responsibility to look at the concept, but it must reject panaceas that are costly and unwarranted. Mandated speed limiters will not accomplish the objectives they purport to cure, and they will create a safety hazard for all drivers and highway users in the province.

We have not been privy to the research that was conducted for Transport Canada but we have reviewed the discussion paper done by Ray Barton Associates in 2006 on speed limiters for trucks operating in Canada. His findings indicate that speeding on the highways for all vehicles is a common occurrence, and trucks exhibit less speeding than autos and are usually within five to 10 kilometres per hour of the posted speed. He notes that with the speed limiter policy in place, the average truck speed on 100-kilometre-per-hour highways would be reduced by about 2 kilometres per hour, assuming all trucks are compliant.

He does point out that limiting truck speeds at 105 kilometres per hour would provide fuel savings, but only for that portion of truck traffic occurring on highways with posted speeds of 100 to 110 kilometres per hour, and assuming that 45% of that truck travel occurs on roads posted at 100 to 110 kilometres per hour or higher.

A recent study by the Rocky Mountain Institute for the Canadian Trucking Alliance, in quoting the fuel savings, relied on trucks that utilize whole system designs, such as aerodynamics, low profile tires, retrofit equipment and anti-idling technology to arrive at their fuel savings and greenhouse gas reductions. These technologies have a much greater effect on greenhouse gas and fuel savings than speed limiters. According to Cummins engine manufacturers, and backed up by the study done by Deierlein, the most important fuel economy variable is the driver, who controls the idle time, vehicle speed, brake use etc. Speed limiters take away one of the most important variables that the driver can control. According to Deierlein's study, the difference between a good driver and a bad driver can be up to 35% in fuel efficiency. I personally have trouble wrapping my mind around the logic that speed limiters set above the maximum speed for highways in Ontario are going to improve greenhouse gases and help eliminate particulate matter.

In the United States, the EPA has set standards for engines that must meet stricter emission standards. New ultra-low-sulphur fuel must now be used in 2007, and newer engines that significantly reduce the amount of NO_x and PM being emitted. In fact, according to the EPA, when the program is fully implemented, annual emission reductions will be equivalent to removing the pollution from more than 90% of today's trucks and buses. There are even stricter emission standards for engines starting in 2010, so before this proposed bill becomes enforceable, the reduction in NO_x and PM will already be mandated, at least in US-manufactured trucks, making speed limiters a solution looking for a problem.

I'm not a technical expert on engines or on "specing" a truck, but you do need to ask what other mandates you will need to pass and enforce for compliance with the proposed speed limiter regulation.

Owner-operators and most carriers specify—or "spec"—their trucks to meet the demographic and personal needs of their business. If ECMs are set and not to be tampered with, then other mandates will have to be passed and enforced, such as the size of tires and what gear ratio must be on the truck. The proposed mandate would require that the electronic control module (ECM) be set to a limit of 105 kilometres per hour and cannot exceed that speed.

If my ECM is set for a tire that has 514 revolutions per mile and a rear axle ratio of 4.11, I cannot alter either the tire size or the gear ratio because that will alter my speed, even though a taller tire and different gear ratio may fit my business better. If I were to switch to a tire that has 478 revolutions per mile and a 3.55 rear axle ratio, the ECM will still show 105 kilometres per hour but the truck is capable of going much faster. Most carriers have chosen to have their ECMs set at differing speed limits for a variety of reasons, and they proudly espouse those benefits. It is a business decision that needs to be based on the carrier's business model, not on, "I did it, so you have to do it."

I cannot in good conscience omit the safety implications that mandating speed limiters will have on drivers

and all highway users. Dr. Steven Johnson of the University of Arkansas recently completed a study of speed differentials on rural highways. As Dr. Johnson explains, it is logical, at least to an industrial engineer, that the safest speed for all vehicles would be for all vehicles to travel at exactly the same speed, completely eliminating any interaction of vehicles. In short, you will see more interactions and accidents between cars and trucks if you slow trucks down from the rest of the flow of traffic.

I think this simple logic has been lost somewhere in the present contest by argument. Dr. Johnson secured a grant from the Department of Transportation to study speed differentials and their effects on safety, greenhouse gases and congestion. He can best talk about his findings and is submitting comments—which I think were submitted—but essentially his studies verify the simple logic that speed differentials create more interaction, and the more interaction among vehicles, the greater chance of accidents.

It is important to understand the economics of how drivers are paid when looking at the impact of speed limiters on the industry. Dr. Barton, in his discussion paper, points out that in European countries, company truck drivers are paid by the hour, so the speed at which they travel has little or no impact on the amount they are paid. In the US, getting paid by the mile is by far the most common method of pay for company drivers and the second most common method of pay for owner-operators.

The Owner-Operator Independent Drivers Association Foundation conducted a survey of their 15,327 company drivers concerning their experience, attitudes and behaviour concerning speed limiters. We received 3,422 responses, representing 2,080 trucking companies. We asked, “If the vehicle you drive is limited to a speed that is less than the speed limit on many highways you travel, do you exceed the speed limit on roads or in areas where the speed limit is less than the speed limiter setting to make up time?” There were 2,217 responses: 51.8% chose “sometimes,” 16.7% chose “usually” and 5.3% chose “always.” This is an alarming statistic, especially in light of the fact that according to the National Highway Traffic Safety Administration, 76.4% of all fatal crashes occur at speeds of 55 miles per hour or less.

We asked the drivers what their concerns were about speed limiters, and the top concern was a lack of passing speed, followed by increased congestion and being rear-ended. I can personally attest to these concerns, as I drove a speed-limited truck for many of those 20-plus years.

There are some very real economic downsides to mandating speed limiters and the verification of settings. According to Dr. Barton, checking the ECM setting would add about five to 10 minutes to the inspection time. Assuming seven minutes then, if added to the 347,256 roadside inspections done in Canada last year, it would add 2,604,420 minutes, or 43,407 hours of added delay. In his discussion paper, Dr. Barton estimates

there’s also a \$3 million to \$4 million cost per year for equipment and maintenance.

The foundation conducted an online survey of owner-operators. The survey revealed that 39% of our members deliver into Ontario. That constitutes somewhere around 80,000 trucks, or better, and only 7% have maximum speed limiter setting of 105 kilometres per hour or less. According to that same survey, if the speed limiter mandate is passed, only 12% will continue to go into Ontario, representing a huge loss of trucks.

The Vice-Chair (Mr. Jeff Leal): You have one minute to sum up, sir.

Mr. Tom Weakley: Okay, then I’ll skip this last part.

Losing the capacity of that large number of trucks and trailers by mandating speed limiters set at 105 kilometres per hour will exacerbate the problems of an export-based economy that Ontario has built its reputation on. In addition, Dr. Barton, in his discussion paper, makes the point that if Canada were to adopt the speed limiter policy while the US did not, it could effectively keep US carriers out of Canada, further stating, as has been suggested, that this could be considered a trade barrier and hence subject to challenge under NAFTA. Thank you.

The Vice-Chair (Mr. Jeff Leal): Thank you very much, sir. We’re out of time. I would remind members that we will now recess, and the Standing Committee on Justice Policy will reconvene this afternoon at 2:30 p.m. Thank you so much.

The committee recessed from 1040 to 1430.

I.H. ASPER SCHOOL OF BUSINESS,
UNIVERSITY OF MANITOBA

The Vice-Chair (Mr. Jeff Leal): I’d like to bring the Standing Committee on Justice Policy to order. It being 2:30, we’d like to try and stay right on time. Our first presenter is from the University of Manitoba, from the I.H. Asper School of Business, Professor Barry Prentice, who is a professor of supply chain management at that university.

Professor Prentice, you will have 10 minutes for your presentation on the conference call. Any time left over will be for questions. On this particular round, it’s round 10, and we’ll be starting with the official opposition. Professor Prentice, if you’d like to proceed, and identify yourself for the sake of Hansard.

Dr. Barry Prentice: Very well. Good morning, members of the justice committee. Thank you for providing me with the opportunity to offer comments on the matter of mandating speed limiters on all heavy-duty trucks travelling within Ontario’s borders.

My name is Dr. Barry Prentice, and I am currently a professor at the University of Manitoba, and former director of the Transport Institute for 10 years. I have 25 years of experience in the area of transportation economics and policy analysis. Currently, I am working in the areas of cross-border trade, urban transportation, containerization, gateways and trade corridors.

I am addressing you today to express some great concern I have over the proposed speed limiter initiative. While I have not conducted my own independent research on the matter, I've looked at some of the existing relevant research, and I am troubled by this measure because I do not believe it will achieve the desired safety and environmental goals sought after by the government and the Ontario Trucking Association. Furthermore, I believe that this legislation will have significant economic implications for Ontario and will result in a number of unintended ancillary effects, including increased congestion, dangerous driving behaviour and minimal, if any, environmental benefits. For those reasons, I believe it would be prudent for the government of Ontario to reconsider this initiative and examine alternative measures, such as limiting the speed capabilities of drivers with multiple speeding offences; in other words going after the few bad apples, or supporting alternative technologies that could do post audits of speeding activities of vehicles.

It has been noted repeatedly during the dialogue that has accompanied this initiative that Ontario currently enjoys some of the safest highways in North America and that truckers are among the safest drivers on the roadways, experiencing relatively low accident rates and speeding infractions. However, in an effort to further improve on the safety record, Ontario officials and the OTA as a stakeholder have proposed further slowing down a specific segment of the traffic that are admittedly not the problem speeders. Addressing the wrong target will not lead to an improvement of Ontario's highway safety record. In fact, this legislation could have the obverse effect of diminishing safety, because it will increase the interaction between vehicles travelling at varying rates of speed.

At first blush, speed limiters may appear to be an answer to solve a perceived problem of a few bad apples who ignore the posted speed limits. We must be careful that we do not make our highways a hazard across the board in the name of stopping a handful of abusers. According to a study conducted by Dr. Steven Johnson, the Cost-Benefit Evaluation of Large Truck-Automobile Speed Limit Differentials on Rural Interstate Highways, when speed differentials are introduced on highways, the likelihood of negative interactions occurring can increase by as much as 227%. It may appear to be less of a concern on four-lane highways, but Ontario has a lot of traffic on two-lane roads where speed differentials could be disastrous. Dr. Johnson and Naveen Pawar, in their research, essentially argue that the safest roadways are those where all vehicles travel at the same rate of speed. Truckers have been aware of this fact for years, which is why many truckers view speed limiters as being unsafe and support a single speed limit enforced equally on all vehicles.

It has been noted by certain speed limiter proponents that heavy-duty trucks do not experience high rates of rear-end collisions. I wish to dispute this fact and point out that in the 2006 Fatality Analysis Reporting System,

it was reported that 17% of all fatal accidents involving a truck included a rear-end interaction; that is, a vehicle rear-ending a heavy-duty truck. Truckers have been aware of this problem for many years and view it as a valid fear, because when a fast-travelling car encounters a slow-moving truck and collides with that large object, the results will not be benign for either party involved.

To introduce speed differentials across the province will actually cause the safe highways that you currently enjoy to deteriorate. Mandatory speed limiters on trucks will create rolling bottlenecks that increase congestion and unsafe passing behaviour. This is especially a fact on the four-lane highways. Even on highways, in what drivers refer to as elephant racing, slow-moving trucks riding side by side impede the trailing flow of traffic. Not only does this result in lost productivity, it will result in angry drivers looking for ways to weave in and out of traffic around the truck.

Keep in mind that the office of analysis, research and technology division of the Federal Motor Carrier Safety Administration says that speeding alone is not one of the main causes of accidents in North America but, rather, travelling too fast for conditions. Not far behind that is unsafe entry and exit from the highways. If vehicles are travelling at excessive rates of speed to try to manoeuvre around vehicles while entering and exiting the roadways, accidents will occur.

The potential environmental benefit of a truck that travels slower can be measured in reduced fuel consumption. This is why some trucking companies have equipped their fleets with speed limiters voluntarily. What is true for the individual trucking company, however, might not apply to the macro environment. One must take into account that increased acceleration and deceleration levels will result from faster-moving vehicles trying to manoeuvre around the slower-moving trucks. It's well known that acceleration increases fuel consumption, and given the greater number of cars relative to trucks, this could potentially negate any fuel savings or modest GHG reductions anticipated by this legislation.

As I've already stated, many truck drivers—for a variety of reasons, which include safety and loss of power—prefer not to drive on a speed-limited engine. This is why the majority of the trucking industry in North America do not employ a speed limiter, and roughly only 50% of the trucks in Ontario that are owned by the largest trucking carriers employ speed-limiting devices.

The research shows that small businesses, which comprise approximately 96% of the North American trucking industry, do not employ speed-limiting devices, in part because the nature of the business requires that they travel through a multitude of jurisdictions with varying speed limits. There are 23 states in the US with speed limits above 70 miles per hour, nine of which are 75 miles per hour or higher. If Ontario proceeds with this legislation, it will be the only government in North America that has mandated speed limiters.

The American Trucking Association, a counterpart of the OTA, has proposed the use of speed limiters set at 68

miles per hour. The current administration in the US has made no indication it will initiate rule-making procedures before the end of its term, which is 2008. Therefore, if Ontario embarks on this initiative, it will be limiting the number of trucks that are capable of entering the province's borders and significantly impacting the delicate trade on which Ontario depends.

It also raises some delicate questions about trade impediments. If the US trucks and trucks from other Canadian provinces are not allowed to enter Ontario without speed limiters, there will be complaints of protectionism. If non-Ontario trucks are allowed to operate without speed limiters, then local truckers will complain of an unfair advantage to their competitors.

Ontario depends on trade integration with American manufacturers more than any other province. The vast majority of those goods are brought by the trucking industry, an industry built on small businesses. Border states such as Michigan and New York, that bring raw materials for products such as paper, a huge Canadian industry, export over \$30 billion in goods to Ontario alone. If Ontario passes this measure, it will be ensuring that only a handful of the existing motor carriers are capable of delivering imports into the province, which will cause demand to be significantly increased and the cost of goods to rise. We know that the trade balance has shifted recently. Now the northbound route is the head haul.

Speed limiters appear to be a solution searching for a problem. There are other ways. Systems can be devised to measure and record speed, location and distance, and truckers could be required to submit this information periodically. Fines could be levied if the trucker exceeds the maximum speeds more than 5% or 10% of the time. This would allow drivers to obtain a safe passing speed without facilitating excess speeding behaviour.

I had a conversation recently with a trucking operator who has a speed-limited truck. She says that she finds herself stuck behind a vehicle that is going slow—doesn't want the truck to get ahead of her for perceived reasons of safety or whatever. So when she tries to pass, the car speeds up. When she falls back, the car slows down, but, of course, other vehicles gather up behind her truck, and then they proceed with unsafe passing behaviour.

The Vice-Chair (Mr. Jeff Leal): Professor Prentice, you have about one minute left.

Dr. Barry Prentice: I will finish up right now.

I believe that if Ontario enacts this measure, very few provinces, if any, will follow suit. Alberta has already announced it will not pursue mandating speed limiters, and we can expect that others in the western part of Canada, who are likely of a similar mindset, will not enact such a law. I do not see this happening in Manitoba, by the way.

1440

We can also expect that it will not become legislation in the US, for a variety of reasons. Therefore, what we are pursuing is a patchwork system of varying transpor-

tation laws that will do nothing to promote safety, have a debatable impact on the environment and could significantly affect our trading relations. Ontario is perhaps better served by pursuing alternative measures to help address the few-bad-apples syndrome instead of decimating the already healthy crop that's on the highway system.

That concludes my presentation.

The Vice-Chair (Mr. Jeff Leal): Thank you very much, sir. We're out of time. We appreciate you being with us this afternoon and providing your insight.

Dr. Barry Prentice: Very well.

The Vice-Chair (Mr. Jeff Leal): Have a good afternoon.

Dr. Barry Prentice: Thank you.

WOMEN IN TRUCKING

The Vice-Chair (Mr. Jeff Leal): Next, I would ask Dorothy Sanderson, Women in Trucking, to come forward please.

Welcome, Dorothy. We already have your submission in our background. If you want to proceed, you'll have 10 minutes. For the purposes of Hansard, if you could identify yourself, and if there's any time left, we will have questions.

Welcome. It's good to have you with us today.

Mrs. Dorothy Sanderson: Thank you very much. I thought I'd read my submission. As I said, I'm Dorothy Sanderson. I'm from Cannington, Ontario, and I've been in this industry pretty much all of my life. I'm from a family that's in this industry.

To the committee: I would like to take this time to thank you for allowing me to speak. They say to appreciate the work that has been done in an industry, one must experience first-hand, by working in that particular industry, its triumphs and tribulations. Unlike working in an office, which I have, or working on a dairy farm, which is how I grew up, working as a professional driver is not something that you can just show up for Monday morning and begin to assume the workings of that vocation, without months of proper and prior rudimentary training.

Being a woman entering this profession is even more engaging. Many women enter the trucking industry for a myriad of reasons, not the least being to earn a fair and decent living for themselves and their family. For me, it was to help my husband, and then it was for us to earn the money to purchase our first family home. We wanted to set down roots for our three young daughters.

As a woman in the industry, you wear many hats. You begin as the business partner, as well as the mother at home and the co-driver when needed. In my case, though, at the age of 35, with daughters still in school, I became a widow. My life was jump-started and thrust into a totally different direction, one which I was totally unprepared for. But as I said before, coming from farm folks, no matter how far down the chips might fall, we strive to fight our way back up again. Welfare was a hand

up to us and not a permanent handout, nor was staying on it the direction in which I chose to raise my daughters.

Norm was dedicated to his profession. A truck driver who lived the life he loved to the fullest and never complained, he worked his last week on this earth living in his truck, loading and unloading by hand hundreds of pounds of groceries, driving in between times, and then running Toronto to Montreal and back again. He did not need a speed limiter in his truck and never got a speeding ticket with any he drove or that we owned. He was safe and conscientious, as most owner-operators are, and when he died suddenly of a heart attack—at the end of that week it was as though he had never existed at the company.

Even back then, the traffic was bad, people's driving habits were nasty, and semis and their drivers were seen as the bad guys on the roads. Unfortunately, the girls and I paid a high price, as WSIB was not made available to us, and I was told that he should have stayed in the truck and died behind the wheel, possibly on the 401 and possibly killing others as a result of his death. This is the very WSIB that is wanting speed limiters in semis, yet when a professional driver chooses to walk away from the semi, his family is left destitute because he put the safety of others over himself.

I was forced back on the road and can say from experience that speed limiters are merely a ploy by the big trucking companies as a way and means of controlling their employees. You must bear in mind that safety is not a factor here, but it can be a detriment because of the dual speed limit issue and the fact that many people see a slow-moving semi as a nuisance on the highway. It is something that must be either raced to the end of a highway on-ramp or passed as soon as possible to avoid any delays in their auto travel times.

Since most semis are tagged as the cause of many accidents, even before the situation is assessed, I am afraid of legal suicides out on the roads, as trucking companies are perceived as having deep pockets when it comes to lawsuits.

Slowing down a truck by inhibiting its safe flow of movement with the rest of the traffic in a workplace that is fraught with problems at any hour of the day or night will be economic suicide for the owner-operator, because it may inhibit the delivery that must be made that day and the pickup that is scheduled after.

Any glitch in this program could cause financial setbacks for the owner-operators, the shipper, the receiver, and the ability of the trucking company to be seen as conscientious. Who gets the ultimate blame? The truck driver.

When semis sit in heavy traffic, their intakes bring into the cab the exhaust smoke from the tailpipes of the autos in and around them. Many auto owners do not take as good care of their vehicle as we do our semis. I have had carbon monoxide poisoning from such inhalation of fumes, and it puts one in a state of wanting perpetual sleep. Semis have come a long way since the early years. The government-mandated electronics added to our

engines, along with the low sulphur diesel and a change in emissions, have produced a cleaner-burning engine, but it has come at a high cost of operating, that being the fact that we use more fuel and not less to maintain peak emission standards. Lugging an engine would be detrimental to the cause.

Speed limiters are not the answer to saving more money in the industry; movement rates are far too low and have always been. It is the unnecessarily high cost of fuel that is bringing many of these inequities to light now. We need lower-weight loads to pull; we do not need double trailers. Anything over 80,000 pounds gross sucks back the fuel, especially in the Superior area. More four-lane highways in the north are needed before even contemplating speed-limiting trucks up there. Speed limiters are not the answer.

We can't afford rising diesel prices, nor can our customers. We need better traffic flow patterns in southern Ontario. Tolling and selling the 407 was not the better way. It was initially built by taxpayers' money to take the excess off the 401. This would have gone a long way to meeting the government's emission targets. I have little doubt that there are experts here today who can attest to smarter, more innovative ways to reduce emissions than through the mandatory imposition of speed limiters. To say that speed limiters will cut fuel emissions is wrong. Truckers are the most environmentally conscious people I know and have already taken it upon themselves, especially the owner-operators, to conserve fuel as the cost to earn a living keeps rising.

I have something else to add. From what I have heard today, no scientific evidence exists that says that 105 kilometres an hour will positively result in lower greenhouse gas emissions. We are law-abiding citizens—we love our country, and we love our province—but we will not jeopardize our safety and the safety of others by being forced to install speed limiters. Safety is the issue here.

Ironically, we're putting safety at risk by putting our trust in an altered product that, if done wrong, could fail and cause untold misery and possibly death. Who will take the responsibility? The Ontario government? Ontario is a great place to live and earn a living, but I am concerned about the direction that the Ontario government is taking. My husband, who I just told you about, virtually died at the wheel. My father drove a truck, helping build the 401. It is a legacy that I am proud of. For an industry that was deregulated years back, we are experiencing more rules and regulations now than ever before.

Members of the committee, thank you for giving me the opportunity to speak to you today. It is heartening to know that an ordinary, taxpaying citizen can come down to Toronto to make suggestions on how the government should conduct its business and take the time to get to know the men and women behind the wheels that move the freight across North America.

In closing, I read what the Honourable Mr. Bradley said: "Large trucks must operate at safe speeds so our

friends and families may get home safely.” This is the most disgusting, discriminatory defaming of character to all professional drivers that I have ever read. I am saddened that the honourable minister has such a low opinion of us. Sure, there are rogue drivers out there, and they have ruined our image and they have no place on our roads or on our major highway system, but then again, there are rogue street racers and motorcyclists who ride the lines between vehicles.

I can only hope that we have been able today to put a human face on an industry that is so visible and yet so unknown. We, the families of the professional men and women drivers, want to see our family members arrive home safely too. Many, over the years, have lost that. Summer is almost upon us, and many youngsters will be out and about in the family semi. For most, it will probably be their only holiday away from home. I want those children kept safe and out of harm’s way. Speed limiters are sitting in the driver’s seat, as they have done before the children’s holidays and as they will do when the children are back home—waiting for the family members’ safe arrival.

The Vice-Chair (Mr. Jeff Leal): We are out of time, but thank you, Ms. Sanderson, for a very interesting insight into Ontario’s trucking industry. Thank you so much. It’s good to have you here today.

1450

CANADIAN OWNER OPERATORS’ CO-OPERATIVE

The Vice-Chair (Mr. Jeff Leal): Next we have Mr. Ray Gompf, who is with the Canadian Owner Operators’ Co-operative. Mr Gompf is on a conference call. If you could identify yourself for the purposes of Hansard, you have 10 minutes, sir. Any time that’s left over we’ll have for questions. Could you proceed, please.

Mr. Ray Gompf: My name is Ray Gompf. I’m with the Canadian Owner Operators’ Co-operative, which was formed in 1992 as a result of many factors that adversely affected the small business owner-operator trucker. Since then, slightly more than 4,000 small business owner-operator truckers have joined the co-op to take advantage of the many programs developed over the years to help the small business owner-operator truckers reduce their operating costs.

Of the more than 4,000 current members, approximately 2,750 are Ontario residents.

The Canadian Owner Operators’ Co-operative opposes the imposition of a law that would require each and every commercial vehicle operating in Ontario to be restricted to 105 kilometres per hour, because it would significantly increase the operating costs for small business owner-operators, who move approximately 40% of the province’s freight, without providing any increased safety nor saving one gram of greenhouse gases.

Anybody who understands trucks and large diesel engines understands that simply forcing the engine to turn 100 revolutions per minute slower forces the engine

to work harder, or it has to be geared down one or two gears to run the speed required. Sure, the trucks are already equipped with 112-kilometre-per-hour chips and are specified to run most efficiently with that chip, but to change the chip to 105 kilometres per hour without changing the remaining specifications of the truck to match the 105 chip is unconscionable and will result in much more fuel being used.

It’s not just a matter of changing to the 105 chip; it also requires that the engine, at a large cost, be reworked to achieve peak efficiency at the maximum of 105. The transmission would have to be retuned to achieve top gear, with engine torque and horsepower at maximum output. The differentials have to be changed to match the new output of the engine and transmission. Even the size of the tires may need modification. It’s not the small job the OTA is saying it is.

So where’s the saving? If the government were to say today that in 10 years they will bring in this 105 chip as a requirement, but in the meantime all new trucks that operate in the province must have the 105 chip, that would give all truckers the opportunity to specify their next vehicle to meet the 105 chip and maintain peak efficiency. We’re still going to have no saving on the greenhouse gas issue, but at least there would be engines running at or near peak efficiency all the time.

To say that truck emissions have gone up significantly over the past 10 years is an absolutely refutable misrepresentation of the truth. Emissions have been steadily dropping over the past decade, and every manufacturer of diesel engines will support this statement. Check with Caterpillar, Cummins, Detroit Diesel, Mack, Volvo, Mercedes-Benz and others and see how much the emissions have been constantly reduced over the years.

In fact, a senior engineer with Mack has recently published a paper on the effects of the 105 policy, and essentially his findings support what we have been saying about this policy for the past several years. The Mack executive states categorically that reducing the electronic speed limit of trucks to 105 will increase the fuel usage as much as 10%.

So with fuel prices at or over \$1.50 per litre for diesel fuel, to restrict trucks to 105 without having the rest of the truck re-spec’d is going to make the cost of shipping products much more than it is now. Changing the chip to 105 without the other 50,000-odd dollars for doing the re-spec is going to damage the environment considerably more than that of today.

We know of not one trucker that can afford to re-spec their entire truck to adjust to the 105 chip. We do know that even though it will cost the trucker more, consumers will not stand for price increases in stores. So truckers will either eat the extra, and significant, costs for using the 105 chip, or they will simply say, “This is what pushes me over the edge. I quit.” That will take the 2,700 trucks off the road. We know of a large number of owner-operator truckers who have already thrown in the towel. Many more are teetering on the brink of bankruptcy.

Twenty-five years ago or more, the trucking carriers decided that using small business owner-operators would save them a whole lot of money by shifting capital costs to the small business owner-operator trucker, and that keeping these business people subservient by paying them just barely enough to meet the costs would lock the small business owner-operator into staying put. Then, to add insult to injury, the trucking companies only gave the small business owner-operator trucker the least profitable loads, keeping the gravy loads for their own trucks, or load-brokering the freight at bargain-basement rates. Now the trucking companies have virtually used the small business owner-operator and spat them out. The 105 issue is the straw that is breaking the camel's back.

Restricting the truck to 105 has nothing to do with safety and nothing to do with saving fuel. In fact, it will cost more fuel. If the small business owner-operator trucker does re-specify the truck to match the 105 chip, he may save five one thousandths of a mile per gallon. Trucks today get, on average, 6.5 miles per gallon. If they change the chip to the 105, the fuel mileage will go down to, at the very best, 5.8 to 6.0. That's using the best fuel management techniques.

If the owner-operator trucker spends the \$50,000 that will be necessary to match the truck to the 105 chip, then the fuel mileage will maybe climb back up to 6.3 or 6.4. With careful, careful fuel management, the driver may get all the way up to 6.6, but never come close to 7.0. So where is the saving equivalent to removing 2,700 trucks from the road?

There are 40,000, plus or minus, small business owner-operators in Ontario. That's not even a blip when it comes to voting, so why should the government worry about this insignificant issue? Those 40,000 drivers vote, but they don't even make up enough numbers to count for half a riding. Drivers and owner-operators know this and they know they have little or no say in how things are run.

Now to the safety issue. The 105 issue is only going to affect the 400-series highways. But what about the 5,000 trucks travelling westbound every day on Highways 17 and 11, heading to western Canada? And what about the 5,000 eastbound every day on those same highways, heading for the Toronto and Montreal markets? What about the thousands of trucks using Highway 7 in eastern Ontario? What about the hundreds of trucks using Highway 3, saving themselves hours between London and Buffalo? Most of those roads have an 80-kilometre speed limit, while the highways in northern Ontario have 90-kilometre speed limits.

The Vice-Chair (Mr. Jeff Leal): Mr. Gompf, you have about one minute left.

Mr. Ray Gompf: Okay. We are totally against this 105 policy, for us and our members. We just want to make our point known.

The Vice-Chair (Mr. Jeff Leal): Thank you so much, sir. We certainly appreciate your presentation today. Thank you for being with us.

JEFF BRYAN TRANSPORT LTD.

The Vice-Chair (Mr. Jeff Leal): Next I'd like to call Jeff Bryan, who is head of Jeff Bryan Transport Ltd. Mr. Bryan, please.

You have 10 minutes. If there's any time left, we'll have some questions. For the purpose of Hansard, could you identify yourself, please.

Mr. Jeff Bryan: Thank you. My name is Jeff Bryan and I'm president of Jeff Bryan Transport. We're a small carrier operating 50 trucks out of Burford, Ontario. I'm here to indicate my strong support for this bill.

1500

I've been limiting the speed of my trucks for 13 years, partly because it's important for fuel efficiency and therefore good for business, but of greater importance to me is the fact that I'm personally committed to being a safe operator. I don't want my drivers endangering themselves or other motorists that they share the road with.

In that respect, I think I can say that I'm here speaking on behalf of the other trucking companies who also use electronic speed limiters to control their fleets. I've spoken to many of my colleagues and competitors in this industry who also govern their fleets, and I can tell you that we all share the same desire to operate responsibly and safely.

As I'm sure you know by now, the use of speed limiters is, in fact, a fairly common practice in the industry now, with more than half of the trucks operating on our highways already governed. While I do believe that most companies and most drivers take road safety seriously and don't speed, there are still some who think that speeding is either acceptable or even necessary. Just as the province passed legislation to require the use of seat belts, it appears that we need the province to legislate the use of speed governors in order to get everyone to use this basic piece of safety equipment which, just like seat belts, is already there on virtually every truck on the road today.

Let me be clear and to the point: I see no circumstance in which it is necessary or appropriate for a truck to exceed 105 kilometres an hour. Exceeding the posted speed limit is not only unsafe and environmentally harmful; it is also economically foolish. I can tell you that any trucking company, large or small, is more profitable and safer operating with the limiter activated.

Since the OTA first proposed this policy three years ago, I have followed the debate closely. As I've listened to the opponents of this bill, one thing has always struck me as odd: If any of their concerns were true, how is it that I and other carriers like me who have limited their trucks been able to successfully compete? We are all profitable companies; we are among the safest operators on the road; we don't have other cars hitting the back of our speed-limited trucks because of speed differentials; and we make our deliveries on time and offer our customers the same as or better service than fleets that are not limited.

Thanks for giving me the time, and I welcome some questions.

The Vice-Chair (Mr. Jeff Leal): Thanks very much. We have about eight minutes left. This is round 13, so I will go to the official opposition. Mr. Klees.

Mr. Frank Klees: Thank you, Mr. Bryan. You've touched on a question that I wanted to put to you.

Mr. Jeff Bryan: Good.

Mr. Frank Klees: I've been listening to both sides of this argument, which is the purpose of this committee hearing. I'm puzzled as to how people in the same industry can be arguing opposite sides of the equation. I don't have the answer; I'm hoping you do. What really is underlying this debate?

Everyone on both sides of the argument says they are supportive of safety; they want to do the right thing. So what is it? Why do we have people in your industry who have come here to this committee and said, "Look, don't do this; it's actually dangerous"? You, on the other hand, along with a lot of others—is it 50/50? Is that where the split is?

Mr. Jeff Bryan: I think there are probably more than 50% of the trucks on the road that are speed-limited.

Mr. Frank Klees: So I'll let you answer the question. Why do we have people arguing both sides of this from the same industry?

Mr. Jeff Bryan: I really don't know the answer. I can't answer for the other people. All I can say is that the policy, the way that I see it, will improve the image of our industry. It will improve the safety of the roads. If you want to talk about speed differentials, I think there's a bigger problem with the speed-limited trucks on the road with other trucks on the road that aren't speed-limited. It's not the cars that are not speed-limited. That's where I stand on this. The posted speed limit is 100. It's a much safer practice for us to be running at 100 to 105 kilometres an hour, in the right lane and out of the way, and letting the cars go by.

Mr. Frank Klees: Are you saying that 50% or thereabouts of truck drivers are lawless, that they're not capable of keeping the speed limit?

Mr. Jeff Bryan: No.

Mr. Frank Klees: I know that some people took exception to this, but during second reading debate on this I made the point that we have speed limiters in this province now—they're called speed limits. What I find difficult about this is that we're now talking about a sophisticated industry and responsible drivers, and all we need to do is ask our drivers to stay in the speed limit. But we're saying that 50% of the industry doesn't have the capacity to do that or isn't willing to do that. Help me to understand. Why can we simply not say, "We will enforce our speed limits," and get on with life?

Mr. Jeff Bryan: I guess we could say that, but I don't know if that'd be a question for me or anybody else in this room; it would probably be a question for the provincial police. I think that if you talk to them, they say that it's near impossible to control the other trucks that are on the road—the American drivers who are coming

into Ontario. It's dangerous for them. For us, it's a very simple task. For us to limit the speeds in our trucks is just plain simple. I don't understand why we'd want to endanger the OPP to enforce that.

Mr. Frank Klees: Okay. Just a couple of other quick questions. There were some recommendations made about the level of fines, and if we're committed to this and we think it's that important, then there should be serious consequences for not complying. The legislation now proposes a minimum of \$250. The Ontario Safety League recommended that that should be increased; that the ratio from minimum to maximum should be somewhere in the range of 10%. Would you be supportive of an increased fine level in this legislation?

Mr. Jeff Bryan: For speeding?

Mr. Frank Klees: Yes.

Mr. Jeff Bryan: If it was directed at the driver, I would.

Mr. Frank Klees: For not complying with the legislation.

Mr. Jeff Bryan: Bill 41?

Mr. Frank Klees: Yes.

Mr. Jeff Bryan: Yes. I certainly don't have a problem with the fines at that level. I think that most carriers—most responsible truckers—would be more concerned about their CVOR and how it would affect their CVOR. I think that that would be an important piece of the legislation, that it be noted on there.

Mr. Frank Klees: Do you think buses should be included in this as well?

Mr. Jeff Bryan: I'd be for everybody doing it, myself, but—

Mr. Frank Klees: Would there be any rationale—

Mr. Jeff Bryan: I don't understand the dynamics of their industry at all, so I probably shouldn't even comment on the bus issue.

Mr. Frank Klees: They're huge vehicles, they weigh a lot, they've got pretty important cargo and they're using the same road system as you are. What's good for one has to be good for the other. I personally wouldn't understand, if we do it for truckers, why we wouldn't do it for buses.

Mr. Jeff Bryan: Sure; I would agree with that. When you're talking stopping distance and weight and things like that, yes, absolutely; it'd probably be a good thing. But like I said, I don't understand the dynamics of their business. I just understand the trucking industry when it comes to this, and I really believe it's a good step for our industry to go this way.

Mr. Frank Klees: Thank you, Chair.

The Vice-Chair (Mr. Jeff Leal): We have two minutes left. It's the NDP's turn on the rotation. Ms. DiNovo and Mr. Kormos for two minutes.

Ms. Cheri DiNovo: Thank you, Mr. Bryan, for appearing before us. A couple of questions: We heard a couple of deputations just before you came. One of them suggested, through his research as a professor, that 96% of the North American trucking industry does not employ speed-limiting devices. You heard Mr. Klees ask you,

“Why can’t we address the problems of truckers who speed by simply enforcing the law?” I’m wondering if you could comment on why 96% of the trucking industry does not do this and why we’d be the only jurisdiction in North America that did, and why it could not be addressed by the Criminal Code application through speeding.

Mr. Jeff Bryan: Again, I don’t know why it couldn’t be addressed by speeding. They should be pulling trucks over, but I don’t think you see a truck ever pulled over for speeding on Ontario highways, especially on the 400 series, anyway. That’s not a question for me; that’d be a question for somebody else.

Ms. Cheri DiNovo: And the 96% of the industry not—

Mr. Jeff Bryan: Yes, that’s what he said, but I sat there when he said that and I added up on both hands the few of the largest carriers in this province that are speed-limited. They would represent a lot more than 50% of Ontario. If he said 96%, I don’t know where he’s getting that information from. But I certainly think that the majority of the responsible carriers are limiting their speed now.

The Vice-Chair (Mr. Jeff Leal): Thanks very much, sir. Time has expired for your presentation. Thank you for being here.

1510

OWNER-OPERATOR’S BUSINESS ASSOCIATION OF CANADA

The Vice-Chair (Mr. Jeff Leal): Next we have Joanne Ritchie, the executive director of the Owner-Operator’s Business Association of Canada, and Mr. Park. Ms. Ritchie, you will have 10 minutes for your presentation, and any remaining time will be for questions. If you could identify yourself for the purposes of Hansard. Welcome.

Ms. Joanne Ritchie: Thank you. It’s Joanne Ritchie speaking. I’m the executive director of the Owner-Operator’s Business Association of Canada, and I am by myself calling you on my cellphone. Would you like me to go ahead?

The Vice-Chair (Mr. Jeff Leal): Yes, please. I hope you’re doing this in a very safe way.

Ms. Joanne Ritchie: Yes. That’s what I’m about to tell you.

OBAC is the only national trade association, by the way, in Canada that represents the interests of independent owner-operators and professional truck drivers on issues that affect small-business truckers. We’re a not-for-profit association based in Ottawa. I had every intention of appearing before the committee in person today, but—Hello?

The Vice-Chair (Mr. Jeff Leal): We’re listening.

Ms. Joanne Ritchie: Sorry. It blanked out there for a minute. I had every intention of appearing before the committee in person to present OBAC’s comments on Bill 41, but instead I’m sitting in my car at the 10 Acre

Truck Stop in Belleville. This is not the presentation I intended to make, but I would like to go on record with an explanation of why I am here and not there.

I’ve already expressed my displeasure to the committee with not only the short notice given for this hearing but also that public input on such an important issue is restricted to a one-day session in downtown Toronto. Like most small, not-for-profit associations, OBAC operates on a shoestring budget, and in fact, I’m OBAC’s sole staff person. My board of directors and all my policy and technical advisers are volunteers, and they’re all professional drivers who are out there on the road right now delivering someone’s bottled water, toilet paper and strawberries, which makes it impossible for them to arrange their work schedules to be anywhere on two days’ notice.

As a result, I’ve spent the past two days organizing my schedule and shuffling priorities so that we could take part in this process. It left me working through the night last night to finalize OBAC’s presentation to this committee. I had only time this morning to grab a quick shower before I had to get on the road and make the six-hour drive from my home to Toronto. With no sleep at all last night and only an hour or two in the previous 24, I got in my car and got on the road. Somewhere en route, finally I came to my senses and I realized that I was simply too tired for driving and I was putting myself and every other driver on the road at risk. I pulled over and I called the committee clerk to say that I simply could not be there. I’ve managed to get myself to a safe place, and here I sit. Please understand the frustration in my voice. I’m exhausted; I’m frustrated; I’m in no condition to make a presentation.

My written comments will be in the hands of the committee as soon as I am able to get to my e-mail. Although my faith in the democratic process has been pushed to the wall by a government that seems bent on shutting people out rather than including them, I’m hoping that the committee and others will take time to read and consider our comments in opposition to the proposed legislation. These comments, as you’ll read, point out that the bill will not accomplish its intended objectives of safer roads and cleaner air, and it could have unintended negative consequences by diverting the government’s focus and resources away from measures that would enhance highway safety and help the trucking industry further reduce its environmental footprint. We also outline in the paper a variety of other, more effective, measures for reducing speeding and for achieving fuel conservation and controlling costs. I think you’ll find the comments insightful, and I trust that they will be read and carefully considered.

There are a couple of things that I would like the committee to keep in mind as you read those comments, please. First of all, there’s no one more committed to highway safety than the thousands of men and women who drive trucks for a living. Professional drivers who spend hours behind the wheel driving on every roadway in every province, territory and state in North America

have a huge stake in a safe workplace. Those professional drivers who own and operate their own truck—sometimes more than one truck—are hard-working entrepreneurs who strive, like all small business owners, to run safe and profitable businesses. In today's economy, as they struggle with rising costs—in particular, fuel, which accounts for upwards of 60% of their costs—they are acutely aware that running their trucks efficiently is critical to their success.

The other thing I would like the committee to please keep in mind, and anyone else who's reading this, is that it's ludicrous to presume that those who oppose government-mandated speed limiters condone speeding. It's just plain wrong to believe that an electronically governed truck engine will prevent speeding; it's just as flawed to believe that a truck without an electronic speed governor will be driven in excess of the speed limit or too fast for conditions.

This bill requires full and fair public debate. It's much too important to the health and safety of Ontarians to limit public input to one session in downtown Toronto. I would urge the committee to provide an opportunity for all stakeholders to participate in the democratic process by scheduling public hearings when and where those who are stakeholders are able to participate. We need a more inclusive participation in this bill.

I apologize for not giving you the presentation that you expected, and I do thank you for your indulgence. Incidentally, I will make it to Toronto tomorrow and I'll be available if anyone would like to speak with me—with questions, or to pursue further discussion.

The Vice-Chair (Mr. Jeff Leal): Ms. Ritchie, no apology needed. I know you'll e-mail your submission. Thank you so much for making a Herculean effort to reach us this afternoon. We do have about three minutes left for some questions, and on round 14 the government has the first question. Do any government members have a question?

Mr. Michael A. Brown: The first thing I would like to say is that we really appreciate you going, as the Chair says, to Herculean efforts to make a presentation to us, and we look very much forward to reading your submission and would hope that we could have it as quickly as possible—

Ms. Joanne Ritchie: You'll have it as quickly as I get to an e-mail.

Mr. Michael A. Brown: I am wondering—I am a northern member myself. I represent a very large constituency in northern Ontario, where the speed limit on our highways is 90. Many of the speed limits in southern Ontario, other than on the 400-series, are 80. This bill suggests that there's a 25-kilometre ability to speed in southern Ontario, and an opportunity, with the speed limiter on, to go 15 kilometres faster than the speed limit. Are you suggesting that's not enough? I'm not fully understanding you.

Ms. Joanne Ritchie: That particular issue is addressed in our paper, the whole idea that there are very few roadways in Ontario where the speed of 100 kilo-

metres an hour is allowed. It's very hard to understand why someone would presume that governing a truck—80 in a 105-kilometre—would do anything to improve safety on our most dangerous highways. Those two-lane highways where the speed limit is 80 or 90 kilometres an hour are responsible for about 85% of our truck crashes in Ontario. I think you'll find that our discussion on that point is fully laid out in the paper.

The Vice-Chair (Mr. Jeff Leal): Mr. Klees, 30 seconds.

Mr. Frank Klees: I can't do it in 30 seconds.

The Vice-Chair (Mr. Jeff Leal): As quickly as you can.

Ms. Joanne Ritchie: Call me tomorrow.

Mr. Frank Klees: Perhaps you can just very quickly give me your thoughts as to why we're having this debate. We have representatives from the industry here who are arguing strongly in favour of this; we have people like yourself on the other side. What's the issue? Why do we have two sides on this argument—people in the same industry, all concerned about safety? What really is the reason for those who are advocating speed limiters? Why is it that they want you to be forced to have them if you say that you're willing to comply voluntarily with the speed limit laws?

1520

Ms. Joanne Ritchie: Well, that's a very good question and is, more or less, the core of our argument against government-mandated speed limiters. We in no way encourage speeding. In fact, we encourage good speed management. We just feel that it's a waste of government resources that could be very well spent in other ways: to promote road safety and to reduce our environmental footprint.

The Vice-Chair (Mr. Jeff Leal): Thank you very much, Ms. Ritchie. Drive safely back to Ottawa.

Ms. Joanne Ritchie: Thank you so much and thanks again for your indulgence.

The Vice-Chair (Mr. Jeff Leal): This concludes the presentations this afternoon. I'd like to remind members of the committee that we have a deadline for amendments, which is 1 p.m., Wednesday, June 11. We have a deadline for written submissions of 5 p.m. today, but someone has asked for an extension. Maybe we could have a little discussion about that. I know Mr. Kormos has an item he wants to bring to the floor, then Mr. Klees.

First of all, could we deal with the extension for people who want to make submissions. Ms. DiNovo.

Ms. Cheri DiNovo: It seems to me, particularly in light of Ms. Ritchie's comments, that with only one day, she couldn't make it. I imagine a lot of other deputants couldn't make it either. I think we need more time overall, but certainly more time than today to make submissions.

The Vice-Chair (Mr. Jeff Leal): Mr. Klees, do you have any thoughts on—

Mr. Frank Klees: On the extensions for submissions?

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

Mr. Frank Klees: Look, I'm happy to have as much input on this as we can get. What I'd be most interested in is if we could have some people coming forward and drilling to the real core issue here, which I'm still searching for. As a member of this committee, as a legislator who's going to be asked to vote for this, I am still having a difficult time understanding why we have people coming forward—whether it's the Canadian Trucking Alliance, the Ontario Trucking Association or the American Trucking Associations—saying that this is critical, that we need it for safety. Then we have the other 50% of people in the industry, who seem to be the smaller business people, the owner-operators, who are telling us it's going to put them out of business.

I'm missing something here. If the OTA or the Canadian Trucking Alliance can answer that question, I'd look forward to having that information available to the committee and to the government before we make a decision—so by all means. Look, I'm—

The Vice-Chair (Mr. Jeff Leal): Since amendments have to be filed by 1 p.m. on the 11th, maybe we'll take submissions right up until 5 p.m. on the 10th, if that's acceptable?

Mr. Frank Klees: It's acceptable to me.

The Vice-Chair (Mr. Jeff Leal): Is that acceptable to the NDP? Does that work for the government?

Mr. Michael A. Brown: It works for me.

The Vice-Chair (Mr. Jeff Leal): Okay. Mr. Kormos, I want to go to you now, and then Mr. Klees.

Mr. Peter Kormos: Thank you, Chair. Mind you, I've got to note that this slam-bam, thank-you-kindly approach to putting legislation through committee always amazes and bewilders me.

In any event, Professor Prentice of the University of Manitoba referred to a number of research papers. If legislative research could acquire those for the committee, I'd appreciate it.

The other request is if Hansard—now I'm speaking through you, Chair, to Hansard, up there in the ether, those wonderful people who work so hard and are so understaffed—could do their best to expedite the transcript of the presentations. They're going to be particularly valuable for people on third reading. I regret making that request of Hansard. It's not an official request; it's a plea. It's an exhortation. I'm begging Hansard to please do their best to get this one day's

transcript prepared. I want them to know I appreciate it very, very much, and so does everybody else.

The Vice-Chair (Mr. Jeff Leal): Duly noted, Mr. Kormos. We'll see what we can do to expedite your request. Mr. Klees.

Mr. Frank Klees: I'd like to support Mr. Kormos's request for that, particularly for those who have made their submissions via teleconference. That would be very helpful.

Also with regard to the research paper, Mr. Tom Weakley referred to a report as well, which seems a fairly extensive report related to trucking in Canada. I think the name was Barton, if I'm not mistaken. If we could get that report and have it distributed to members, I'd appreciate that. As well, we did have a number of e-mails that were sent in. What I noticed, though, is that there were faxes as well as e-mails, and there was no reference to addresses. I don't know if these people are from Nevada or from Ontario. If we could just confirm with them—especially those with e-mails; we know how to get back to them—where they're from, perhaps the name of their company or any association that they may have, it helps us to know where this input is coming from.

The other part that I believe I had already asked research for some information on—there were a couple of people, but the Insurance Bureau specifically this morning made some comments, some specific statements. I asked if they would make their research available to us; if we could make sure to follow up on that, as well as the claims regarding the reduction in greenhouse gases. There are a number of people who are making very definite statements regarding that, including the government, but I have yet to see any evidence of that. So if we could ask research to contact those people who have made those claims and ask for the basis on which they're making those claims—maybe you have to contact Al Gore, I don't know—but if you would do what you could to get that information for us, I'd appreciate it.

The Vice-Chair (Mr. Jeff Leal): Thank you so much. Any other business for the committee?

We'll adjourn the Standing Committee on Justice Policy this afternoon and we'll reconvene next Thursday, June 12 at 9 a.m. for clause-by-clause. I appreciate the members and their cooperation, both this morning and this afternoon. We stand adjourned.

The committee adjourned at 1527.

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Mr. Andrew McNaught, research officer,
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