

Legislative  
Assembly  
of Ontario



Assemblée  
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**Official Report  
of Debates  
(Hansard)**

G-11

**Journal  
des débats  
(Hansard)**

G-11

**Standing Committee on  
General Government**

Getting Ontario Moving Act  
(Transportation Statute Law  
Amendment), 2019

1<sup>st</sup> Session  
42<sup>nd</sup> Parliament

Tuesday 21 May 2019

**Comité permanent des  
affaires gouvernementales**

Loi de 2019 pour un Ontario  
en mouvement (modifiant  
des lois en ce qui concerne  
le transport)

1<sup>re</sup> session  
42<sup>e</sup> législature

Mardi 21 mai 2019

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Chair: Dave Smith  
Clerk: Julia Douglas

Président : Dave Smith  
Greffière : Julia Douglas

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Tuesday 21 May 2019

Mardi 21 mai 2019

*The committee met at 0900 in room 151.*

**GETTING ONTARIO MOVING ACT  
(TRANSPORTATION STATUTE LAW  
AMENDMENT), 2019**

**LOI DE 2019 POUR UN ONTARIO  
EN MOUVEMENT (MODIFIANT DES LOIS  
EN CE QUI CONCERNE LE TRANSPORT)**

Consideration of the following bill:

Bill 107, An Act to amend the Highway Traffic Act and various other statutes in respect of transportation-related matters / Projet de loi 107, Loi modifiant le Code de la route et diverses autres lois à l'égard de questions relatives au transport.

**The Chair (Mr. Dave Smith):** Good morning. We're here today for the public hearings on Bill 107, An Act to amend the Highway Traffic Act and various other statutes in respect of transportation-related matters. Pursuant to the order of the House dated April 15, 2019, each witness will receive up to six minutes for their presentation, followed by 14 minutes for questions from committee members, with two minutes allotted to the independent member of the committee and 12 minutes divided equally between the two recognized parties.

Before we begin, are there any questions? Okay.

**MR. KETHEESAKUMARAN  
NAVARATNAM**

**The Chair (Mr. Dave Smith):** I'd like to call our first presenter to the table, Ketheesakumaran Navaratnam.

Once you start to speak, you'll have six minutes. Please introduce yourself so that we have the actual pronunciation of your name and then we'll start your presentation.

**Mr. Ketheesakumaran Navaratnam:** My name is Ketheesakumaran Navaratnam.

To the members of the standing committee: Thank you for this opportunity to speak on Bill 107, particularly schedule 3 and its deteriorating effects to residents and communities in my riding.

Plans after plans after plans for new rapid transit have been proposed and developed over the decades, only to be shelved, scrapped or cancelled.

I appear today as an ordinary citizen from the riding of Scarborough–Rouge Park, which was created in 2015 and

now is represented by Vijay Thanigasalam, a PC member of Parliament.

Scarborough–Rouge Park is a transit desert. There came a ray of hope for residents in my riding when the recent city of Toronto announcement committed to build the Eglinton East LRT via University of Toronto Scarborough into Malvern. If we could go back some more years, there we have the Sheppard East LRT, a \$1.1-billion project, which, if not shelved, would have been up and running from 2013 in the Scarborough–Rouge Park area. We have been made to wait year after year, government after government, only to be told that no rapid transit is coming to our neighbourhoods.

The bitter truth is that if transit inequities like these persist, men like myself will die four years earlier than our counterparts in the wealthiest neighbourhoods in Canada. Statistics Canada research shows that the average life expectancy for men in the wealthiest 20% of neighbourhoods is four years longer than those in the poorest 20% of neighbourhoods. For women, it's two years longer. Death rates are also 28% higher in the poorest neighbourhoods.

While the governments over three decades have failed in delivering rapid transit to communities in Scarborough–Rouge Park, the government's plan today completely corners and isolates Scarborough–Rouge Park by leaving it out of its transit map. The new map, while making a connection to Ontario Place, fails to make a connection to the University of Toronto Scarborough, Centennial College and Malvern Town Centre. Plans like these don't help move Ontario.

Alarming, with the introduction of this bill, it serves to curtail the municipal plan that is in the planning stage to build rapid transit to our communities like Malvern, which is an emerging neighbourhood. With the introduction of Bill 107, the government is embarking on what I would like to call a "transit abortion," depriving communities like Malvern in Scarborough–Rouge Park from rapid transit, which was about to materialize in the near future.

You may recall that prior to the 2018 election, the government of the day did commit to building the Eglinton East LRT. Disappointingly, no neighbourhoods in Scarborough–Rouge Park are included in any of the rapid transit lines. Informed by evidence, I am of the opinion that no neighbourhoods in the new transit map would make a more compelling case for an urgent connection to a rapid transit network than Scarborough–Rouge Park.

Why? Because the neighbourhoods in Scarborough–Rouge Park are some of the most underserved. They have more than enough ridership; they have a remarkable number of youth population, visible minorities, immigrant population and seniors. Studies after studies show that the neighborhoods in Scarborough–Rouge Park and the Sheppard East corridor have a good number of population to guarantee ridership and meet the demand for a rapid transit network, yet these areas are overlooked in the provincial plan. Studies also show that a majority of the transit in Scarborough ends within Scarborough, which only leverages the demand for an integrated rapid transit network for Scarborough.

Unfortunately, with this bill, many of the transit projects, including the Eglinton East LRT, on which millions of dollars have already been spent, are in danger of being shelved or cancelled. It is important to understand that these projects were the direct result of evidence-informed planning, undergoing lengthy studies.

Speaking about evidence, a comprehensive study—

**The Chair (Mr. Dave Smith):** One minute.

**Mr. Ketheesakumaran Navaratnam:** Speaking about evidence, a comprehensive study by Expert Market shows that 73% of commutes in Toronto involve at least one transfer as part of a single journey. According to this study, this is a higher proportion than in any American city. Residents in Scarborough–Rouge Park are not an exemption.

When I was a graduate student at the University of Toronto, I had taken transit from Malvern to Queen's Park and St. George. It was not a favorable experience conducive to learning. The lack of a rapid transit network significantly interfered in my decision-making on what courses to take, what workshops and training to attend, and which jobs to apply for. There are hundreds of residents like myself in Scarborough–Rouge Park. That's why I believe that a collaborative and consultative approach to transit planning would definitely help decision-makers with drawing the lines in the most efficient and equitable manner possible.

I hope that the committee understands the historically damaging impacts of this bill to transit-hungry areas like ours and reconsiders its decision to arbitrarily abort rapid transit projects connecting communities like Malvern without proven evidence and adequate consultation. Thank you.

**The Chair (Mr. Dave Smith):** Thank you. Before we start questions, to show proper respect for you—I mispronounced your name. I believe it is Ketheesakumaran Navaratnam.

**Mr. Ketheesakumaran Navaratnam:** It's Ketheesakumaran, but you can go by the first four letters, which is Keth.

**The Chair (Mr. Dave Smith):** Thank you. We'll start with the government side for questions. Mr. Kanapathi.

**Mr. Logan Kanapathi:** Thank you to Kethees. Can I call you Kethees?

**Mr. Ketheesakumaran Navaratnam:** Yes, that's fine. That's a proper—

**Mr. Logan Kanapathi:** Thank you for coming out and making a deputation.

Traffic congestion, gridlock, is very common to many of those Scarborough ridings. There are many ridings in Scarborough: Scarborough–Guildwood, Scarborough–Rouge Park, Scarborough North, Scarborough–Agincourt. Even in Markham we have a lot of issues—the lack of public transportation.

This is a billion-dollar project. It is not million-dollar—it's a very expensive project for any city. Given the city of Toronto's fiscal constraint, how would you propose to expand the subway network without implementing the upload? Could you elaborate on that, please?

**Mr. Ketheesakumaran Navaratnam:** Right. I presented here my case for a rapid transit network in Scarborough. I'm not talking about a subway because I'm not a subway expert. If you want to hear about how we can build rapid transit like the Eglinton East LRT, I'm more than happy to speak.

The government, of course, committed to plan and do a design for the Eglinton East LRT, and we can push the provincial as well as the federal government, which have linked to commit funding for transit infrastructure. That's how we can get the funds and get these light rail transit projects built.

If I can refer back to the Sheppard East LRT, it was a fully funded project. The money was there for us to use, but, unfortunately, it's now being shelved. So I am here only talking about the importance of building a rapid transit network such as the Eglinton East LRT, which has been in the planning stage and is in danger of being shelved because of Bill 107.

**Mr. Logan Kanapathi:** Thank you.

**Mr. Ketheesakumaran Navaratnam:** Thank you.

**Miss Kinga Surma:** I have a couple of questions.

**The Chair (Mr. Dave Smith):** Ms. Surma.

0910

**Miss Kinga Surma:** Thank you very much for coming in today; I appreciate it.

Can you identify, in terms of public transit expansion, anything that the city has built over the last 15 years?

**Mr. Ketheesakumaran Navaratnam:** The last time Scarborough had its rapid transit network extended was in 1985, which was the Scarborough rapid transit. We have been demanding the city to build a rapid transit network to Scarborough. That's why I have commented in my deputation that there has been failure after failure in delivering rapid transit to the Scarborough–Rouge Park riding, which has one of the largest youth populations.

I clearly understand that is a failure that precedes the government of the day. So my question for you is, why can't we build light-rail rapid transit to the Malvern area, which is in the planning stage but not included in the provincial plan?

I come here because the government of the day did say that they would commit to building the Eglinton East LRT, but, surprisingly, in the new map, the government leaves out the Scarborough–Rouge Park riding completely. That's why I'm here, as a resident: to remind you the government did say that it will build the Eglinton East LRT.

With the new map, as a resident from Malvern—when you have a line that connects Ontario Place and that connects the Ontario Science Centre, we have an equally compelling case to build a connection to Scarborough–Rouge Park. That’s what the party in government did promise prior to the election.

**Miss Kinga Surma:** Just to be clear, the city hasn’t built anything in the last 15 years?

**Mr. Ketheesakumaran Navaratnam:** The city has been planning. There were many studies, such as the Sheppard East LRT, and the money was committed. There were issues with why they were not built. There were values in the city council, which are shared by the current government in the province, that prevented the Sheppard East LRT from being built.

**Miss Kinga Surma:** Okay. You understand that part of the purpose of the Ontario Line—a huge reason for the Ontario Line—is to reduce pressures on the Yonge line. As you know, it’s very jam-packed, especially during traffic hours when people want to get to work and get home. Do you not recognize that as being a priority in the city of Toronto, when people can’t even get onto a subway train because it’s overly crowded? It’s at times very dangerous.

**Mr. Ketheesakumaran Navaratnam:** I do understand that building a subway to Ontario Place and to other areas would reduce congestion in the downtown. I am here making a case, as I told you, as a resident of Scarborough–Rouge Park—

**The Chair (Mr. Dave Smith):** One minute.

**Mr. Ketheesakumaran Navaratnam:** —which was promised by the Ontario government of the day that they will be building rapid transit to Scarborough. I am here as a resident to remind the government and to ask the government why Eglinton East is not included in the new map. When you can include Ontario Place on the new map, why not Malvern? Why not Scarborough–Rouge Park, which has nearby the University of Toronto in Scarborough, one of the largest academic institutions?

**Miss Kinga Surma:** To be clear, you do understand the congestion and the pressure on the Yonge line. Is that correct?

**Mr. Ketheesakumaran Navaratnam:** I did take transit today. I understand that there are peak-hour conditions—

**Miss Kinga Surma:** I have one more question. You don’t think that the three-stop Scarborough subway plan is an improvement from the previously proposed one-stop subway?

**Mr. Ketheesakumaran Navaratnam:** Again, as a resident of Malvern, no transit is coming to Malvern. I can only speak as a Malvern resident; I am not an expert. I can only say, as a Malvern resident, that no new transit is coming to Malvern—

**The Chair (Mr. Dave Smith):** Thank you. We’ve come to the end of the time for this one.

From the opposition: Mr. Glover.

**Mr. Chris Glover:** Thank you for coming, and thank you for your deputation.

I just wanted to make sure that I understand. You’re saying there is this \$28-billion plan for transit expansion but it’s not based on evidence. Certainly, with transit, you would want to get the biggest bang for your buck. You would want to move the most people possible for the lowest possible price. This plan does none of that. There were no studies to base it on, and it leaves most of Scarborough without any sort of rapid transit. Is that correct?

**Miss Kinga Surma:** A point of order, Chair?

**The Chair (Mr. Dave Smith):** We can’t take a point of order during a question.

**Mr. Ketheesakumaran Navaratnam:** Basically, as a resident, my understanding is, when you commit \$28.5 billion for transit and, prior to the election, you say that you will build rapid transit to areas like Scarborough–Rouge Park, and you are not able to deliver on the commitment when you are coming up with a new transit map, this is total discrimination and marginalization of community members like myself who can’t come here easily to do even a deputation from Malvern.

**Mr. Chris Glover:** How long does it take—

**The Chair (Mr. Dave Smith):** Sorry. Miss Surma on a point of order.

**Miss Kinga Surma:** MPP Glover said that there was no foundation for this plan. I would just like to make it very clear for the members of this committee that we are utilizing all the previous studies that were done by the city of Toronto in terms of formulating the transit plan.

**Mr. Chris Glover:** Is that a point of order? That sounds like a debate.

**Ms. Jessica Bell:** This is our six minutes. We get our six minutes.

**The Chair (Mr. Dave Smith):** No, we stopped the clock because we have a little bit of extra time today.

It was not inappropriate to bring it in as a point of order. However, it was probably more of a clarification and should have been taken as part of their time.

**Miss Kinga Surma:** My apologies.

**The Chair (Mr. Dave Smith):** However, I did stop the clock. It does not affect your six minutes.

**Mr. Chris Glover:** Okay. Just in response, I have not seen any studies that actually are the foundation for the expansion or the \$28.5 million, besides what had already been done.

How long did it take you get here today, sir?

**Mr. Ketheesakumaran Navaratnam:** It’s about one hour and 30 minutes.

**Mr. Chris Glover:** Okay, so 90 minutes—a three-hour round trip to downtown, if you were working downtown.

**Mr. Ketheesakumaran Navaratnam:** Right. That’s right.

**Mr. Chris Glover:** Thank you. Those are my questions.

**The Chair (Mr. Dave Smith):** Ms. Bell.

**Ms. Jessica Bell:** Can you describe to me how you and the people that you know would benefit from the Eglinton East LRT?

**Mr. Ketheesakumaran Navaratnam:** How they benefit?

**Ms. Jessica Bell:** Yes, how would you benefit if it was built?

**Mr. Ketheesakumaran Navaratnam:** Definitely. The Eglinton East LRT would come to underserved areas in the Scarborough–Rouge Park riding. As you may know, it has one of the largest youth populations in the city, and many of the people are taking transit to work within Scarborough. Building an Eglinton East rapid transit line to Scarborough will help move people within the riding faster. According to data and studies, commuting time from Malvern to downtown is no less different than commuting within Scarborough. So by building a rapid transit network in Scarborough, such as the Eglinton East LRT, it will hugely improve transit times.

Then we have universities such as the University of Toronto Scarborough, and Malvern Town Centre. These will be connected, which means there will be business growth as well as job opportunities for the many youths who can work part-time and full-time because of the business growth that this LRT will bring to communities there.

**Ms. Jessica Bell:** You mentioned earlier that the provincial government had promised to build the Eglinton East LRT in the election. What did you feel like when you saw the map and saw that the Eglinton East LRT was no longer part of the plan? How did you feel?

**Mr. Ketheesakumaran Navaratnam:** It was quite shocking. I feel under-respected. When you can build connections to places that are equally as compelling as needing a connection for commuters like Malvern, it's quite disrespecting. It's not "for the people" if you cannot build a connection to communities like Scarborough–Rouge Park.

**Ms. Jessica Bell:** One of the things I noticed when I went through the estimates is that, at this point, there is no clear identification of where the money is going to come from—the \$11.1 billion—to build the provincial government's share of transit. At this point, I don't see that money in the budget. Does that concern you, that there is a plan but that there's no clearly identified money in the budget for it?

**Mr. Ketheesakumaran Navaratnam:** It definitely concerns me as a resident. Again, we are given promises which are not delivered, and then we are given plans that are not costed and we do not know where the funding is coming from. There have been delays after delays after delays. Residents in Malvern have waited more than 35 years with these empty promises—government after government making empty promises without a fully funded plan.

Currently there is a plan being developed by the city of Toronto which gives us hope, but with the introduction of this bill, which gives power to Metrolinx, we are completely desperate that no transit is going to come any time soon in Malvern.

**The Chair (Mr. Dave Smith):** Mr. Glover.

0920

**Mr. Chris Glover:** I've been told that the Scarborough portion of the plan, the three-stop subway, is \$5.5 billion. For \$4.5 billion—

**The Chair (Mr. Dave Smith):** One minute.

**Mr. Chris Glover:**—we could actually build a 24-stop LRT in Scarborough. Would you prefer that to the three-stop subway, for \$1 billion less?

**Mr. Ketheesakumaran Navaratnam:** Again, as a resident of Malvern and Scarborough–Rouge Park and as a student who has studied about transport and public transportation, I am hugely in favour of building light-rail rapid transit to communities like Malvern. I do understand, with the money that is being allocated to other projects, that we can build enormous light-rail rapid transit projects, which are up and running in many of the other cities, including the Finch West LRT. Why is Malvern being cornered and isolated from rapid-transit development when there is evidence that shows that we can build rapid light-rail transit to communities like Malvern?

**Mr. Chris Glover:** Thank you. That's it.

**The Chair (Mr. Dave Smith):** No further questions from the opposition, so we'll go to Mr. Schreiner.

**Mr. Mike Schreiner:** Thank you so much for being here today. I really appreciate you taking so much time out of your day to voice the frustrations of people in Scarborough, and Malvern in particular.

We could have been opening a seven-stop LRT in Scarborough this year, but Mayor Ford ripped that plan up. We could have an Eglinton East LRT going to Malvern, but that plan now has been shelved.

The rhetoric has been that we need subways in Scarborough, not LRTs, because otherwise you're discriminating against people in Scarborough. But as a resident of Malvern, how do you feel that, literally, nothing has been built, and it appears that nothing will be built to serve your community?

**Mr. Ketheesakumaran Navaratnam:** You are treated as a second-class citizen when they don't build rapid transit to Malvern. There has been study after study, with the introduction of the 2007 Transit City plan, that does say that building an LRT network from Scarborough all the way to Malvern—or the Sheppard East LRT, or the Eglinton East LRT—does have meaningful impact for Malvern.

When we have numerous studies show that we can build rapid transit that can help grow Malvern, and then the government is not delivering on that evidence-based information, it's really frustrating. I feel like I am treated as a second-class citizen and not part of Ontario.

**The Chair (Mr. Dave Smith):** Thirty seconds.

**Mr. Mike Schreiner:** Thirty seconds?

There was rhetoric that you're a second-class citizen because you don't have subways. But if the evidence says that LRTs are the better way to go, I guess having nothing makes you feel more like a second-class citizen. Am I right with that?

**Mr. Ketheesakumaran Navaratnam:** That's definitely right. Again, the evidence shows that for communities like Malvern, light-rail transit is best suited, given the demand in ridership, the needs of the community and the fact that the majority of the population takes transit within the Scarborough area—



**The Chair (Mr. Dave Smith):** We've come to the end of this presentation. Thank you very much.

#### WALK TORONTO

**The Chair (Mr. Dave Smith):** Next up, we have Walk Toronto. If you could come to the table for us, please, and introduce yourselves. You'll have six minutes.

**Ms. Daniella Levy-Pinto:** Thank you. Good morning. My name is Daniella Levy-Pinto and I am here on behalf of Walk Toronto. I would like to address Bill 107, Getting Ontario Moving Act, to include provisions to protect vulnerable road users.

Walk Toronto is a grassroots pedestrian advocacy group that works with various levels of government and community groups to improve walking conditions. We have members all across the city. Walk Toronto is a member of a province-wide vulnerable road user coalition for laws that protect people outside of motor vehicles, such as pedestrians, motorcyclists, bicyclists, roadway workers and emergency responders.

Bill 107 touches on the definition of a vulnerable road user. I am here today to request that this legislation be expanded. This is a great opportunity for Ontario to enact a vulnerable road user law within Bill 107 to ensure that the law is actually benefiting all the people in the province.

Walking provides important benefits for people, such as benefits to health, reduced cost of transportation and cleaner air.

Many Ontario communities are seeing an increase in other modes of transportation. Everyone is a pedestrian at some point during the day. Pedestrian safety is a social inequity issue. Vulnerable road users bear a disproportionate share of injuries on the roads as a result of collisions. While rates of injuries and deaths as a result of collisions for people inside vehicles have decreased in the last years in Ontario, this has not been the case for those outside of vehicles. This is due to the fact that there exist laws to protect those inside vehicles; of course, people outside of them lack the protective exterior, as well as seat belts and airbags—safety features.

The Canadian Council of Motor Transport Administrators has estimated that pedestrians are almost three times more likely to be killed as a result of a collision than the occupants of a motor vehicle. On average, every day in Ontario, seven vulnerable road users are taken to the emergency department, many of them with life-altering injuries. In 2016, 96 pedestrians were killed and almost 4,200 were seriously injured on Ontario roads.

Seniors are increasingly at risk because of their declines in mobility and visual and hearing abilities. Children are also at greater risk because their cognitive abilities have not yet been developed, and people with disabilities are also at greater risk.

I am blind, totally blind. I get around with my guide dog, and I increasingly encounter aggressive and dangerous driving behaviour that puts me at risk—impatient drivers at the crosswalk. Although in Ontario drivers are required to make a full stop at a crosswalk and to yield the

full roadway until pedestrians have finished crossing, this is not always the case. I frequently hear drivers accelerate right after I cross in front of them. In more instances than I would like to remember, I have encountered drivers who did not make a full stop before making a right turn on a red light, something that is illegal. In these instances, fortunately, my guide dog pulled me back, but it is very stressful.

I feel at risk. I am aware of the risks and the statistics, and I am concerned, because I know that many drivers who kill or seriously injure a vulnerable road user are never charged, and I know that bans and fines are often weak. There is a limit to what vulnerable road users can do to protect ourselves from distracted or aggressive drivers. I believe that this has to be stopped.

**The Chair (Mr. Dave Smith):** One minute.

**Ms. Daniella Levy-Pinto:** I also believe that all parties in Ontario can agree to enact legislation to protect all vulnerable road users. There should be legal consequences for those who kill or seriously injure a vulnerable road user, including driving licence suspensions, re-education courses, community service and also a mandatory court appearance to hear victim impact statements.

You can make Ontario the first province in Canada to enact a vulnerable road user law and to set the standard. This would also be good for taxpayers' money, because less money would be spent on hospitalizations and dealing with the aftermath of significant injuries—

**The Chair (Mr. Dave Smith):** Thank you very much. We'll start with the opposition.

**Ms. Jessica Bell:** Thank you very much for coming in—

**The Chair (Mr. Dave Smith):** Sorry. Ms. Bell.

**Ms. Jessica Bell:** Thank you.

Thank you very much for coming in.

Could I just ask you to clarify: What specifically would you like to see changed in Bill 107? If you could just clarify that again.

**Ms. Daniella Levy-Pinto:** I would like Bill 107 to include provisions that protect vulnerable road users, so that the legislation can actually benefit everyone in the province. As I said, everyone is a pedestrian at some point during the day. I believe that vulnerable road users do not have enough protections in the current system. There are no consequences for drivers who are distracted, or the consequences are really minimal.

#### 0930

Legislation including provisions to protect vulnerable road users, as part of this bill, would send a message that vulnerable road users matter. It is important to provide incentives for drivers to do the right thing, to not run red lights, to think twice before taking a quick turn on a red light.

Again, there is only so much that vulnerable road users can do to protect ourselves from dangerous drivers. Every day, we know of more cases of people who have been struck on a sidewalk, not crossing the street, with little consequences for the person who killed them. This is not fair, this is not equitable and this is something that I would like our province to change.

**The Chair (Mr. Dave Smith):** Ms. Bell.

**Ms. Jessica Bell:** Having read Bill 107 very carefully, I did notice that there has been a very positive change to the definition of who constitutes a vulnerable road user, and I fully support that. By opening up that definition and by moving forward on amending the Highway Traffic Act, it does lend itself to the possibility of introducing tougher penalties to drivers who, while they're breaking the law, injure or kill a vulnerable road user. It does introduce itself to that. So thank you for coming and speaking about that.

I don't know if you've had that experience, but can you maybe elaborate on what the experience is like for a pedestrian or a vulnerable road user if they are hit? What is the experience like, when they go through the court process? Would you be able to elaborate on that?

**Ms. Daniella Levy-Pinto:** Thankfully, I have not had that experience myself, although, every time I'm going to cross the street, I feel that that may be the day. I understand that it's not an easy process. I understand the frustration. I can only relate to the frustration of the person who was struck, or who lost a family member, attending court and not even being able to read their victim impact statement to the driver who caused their loss or who hurt them. Drivers frequently send an agent, and these agents are the ones who hear the impact statements.

Also, the very, very small fines that usually people get—\$1,000 is sometimes perceived as a high fine for a life, for two minutes, for distraction. A lapse in judgment can have fatal consequences. Again, there is only so much that we can do.

A message, I believe, needs to be sent. This legislation opens the opportunity to amend the Highway Traffic Act and include provisions that actually protect the most vulnerable people in the province.

**The Chair (Mr. Dave Smith):** Mr. Glover.

**Mr. Chris Glover:** My name is Chris Glover, and I'm the MPP for Spadina–Fort York. Thank you for coming in, and thank you for your deputation.

You've said that you've been advocating for tougher consequences for people driving cars who do something that leads to the death or injury of a pedestrian or other vulnerable road user. Would you also be in support of an information campaign for people to become more aware of how their driving can put people at risk?

**Ms. Daniella Levy-Pinto:** I would, although I would say that we see education campaigns and they have little effect.

**The Chair (Mr. Dave Smith):** One minute.

**Ms. Daniella Levy-Pinto:** It's really necessary, I think, to include disincentives for people to continue breaking the law and doing things that put other people at risk, for the two minutes or one minute that they may be delayed.

Education campaigns are not enough. I don't think they are enough. I'm not against them. I'm also cautious about education campaigns that sometimes blame the victim: "Make eye contact before you cross the street." Well, some people cannot do that. This has to be taken into account, and this is why I speak about the most vulnerable people in the province.

**Mr. Chris Glover:** Thank you very much.

**The Chair (Mr. Dave Smith):** No further questions? Mr. Schreiner.

**Mr. Mike Schreiner:** Thank you for coming in today. I really appreciate the advocacy work that Walk Toronto has done over the years. I appreciate you bringing to light the opportunities for us to bring forward tougher penalties for people who kill or injure a vulnerable pedestrian.

I have long been disappointed that we spend zero dollars in our transportation budget for safe walking infrastructure. Could you comment on maybe some things that would just make our roads safer for pedestrians in terms of infrastructure changes?

**Ms. Daniella Levy-Pinto:** Yes: traffic-calming measures; narrowing traffic lanes, reducing traffic lanes, in high-pedestrian areas; wide sidewalks; a continuous network of sidewalks—when there are no sidewalks, people like myself cannot walk, so these, de facto, become no-go zones for people like me, areas without infrastructure that actually protects pedestrians. Separation is crucial between modes of transportation. We need additional opportunities to cross safely, signalized crossings near all transit stops to allow people to get to the other side safely.

This is not infrastructure, but of course speed also matters.

**The Chair (Mr. Dave Smith):** Thirty seconds, Mr. Schreiner.

**Mr. Mike Schreiner:** Do you think our infrastructure accommodates people with disabilities in a way that makes our roads safe for people?

**Ms. Daniella Levy-Pinto:** In some areas better than others. Not in the entire city, sadly, no, again because of a lack of sidewalks, narrow sidewalks. So it's a localized area.

**The Chair (Mr. Dave Smith):** Thank you. We've come to the end of that.

Ms. Hogarth.

**Ms. Christine Hogarth:** First, thank you very much for being here today. We certainly appreciate your deputation and all the advocacy work you do to try to make our streets safer.

I know we talked a little bit about educational campaigns. What I find is, we all learn how to drive or ride a bike at one point, but we seem to forget our rules or become lackadaisical when it comes to following the rules. What are some things that we can do to remind people following the rules that, many times, they're breaking the law right now, with the laws in place at this point? I know you mentioned about educational campaigns. You didn't think that was the right way to go. What would your organization suggest? How do we get that message across to people about the law and proposed changes to the laws?

**Ms. Daniella Levy-Pinto:** Consistent enforcement has to take place for driving behaviour in particular, because they are the ones who can cause the most damage. This is crucial. Education certainly helps, but I don't think the campaigns have real consequences. People know that the chances that they are going to be caught speeding or running a red light are limited, so people take the risk. This

is why larger fines or bigger consequences for drivers who break the law, I think, can serve as the base to re-educate and to have a different conversation. Again, we all are seeing people outside of cars engaging in active forms of transportation. Drivers need to adjust to the state of affairs.

When there's education but there's no enforcement, I sadly don't think that a lot is going to change. People need to understand, everyone needs to understand—I don't think it's acceptable to believe that injuries and deaths of vulnerable road users are something inevitable when they share the road with occupants of motor vehicles. We can no longer continue accepting that.

**0940**

As a vulnerable road user, and seeing the weak enforcement of the laws and, really, the minimal consequences that most people face after they hurt a vulnerable road user—it really doesn't matter. It's the opportunity cost of getting wherever faster. Something has to change—something beyond education. For this, I think that amending the Highway Traffic Act would be important.

**Ms. Christine Hogarth:** Part of this legislation is increasing penalties for careless driving around maintenance and construction workers and around tow truck personnel and recovery workers. What does your organization feel about those increased fines?

**Ms. Daniella Levy-Pinto:** Those fines are okay. We're certainly supportive of them, but in this case the legislation does not do anything for people just going about their day, not engaging in work, or not related to careless driving. There are many other instances in the Highway Traffic Act that can be cause for a fine—that people may be breaking the law. So it is important for those reasons.

**Ms. Christine Hogarth:** Okay.

**The Chair (Mr. Dave Smith):** Ms. Wai.

**Mrs. Daisy Wai:** Thank you very much, Daniella, for coming over and especially for travelling to come over for this deputation. My name is Daisy Wai, and I am the MPP from Richmond Hill. I can understand where you're coming from.

You already agreed with the direction the government is taking in giving increased penalties for careless driving, including around construction workers and also protecting children as they get off the school bus.

My understanding is that you support that but you just want us to expand it more to protect vulnerable walkers as well as for better safety for the walkers. Am I correct?

**Ms. Daniella Levy-Pinto:** Better safety not only for walkers; it's better safety, really, for everyone outside of motor vehicles, because they lack the protection that a motor vehicle provides their occupants—and not only related to careless driving. It is also, I believe, important for people not to be given the chance to plead to a lesser charge. Careless driving may be an offence, but what if they actually broke the law in relation to any other thing? I believe that this presents an opportunity to include provisions to protect vulnerable road users fully.

**Mrs. Daisy Wai:** Okay, but—

**The Chair (Mr. Dave Smith):** There are only 10 seconds.

**Mrs. Daisy Wai:** —will you agree that we are in the right direction in increasing penalties to stop careless driving? Am I correct?

**Ms. Daniella Levy-Pinto:** Yes.

**The Chair (Mr. Dave Smith):** I'm sorry; we've come to the end. Thank you very much for your presentation.

#### COALITION FOR VULNERABLE ROAD USER LAWS

**The Chair (Mr. Dave Smith):** There's a change in order on the agenda. Our next presenter will be the Coalition for Vulnerable Road User Laws. As you come to the table, please introduce yourselves.

Prior to you actually doing the introduction, I have to apologize to the committee: I made an error in the point of order. I should have accepted the point of order at the end of the question, prior to the answer. I apologize to the committee for that.

If you could introduce yourself, please.

**Mr. Patrick Brown:** Yes, thank you, Mr. Chair. My name is Patrick Brown. I'm not the politician; I'm a separate Patrick Brown.

I will give you some background. I am speaking on behalf of the Coalition for Vulnerable Road User Laws in Ontario. I initiated and participated as counsel at the Ontario coroner's review into pedestrian and cycling deaths, which was the most comprehensive review in Ontario history in that area. I'm the past chair of the Ontario Safety League, past president of the Ontario Trial Lawyers Association, and past chair of the Ontario Bar Association, insurance law section. I have 27 years dealing with and representing families who have lost loved ones who have been killed or have suffered life-altering injuries. I have seen the pieces that have been left behind by those people who break the law here in Ontario.

This coalition was formed over four years ago. It was a response to a systemic pattern of small fines being handed out after bad, reckless and distracted drivers broke the law and killed a pedestrian, sometimes emergency responders, and other vulnerable road users. The fines that have been handed out for people who break the Highway Traffic Act and have killed someone range from \$85 to \$1,000 in most instances.

Ryan Carriere was riding his bike home. A truck made an illegal right turn. He was sucked into the undercarriage of that truck and he was killed. That driver had an \$85 fine. He was on his way home to take his kids out for Halloween.

Edouard Le Blanc was going across on a green light when a driver ran a red light. That driver killed Edouard, and the fine was \$700.

Bruce Tushingam was killed by a driver that went onto the opposite side of the roadway, hit Bruce and catapulted him into a field. That driver was given a \$500 fine.

I can tell you that I have done the research for the coalition for the last four years. These are not outliers; they are not just selective amounts of cases. That is what's happening in this province.

There must be some type of accountability in our system for those that choose to break the law. If you do so, if you choose to break the law—and we're talking improper right turns, failing to obey stop signs and red lights, traffic violations—there are 45 in the Highway Traffic Act that people are charged with when they do kill someone. What we're asking is that you amend Bill 107. You've already done steps towards careless driving and increasing penalties, which is what the right step is, but it does not go far enough. There are 45 other provisions.

Most people with careless driving charges drop it down to the lesser offence, and they get the small fine. That's what happens.

This amendment would say that if you break the law under the Highway Traffic Act and you kill or seriously hurt somebody—change their life forever—then in addition to the penalty that you're going to get, in addition to that small fine or the fine that they're going to levy, you are going to be subject to a mandatory minimum. You're going to take a driving course before you get back on the road. You are going to do some community service in the area of road safety. Until you do that, your licence should be suspended.

That's what they are asking for. They're not saying to put people in jail, but to reflect on the consequences of what they did when they chose to break the law.

When these families come into the courtroom and they read their victim impact statement, we also want that family to make sure the person who caused the injury or death is present to listen to who that loved one is. This isn't a new law. It has happened in the United States. It's moving forward. It just requires an amendment to this bill to include those other sections and to include that minimum sentencing. It's no longer acceptable to allow this to continue in our province. Victims of road violence do want to believe that when they lose a loved one or they suffer serious injury, some form or sense of justice is granted to them.

This is not just backed by myself and Ms. Dowrie. This coalition is much broader. It's the Ontario Brain Injury Association. It's the United Senior Citizens of Ontario, which represents over 300,000 seniors—because we know the percentage, the pattern of pedestrians who are getting killed, is disproportionately our elderly in our province, because they can't get across the road as quickly, and at times they are getting hit.

**The Chair (Mr. Dave Smith):** One minute.

**Mr. Patrick Brown:** At the end of the day, we need to put accountability back into our laws. We're asking that no longer should people who drive properly and responsibly have to pay the extra associated Ontario insurance premiums for all those bad and distracted drivers. Ontario taxpayers should not have to pay all the associated health care costs of those people attending in the emergency department. It's actually 20 people, pedestrians and cyclists, who will be in emergency departments today, if the stats are right, based on Public Health Ontario—which was 7,642 per year. We shouldn't have to pay for that.

We have to have meaningful deterrents to send a message, and that's what this law is. There's no reason that

Ontario and this government can't be the first in enacting that. This government has been looked at for accountability of people who break the law. This government is trying to move forward with road safety, and this is a proper step to make.

**The Chair (Mr. Dave Smith):** Thank you. We'll start with Mr. Schreiner.

**0950**

**Mr. Mike Schreiner:** Thanks for coming in today. Your presentation and the previous one make very powerful statements about a vulnerable road users law.

You said there are jurisdictions in the US that have taken this approach. Can you elaborate on that for the committee?

**Mr. Patrick Brown:** There are over 10, and there are other ones that already are passing bills. The most prominent one started in Oregon, and it was a vulnerable road user one, where it wanted meaningful penalties like community service and driving courses. It put it as added penalties when people were found guilty of breaking the law and killing or seriously hurting a vulnerable road user. So it started out of Oregon and it has been spreading through the United States.

I also represent a group called Bike Law, which is an international organization that's looking at new laws.

These are already moving in a number of places in the United States. This, however, would be the most comprehensive. It would capture the loopholes. So when I said "careless driving charge," again, there are 45 other offences that they drop it down to, lesser and included offences that they drop down to. Unfortunately, it doesn't capture the majority of what's going on in relation to this.

This is the most comprehensive amendment that we're asking for, and there's no reason that Ontario can't be first in it.

**Mr. Mike Schreiner:** In jurisdictions that have done this, have we seen a drop in traffic fatalities with vulnerable road users?

**Mr. Patrick Brown:** New Zealand looked at that as well, about the ones in the United States, and they did a study on that—

**The Chair (Mr. Dave Smith):** Thirty seconds.

**Mr. Patrick Brown:** Yes. They couldn't correlate whether or not the infrastructure and the other changes that were taking place were the ones that were declining the number of vulnerable road users getting killed or seriously hurt.

But I can tell you, statistically, in the last 40 years—this is from Public Health Ontario—the government has done really well on reducing the number of deaths and fatalities of people inside cars, through all kinds of different safety legislation, but in relation to vulnerable road users, that's not decreasing. That's part of the package I provided to you.

**The Chair (Mr. Dave Smith):** Mr. Sandhu, please.

**Mr. Amarjot Sandhu:** Thank you so much for coming in.

What is your organization's opinion on the proposal to increase penalties for driving carelessly around maintenance and construction workers, tow truck personnel and recovery workers?

**Mr. Patrick Brown:** All those people are vulnerable road users, and we applaud the government moving forward to ensure that they are protected as well. They're on the front lines out there, as pedestrians, and certainly those individuals should have those added protections.

They also applaud the fact that there are increased penalties under "Careless driving," which is section 130, and the amendment does that. Unfortunately, the careless driving provision accounts for a very, very small percentage of the people who are charged under the Highway Traffic Act and are convicted. So it's a right step forward. We're just asking that you include the other 45 sections.

The only other thing I'd say is, it's fine that you can hand out fines—no people are going to jail on these types of charges. But a fine is very different, depending on the socio-economic background of the individual. That's why this amendment is asking (1) for the driving course to be mandatory; (2) that they do some community service; and (3) that their licence be suspended until they do it. It's an added thing that's going to make them reflect. It's just one step further we're asking you to take.

**The Chair (Mr. Dave Smith):** Mr. Kanapathi.

**Mr. Logan Kanapathi:** Thank you, Patrick, for your passion, and thank you for being here, and thank you for advocating for vulnerable pedestrians on the street.

Could you elaborate on what areas—for improved road safety, you talk about tougher penalties and that there is accountability of the perpetrators. Could you elaborate on what your organization would like to see explored more in our legislation? What would you like to see?

**Mr. Patrick Brown:** I think all the people who are part of this coalition would ask for changes in relation to things like infrastructure—certainly, with pedestrians, more crosswalks, bulb-outs, things that give seniors ample time to cross the road. They're looking at that.

I think they would all say that speed reduction—speed kills. We know that when vehicles hit a pedestrian at over 50 kilometres per hour, 85% of those pedestrians will die, but if you bring it down to 30, then only 5% do. So they would ask, in addition to these types of laws of deterrence, that speed reduction be implemented along with infrastructure, and then, as well, changes to the Highway Traffic Act, so that when people do choose to break the law, they're going to be accountable for it.

**Mr. Logan Kanapathi:** Thank you.

**The Chair (Mr. Dave Smith):** Ms. Hogarth.

**Ms. Christine Hogarth:** I just want to thank you very much for your deputation today. As someone who had their younger brother killed by a driver when he was three and a half, I appreciate your passion.

How do we get our message across to drivers, what we're putting in this bill right now?

**Mr. Patrick Brown:** Getting the message across that a driver's licence isn't a right, that it's a privilege and that with that comes responsibility, in that if you're going to look at your phone, if you choose to do that—and our younger generation seems to be choosing that; certainly there's a rate of increased distracted driving from cell-phone use and stuff—if you're going to do that and you actually kill someone, we're not going to treat it like a

small fine or that it's just an acceptable pattern inside driving. There are going to be other things. So educating the public to say—yes, if you look at MADD and the historical movement of MADD, drunk driving laws didn't exist in the 1970s. They were changed by a progressive change, but it had a lot to do with the deterrence and sending the message that your licence is going to be suspended if you drive drunk. So that really hits home with a lot of people when they reflect on their actions when it comes to accountability.

**Ms. Christine Hogarth:** Thank you.

**The Chair (Mr. Dave Smith):** Any further questions? Okay, Ms. Bell.

**Ms. Jessica Bell:** Thank you so much for coming in and sharing your expertise on this issue.

I have just one specific question and then I'll be handing it over to MPP Glover. In your experience, are you seeing a lot of repeat offenders, people who injure or kill a pedestrian or cyclist or vulnerable road user and then you find that you'll see them again in court on a similar charge?

**Mr. Patrick Brown:** I can't answer to that. Just in relation to seeing them in a court again, no, I can't say that I have, but nor have I followed it. When we looked at the statistics, it was very difficult. We went to the Attorney General to find out about repeat offenders on these. We couldn't get those stats. So I can't really answer that, Ms. Bell, but I think that with deterrence, though—that's the whole thing about deterrence, that if you do have someone to reflect on it, there's a strong likelihood they won't do it again.

**Ms. Jessica Bell:** Thank you.

**The Chair (Mr. Dave Smith):** Mr. Glover.

**Mr. Chris Glover:** Thank you very much for coming in today and for the deputation.

I'm just trying to clarify exactly what amendments you would be asking for. I see there's a motion from city council. Does that summarize it, those three sections there?

**Mr. Patrick Brown:** It does. If you look, the city of Toronto—I failed to mention it—already passed a motion asking for this, in addition to the United Senior Citizens. Is that in my materials?

**Mr. Chris Glover:** Yes, it's in the booklet, about halfway through, and it just says basically:

"(a) require the court to impose greater penalties against negligent drivers...;

"(b) make it mandatory for negligent drivers" to be there for the "victim impact statements...; and

"(c) ... including increased monetary fines, suspension of licences, driver safety education..."

Is that the summary of what you're looking for?

**Mr. Patrick Brown:** That is it, Mr. Glover. That is it, and then we would just ask that it include the 45 sections of the Highway Traffic Act, like illegal turns, stop-sign running, red lights, speed.

**Mr. Chris Glover:** Sorry; is that 45 infractions in the Highway Traffic Act? So this would apply to all 45 sections, a breach or an infringement of any of those 45 sections?

**Mr. Patrick Brown:** Correct.

**Mr. Chris Glover:** Okay, that's good. Thank you.

Just one other question: Most vulnerable road users who are injured are seniors and children; is that correct? Or is there a disproportionate number of seniors and children?

**Mr. Patrick Brown:** That is correct.

**Mr. Chris Glover:** Okay. And one of the things—I was a school board trustee before this, and the pickup and drop-off in many schools was a nightmare. It was parents wanting to drive their children to school because they felt their children were safer, but then those same parents were pulling U-turns and dropping kids off on the opposite side of the street and just creating this chaos around the schools. Are you aware of that kind of situation, or do you have any particular remedies around school pickup and drop-off?

**Mr. Patrick Brown:** I think there are certain community safety zone provisions in relation to school areas that have been implemented that have tried to increase the fines. But of course any area where children, the elderly, any vulnerable pedestrian—really, there should be extra precaution and extra awareness because I have seen the consequences of children being hit and killed.

1000

**Mr. Chris Glover:** Would you be supportive of additional fines being imposed if somebody is infringing the Highway Traffic Act around a school?

**Mr. Patrick Brown:** I think that's certainly something to consider, absolutely. But we would ask that that be across the board. Whether you're in a school zone or not, there are children all over the place. In any area where children may be, which is outside of school as well, the same type of thing should apply.

**Mr. Chris Glover:** Okay. Thank you very much.

**The Chair (Mr. Dave Smith):** Thank you very much for the presentation.

#### FRIENDS AND FAMILIES FOR SAFE STREETS

**The Chair (Mr. Dave Smith):** Next we have the Friends and Families for Safe Streets. If you could come to the table and introduce yourselves, you'll have six minutes.

**Ms. Heather Sim:** Hi. Can I just start?

**The Chair (Mr. Dave Smith):** Just introduce yourself and then start, please.

**Ms. Heather Sim:** My name is Heather Sim. I'm the daughter of Gary Sim and I'm here on behalf of Friends and Families for Safe Streets. I'm here to address Bill 107. This bill touches on the definition of a vulnerable road user, and I request that we expand upon this and ask that Ontario enact a vulnerable road user law within Bill 107.

I never expected or planned to be here in this position. I barely paid attention to politics and the details of our local laws until June 30, 2017, the day my dad, Gary Sim, was hit by a man driving a van while he was cycling home

from running an errand. This day changed the course of my family's lives forever and ended my dad's.

Just to give you some background, my dad was happily married for 44 years. He had three children, a son-in-law and six grandchildren, along with numerous friends and extended family that loved him very much. When describing my dad, words that come to mind are kind, quick-witted, sharp, healthy and safe. It's ironic because safety was something my dad took very seriously. He was an avid cyclist, cycling almost every day and in every season. If you followed his Twitter account, his feed was dedicated to making the streets a safer place for cyclists. This was an incredibly important cause for him, and he would routinely tweet safer routes and let other cyclists know of areas to look out for or incidents that occurred threatening his and their safety.

This is not to say that his life was worth more than a less experienced cyclist's or a pedestrian's but to prove that if this can happen to a safe, experienced cyclist who was very aware of the dangers on Toronto's streets, then it can happen to anyone.

"In a collision between a bike and a vehicle, the vehicle always wins." This was something my dad told me that has always stuck with me, and he was proven to be right. The driver won. He was charged with a turn not in safety, which is a very minor offense under the Highway Traffic Act. It carried a maximum \$500 fine at that time.

My dad was taken away in an ambulance; he never regained consciousness. The driver was able to drive away from the scene of the collision and go on with his day-to-day life. There has been no impact to his driving whatsoever—no licence suspension and no requirement to understand what he did to cause this and how to become a better or safer driver.

My dad and our family suffered the consequences for this driver's inattentive actions, and it was the biggest consequence there is. In December 2018, we attended the conclusion of the court proceedings. The end result was a \$500 fine. This was the maximum fine allowed based on the legislation in effect at the time of the collision. There is some newer legislation since then that currently increases the maximum fine to \$1,000. The judge actually paused the proceedings to review the most recent Highway Traffic Act to consider if she could sentence the driver under the newer legislation, but she wasn't able to, due to the proclamation date being after the collision. The court's hands were tied even though both the judge and the prosecutor felt that this case deserved a much higher penalty and they both wanted to increase the fine from \$500.

The driver who killed my dad was not charged with careless driving, so current legislation affecting drivers charged with careless driving would not apply to our case. In fact, it would apply to very few of the cases that we've seen over the last few years. It's extremely rare for a charge of careless driving to be laid against a driver, and when it's actually used, the driver usually pleads it down in court to a lesser penalty.

At the time of my dad's death, we were expecting a charge of careless driving. When we asked why it was not

considered, it was explained to us by the police at the time and later by the prosecutor that there is an extremely high bar set to prove careless driving, so the charge itself is rarely used.

During this experience, I was absolutely stunned by the fact that the driver would never be held accountable for causing the death of another human being. He did not have his licence suspended and there was no expectation for him to better his driving habits. How is it possible that we don't have any laws or restrictions in place to cover such a scenario?

I had no choice but to carry on the cause my father was so invested in, and a vulnerable road user law seems to be a most logical first step. It will not help my dad or my family at this point, but it will help other individuals and families in the future.

With a vulnerable road user law, we can be sure that these inattentive and distracted drivers will have consequences for their actions. In my dad's case, this driver would not have driven away from the scene of the accident without consequences. He would have eventually received a licence suspension and a mandated driver's education course on top of his turn-not-in-safety charge. We would not require a finding of careless driving to hand down a higher fine and these additional penalties.

This driver's actions proved that this should be required for him. He is on the road right now putting other drivers, pedestrians and cyclists' lives at risk, mainly because he doesn't think he did anything wrong. He hasn't received any true consequences or corrections for his actions. When he hit my dad, it was a clear, bright, sunny day. There were no barriers to him seeing my father.

**The Chair (Mr. Dave Smith):** One minute.

**Ms. Heather Sim:** This is a perfect example of an unsafe, inattentive driver who clearly needs additional training. By not having a vulnerable road user law, we are effectively saying the roads are better without it and that we don't need to do anything to fix the issues with road safety. But over 45 lives lost last year tell a different story.

Why shouldn't driver safety training be required for the man who hit my dad? Why shouldn't he have his licence suspended for a period of time? If we ask ourselves these questions, this law is an easy decision. By adding a vulnerable road user law, I firmly believe we'll have a chance to start making Toronto streets safer for all. We truly need to start holding distracted, reckless and bad drivers accountable for their actions.

**The Chair (Mr. Dave Smith):** Thank you very much. Mr. Kanapathi.

**Mr. Logan Kanapathi:** Thank you, Mr. Chair. Thank you, Heather, for that passionate story and for sharing your personal story with us.

I know with road safety the laws are very light when you come to the victim's perspective. Could you elaborate what you feel is the best way to get the message across Ontario about the importance of—

**Ms. Heather Sim:** Pardon me?

**Mr. Logan Kanapathi:** Could you elaborate on the message across the board, the importance of safe driving and how it can improve the safety on our streets?

**Ms. Heather Sim:** How we can—I don't understand what you're asking.

**Mr. Logan Kanapathi:** How do you improve safety on the street? How do you send the message? How can we get the message out to the public?

**Ms. Heather Sim:** Oh, okay. I think that right now, basically, when these things happen there are no real fines. There's nothing really involved. A \$500 fine was the maximum. I think if we had higher fines or more penalties—for example, if you suspend someone's licence or they have to do driver safety training or community service, people remember that. People know about that. But if you're just going in and you're getting an \$85 fine or a \$500 fine and no licence suspension, what's there to worry about?

**Mr. Logan Kanapathi:** Thank you.

**The Chair (Mr. Dave Smith):** Ms. Hogarth.

**Ms. Christine Hogarth:** But accidents are accidents, and I think education, to me, is so important. As you know, I've repeated this question to deputants prior to you: How do you get that message out to young people, to adults, to seniors? We teach children to be careful as they cross the road, and part of this legislation has that arm for crossing for school buses. I would certainly love your opinion on what you think about that, but how do we educate the public so these accidents don't happen? How do we get that message across?

**Ms. Heather Sim:** I think right now—usually when these happen, they're not always accidents. There are times when people are actually breaking a law. In my dad's case, he pulled up to make a right-hand turn and he just didn't look. He didn't look at who was there. He made an unsafe right-hand turn. I don't know if you'd really classify that as an accident. It wasn't like two vehicles at the same time hitting each other. He just basically disregarded—he was distracted and he made the turn and he hit my dad. So I think it's the same way that we would educate about any laws that are out there, that it's illegal to do these things and these are the penalties or the consequences when you do them.

**Ms. Christine Hogarth:** Okay. Can you talk a little bit about our safety arm for our school buses and that? What do you think about—would you be in favour of that proposed change?

**Ms. Heather Sim:** I'm not familiar with it. I'm not sure what that—

**Ms. Christine Hogarth:** It's just a piece of our legislation. We're going to add cameras to the safety arms just so—what we need to do is make everyone safe no matter how they get anywhere. This is about children and looking out for their safety when there's an arm. It's helping to catch those people who speed by, because sometimes you see those school buses parked—

**Ms. Heather Sim:** Oh, okay, yes.

**Ms. Christine Hogarth:**—and you'll see the stop arm come out.

**Ms. Heather Sim:** And people still go by.

**Ms. Christine Hogarth:** And you still see the cars whiz by.

**Ms. Heather Sim:** Yes.

**Ms. Christine Hogarth:** It's the same thing with the TTC: They do that as well. That's part of this proposed legislation. What are your thoughts around that camera piece?

**Ms. Heather Sim:** I think it's a great idea. Obviously, they're going to be catching the people, and then if they're penalizing them, that's adding to the Highway Traffic Act. 1010

**Ms. Christine Hogarth:** Okay. Thank you.

**The Chair (Mr. Dave Smith):** Mr. Thanigasalam.

**Mr. Vijay Thanigasalam:** Thank you, Heather, for coming in and thanks for sharing your personal story about your dad.

Can you please elaborate in terms of the language that you would want to see, in terms of "crash" versus "accident"?

**Ms. Heather Sim:** We would prefer to hear "crash" or "collision" over "accident," because a lot of these aren't accidents. If they're actually being charged with something, they were at fault, so it wasn't technically an accident.

If I go back to my dad's case once again, it was very easy to have avoided that. If he had just checked before making his turn, this never would have happened. So I don't know if you would classify that as an accident.

**Mr. Vijay Thanigasalam:** Thank you.

**The Chair (Mr. Dave Smith):** Any further questions? Seeing none—Ms. Bell.

**Ms. Jessica Bell:** Thank you very much for taking the time to come in today. I'm very sorry to hear about your father.

**Ms. Heather Sim:** Thank you.

**Ms. Jessica Bell:** I was wanting to know if you could speak a little bit more about the importance of having the driver hear the victim impact statement, because I'm under the impression that that's something you're advocating for.

**Ms. Heather Sim:** Yes. With our case, the driver did attend the final hearing, so we actually got to read our victim impact statements to him, but a lot of times, they don't attend those. So in my situation, we got to read to him; we got to see how he reacted to that. But I can't imagine what it would have been like going in there and reading a victim impact statement to somebody who's not actually attending.

For our case, we were lucky—I don't know if you'd use that term, "lucky," but he did show up. But in most of these cases, they don't have to show up. If they don't show up, who are you reading this to, and how is this actually affecting him, then?

**Ms. Jessica Bell:** Thank you. Can you elaborate for us a little bit about what Friends and Families for Safe Streets is advocating for, in terms of improving road safety?

**Ms. Heather Sim:** In general, right now we are advocating for a vulnerable road user bill. We would also like to see better infrastructure on the streets, safer streets for cyclists, for pedestrians—because, basically, we're all vulnerable road users. All of us are, at some point. We're not always in our vehicle, we're not always protected, so we're just doing advocacy for that.

We're also there for people who have been affected. We offer support services for them, and knowledge and information for them. It's hard to go through this if you're not familiar with it, so we're there for that.

**Ms. Jessica Bell:** Thank you very much. I have no further questions.

**The Chair (Mr. Dave Smith):** Mr. Schreiner.

**Mr. Mike Schreiner:** Thank you, Heather, for coming in and having the courage to tell your story. It's very powerful, so thank you.

**Ms. Heather Sim:** Thank you.

**Mr. Mike Schreiner:** There has been a lot of talk today about how we educate drivers, how we get the word out. I think those are really good questions that people have been asking. But it seems to me that if we're going to get that word out, there need to be significant penalties for those who break the law. Otherwise, how do you get the word out that this is meaningful? Would you agree with that?

**Ms. Heather Sim:** Oh, yes, 100%. If you know that making your unsafe right turn is an \$85 fine, or a maximum \$500 fine, or if you hear that it could be higher than that, that's a different thing altogether.

A lot of people don't even know a lot of the things that you can't do on the roads right now.

A turn not in safety—when this happened, most people were shocked that that was the only fine. To explain to them, "Well, there is nothing higher than that in the Highway Traffic Act; there's nothing to cover this situation"—I think a lot of people are just not aware of it because of that.

But if you look at a criminal act, for example, because the fines are so heavy, obviously, everybody's aware of what they can and can't do in the criminal act.

**Mr. Mike Schreiner:** Yes. What kind of message does it send to people, if you break the law and kill somebody, that you receive a minor fine and, in some cases, you don't even have to be there to listen to the consequences of your actions?

**Ms. Heather Sim:** I don't think there is much of a message sent at all with that. People were shocked when they found that out. It blew most people's minds when they found out that that was the outcome of our case. I guess people just don't realize that there's this loophole, that these things aren't covered.

Right now, when there's no message getting across, no one's really worried about it. No one's really recognizing the repercussions, and the fact that they have a privilege to drive and operate a vehicle. You can't just go around hitting people. Right now, you kind of can, because there are no real penalties for that. There are no consequences for that.

**The Chair (Mr. Dave Smith):** Thank you very much. We've come to the end of this presentation.

MR. HAMISH WILSON

**The Chair (Mr. Dave Smith):** Next we have Hamish Wilson. If you could come to the table and introduce yourself, please. You'll have six minutes.



**Mr. Hamish Wilson:** Thank you very much. I'm Hamish Wilson. I'm a citizen of Toronto, and I have been for quite a few decades now. I've been a cyclist and an activist. I like transit a lot, and I'm very concerned about the climate crisis, if not breakdown. Again, thank you for letting me have the time to be here.

The climate crisis is, I think, the most important thing that we should be focusing on, even though road safety is also incredibly important. We are at the point of a climate breakdown. I think it is an emergency. We're getting a bit of news about how methane is starting to be released at a much greater rate from the north, and the climate crisis is going to bring a lot of deaths and displacement.

Transport leads Ontario's greenhouse gas contributions. There are a lot of secondary hidden emissions, as well, such as in concrete; we tend not to count the concrete very much. Unfortunately, we've axed the Environmental Commissioner of Ontario for a relatively paltry savings, and we're still supporting the Scarborough subway extension—which I think is a savings of billions of dollars if we actually really thought about it. Saving the billions is more important than the relatively small sum of the Environmental Commissioner and many other small sums.

Transit, and good transit, is far more efficient, and that's what we need to be working toward. Good transit is efficient on energy. It's efficient on space use, because every car takes up a lot of space when it moves, and the faster the car goes, the more space it consumes. Given that it's a public cost to provide the roadway, slower speeds actually might help the congestion a little bit, because again, the faster you go, the more space you consume—and the more momentum you have. So if there is some need to stop, or a crash, your reaction times are still the same, except you've travelled more distance. You have more kinetic energy to actually harm whatever you might hit, including yourself, if you're travelling quickly. Transit does not have the same degree of health cost as automobility.

Bikes, of course, tend to be far more cost-efficient than either transit or automobility. From *Ride a Bike! Reclaim the City*, a fresh book, I'll quote from page 154: "In 2014, the Danish Ministry of Transport established that our society earns 90 cents for every kilometre we cycle instead of using a car, in terms of longer lives and better health." So again, if you're interested in actually saving money—and I wish we all were concerned about saving money—the health impacts of our current system really have to be explored.

That gets to another aspect of things: how cars are subsidized. They're pretty substantially subsidized, and that includes the externalities of the crashes. In the book *No Accident* by Neil Arason—I'll read a paragraph from page 10. It's from 2014:

"Even modest expenditures to reduce the number of accidents each year would generate a huge return on investment. Road crashes, according to a report by Transport Canada, are estimated to cost Canada approximately \$63 billion each year. Many countries now estimate that road crashes cost their economies around 2% to 3% of

their gross domestic product. It is not safety that is expensive; rather, it is the current system that is unaffordable." So if we're thinking about really conserving our health dollars, for instance, we have to make it safer and promote biking.

Now, going back to transit and how transit is far more efficient: It is also more efficient for time. If we have good transit, we can make good time coming to our jobs in commutes, and also it's efficient economically. People's time costs money, and basically when we are in a car, for the most part, when we're using the fuel, we're burning the money. Much of the fuel that we have in Ontario is imported, so if we have an inefficient system, we're basically burning our money for limited mobility. In terms of the balance of payments and money out, yes, the energy is very helpful, but that money goes out of province. It doesn't stick around to have the recycle effect, the regenerative effect. For instance, if we have a real crisis in the Middle East and the gas prices soar to—what?—\$1.70 a litre, two bucks a litre, do we have any plan to actually adjust to that? No. It's going to be a huge hit to everybody. Maybe it's good—

**The Chair (Mr. Dave Smith):** One minute.

1020

**Mr. Hamish Wilson:** Oh, my goodness, time scuds.

It's been nice to have the pendulum move in our transit. I had some hope for a reset, but unfortunately, with what's being proposed in this bill, it's far more like a wrecking ball. The transit in Toronto is our transit system. We don't need to have it smashed and then parts of it taken away.

I welcome having new ideas. I've been very frustrated with the city sometimes about what they've been doing and what they've not been doing. We need relief desperately. That should be the number one priority. I don't know that the Ontario Line is actually going to do it. It's only about half of what was proposed in 1957. We need political will to actually get GO Transit looking a little bit better.

I hope people will be able to ask me questions a bit more about this because I blabbed on about the road safety a little bit too much, and I hope you'll listen attentively to the other presenters. Most of your other projects—

**The Chair (Mr. Dave Smith):** Thank you. Sorry.

**Mr. Hamish Wilson:** Okay.

**The Chair (Mr. Dave Smith):** We'll start with the opposition. Ms. Bell.

**Ms. Jessica Bell:** Thank you for coming in. I just want to ask you a question a little bit around the subway upload plan of this bill. What impact do you think uploading the subway will have on transit riders' daily commutes in Toronto?

**Mr. Hamish Wilson:** I worry very much about it, because it's a unified system at the moment. The buses feed into the transit, into the subway. We have a horrendous problem with deferred maintenance: multiple billions of dollars' worth of things need to be done and should be done. If we strip off some of the better parts of it and take the money out and meanwhile saddle the city with extra costs and take away the gas tax money—we're already in

a set of crises, quite honestly, so I don't see how it's going to actually help our commutes.

If we start privatizing things like with the Ontario Line, one of the things that I worry about is that it's separate from the TTC for a real reason: that they can sell it off as soon as they can; get the federal level to actually kick in and then flip it to the private sector. And we'll pay more. There was a post on Spacing a while back by Professor Wood comparing what might be proposed or is proposed with the London situation. And the London privatization was not good: There was a King's Cross station fire that killed 31 people, and I'm afraid that's probably the same route that we'll be going down here, if we continue.

Quite honestly, maybe the bill should be withdrawn, or this aspect of it, and/or look to the federal level for disallowance of some things.

**Ms. Jessica Bell:** Thank you. Can you speak to the Ontario government's new transit plan? Are there aspects of it that you like? Are there aspects of it that you dislike?

**Mr. Hamish Wilson:** Thank you. Yes. I wish that it were more of a plan, quite honestly. Again, I welcome the actual interest in doing transit. One of the criticisms that I had of the city of Toronto's former relief plan was that it didn't go far enough. We need relief on Yonge, we need relief on Danforth and we need relief at Bloor-Yonge.

I had thought of how to do a surface relief set of projects using surface routes with the Ontario Line. It's nice to get up to Eglinton, but that reach up to Eglinton and down to Ontario Place—again, that's only half of what was proposed in 1957. I think that we are in such an urgent situation, with both the climate and congestion, and to some degree our deficits as well. What can we do on surface? Keep it simply surface. So what can we use on surface in Scarborough, on the Don Valley Parkway? The Gatineau hydro corridor, for instance, is still owned by the province. I believe, to some extent, it stretches all the way through Scarborough. It could be a marvelous surface transit use, I think, of some description—gondola, streetcar, busway, even subway. But just let's look at it.

We aren't doing well enough in terms of looking at the surface corridors and bridging between the GO regional system and the Toronto local system. We need a sub-regional semi-express service or set of services. We haven't looked at surface options, because it takes political will sometimes.

**The Chair (Mr. Dave Smith):** No further questions? Mr. Schreiner.

**Mr. Mike Schreiner:** Thank you, Hamish. I appreciate you coming in today.

**Mr. Hamish Wilson:** Thank you, Mike.

**Mr. Mike Schreiner:** Absolutely.

You've made a case that you think we should be looking more at surface options. Can you elaborate on why you believe that's an option that needs stronger consideration?

**Mr. Hamish Wilson:** Thank you. Well, there's the Brazilian city of Curitiba—they had the political will maybe 20, 30-odd years ago to clear cars off of some of their streets and set up busways with innovations. They got

the same capacity as a subway for 1% of the cost. They provided effective, quick transit but for a lot of savings.

So in terms of what we can do here: It's tricky. It won't work everywhere. Our streets are too narrow in the core, for instance, the east-west streets in particular. But out in Scarborough, again, there's the Gatineau Hydro Corridor. So we can do these things quickly on surface. When you start digging, the costs go up almost exponentially.

Again, in the Don Valley, we've got a relatively inefficient corridor of the Don Valley Parkway. We've got Bayview. There's also a spur line, a rail line, beside the Don Valley Parkway that's owned by Metrolinx that gets up to Thorncliffe. In the package that I sent out, there's a little map, a cursory map of some options.

**The Chair (Mr. Dave Smith):** Thirty seconds.

**Mr. Hamish Wilson:** Yes. Thank you.

It's quicker to do and, by advantaging transit off-road, you can speed up the transit for people without impacting the existing roads, and that's a real concern of drivers: They don't want to have their lives constricted and their routes constricted for transit, especially construction projects as well. If you can do something off-road that's still effective, I think it's better value.

**Mr. Mike Schreiner:** Okay. So you're saying this is, in your opinion, the lowest-cost option.

**Mr. Hamish Wilson:** For the most part. If we're talking about doing something parallel to Yonge Street—

**The Chair (Mr. Dave Smith):** Thank you very much. Miss Surma.

**Miss Kinga Surma:** Thank you for coming in today.

You are aware that we've been very clear that the TTC will be responsible for the day-to-day operations?

**Mr. Hamish Wilson:** Yes. That's pretty good, except if you strip off the good stuff and leave the crumbs and the decayed things, I don't know that that's going to be a help, quite honestly. In fact, I think that's going to be a problem.

If we don't have the ability to raise funds to repair and upgrade—quite honestly, it's pretty darn draconian what you're imposing upon us so I'm not sure it's going to be so much of a help. Because if it's a decayed system, you can only maintain and keep something going for so long if it's too rough.

Why are we subject to such scrutiny? Why aren't you maybe taking the roadways back or—

**Miss Kinga Surma:** Is the city not responsible for maintenance?

**Mr. Hamish Wilson:** Well, they are to some degree, but the city is also constrained. I refer to carservatism. We're dominated by carservatives and carswervatives. We're all a bit cheap. We don't want to know what the full costs are. It's sort of like climate change, in that we'll put it off, we'll put it off and it gets to be just horribly broken.

**Miss Kinga Surma:** Just to be clear, you're justifying the fact that the city has not kept up with the maintenance backlog that exists?

**Mr. Hamish Wilson:** Well, we won't put the vehicle registration tax on the vehicles. It's a political will issue. We won't put the vehicle registration tax on the vehicles

and redirect it to transit. I'm disappointed with the city a lot of the time; it's true.

**Miss Kinga Surma:** Okay. And you mentioned in your remarks that the transit plans haven't been good enough. Are you aware that the transit plan that we are proposing, that we have put forward, is the largest investment in public transit in North America?

**Mr. Hamish Wilson:** I'd like to see more details, especially about the Ontario Line. With the Eglinton West expenditure: That's a waste of money. The city looked at it. It wasn't good value to bury it. The Yonge extension north: That's not good value because what's happening is that is a regional demand that should be met by a regional service like GO. It will harm the Yonge line further, so that's not so much of an investment.

1030

The Scarborough subway extension is bad value, and it hasn't gone through a value-for-money assessment. Most people in Scarborough want to travel within Scarborough, so it doesn't make enough sense, for the billions, to actually spend money out there.

It's spending versus investment, and I don't think we need wasteful spending.

**Miss Kinga Surma:** Sir, representing the riding of Etobicoke Centre, where the Eglinton West line will be going through, I can assure you that my residents do see the value and absolutely want public transit in that riding, because as of right now, their options are very limited.

**Mr. Hamish Wilson:** I do agree with that, actually. We haven't extended the subways far enough, and Etobicoke has issues with limited access into the core of Queen and Bloor and Eglinton. So absolutely, there's a shortfall of options.

**Miss Kinga Surma:** Okay. You mentioned the relief line. I'm glad you mentioned it, because our proposal actually is more than double the length of what the city had initially proposed. Would you not classify that as an improvement to the previous plan?

**Mr. Hamish Wilson:** Less so, quite honestly. I'm glad that you're interested in getting relief, because absolutely it's overdue. But I'm at the point where I think it would be good to bypass the tunnelling of everything from Danforth to the lower Don in favour of surface, doing something in the Don River Valley. I think that's where we really could speed—because we need relief really quickly. We need the redundancy of having another route. I'm not sure which is the best, but tunnelling and the whole process of digging a subway is so intensive and so slow.

What can we do right away? We need triage, not just for the system but for the congestion that people have. We're at the point that the transit is not good enough; that we should have a development freeze as well, I think, until we actually have things done.

**Miss Kinga Surma:** Okay. I'm a bit confused, because earlier you spoke to space use and its importance.

**Mr. Hamish Wilson:** Yes.

**Miss Kinga Surma:** Wouldn't you say that underground public transit is the most effective, efficient and environmentally friendly option?

**Mr. Hamish Wilson:** Well—

**Miss Kinga Surma:** And now you're saying that you don't support—

**Mr. Hamish Wilson:** Thank you for challenging me. It depends, quite honestly. If we're continuing to build subways in the less-wise places, and that includes extensions to Danforth and extensions north, they are not good uses of money, necessarily.

**Miss Kinga Surma:** But the whole purpose of the relief line, the Ontario Line, is to provide relief for the Yonge line. You don't feel that is a good use, to reduce that pressure?

**Mr. Hamish Wilson:** We absolutely need relief on Yonge. I'd like to see the contrast and the real reasons. Part of the problem we have in transit is that it's a pendulum of these politics going to those politics, and back and forth again. Quite honestly, given that you said you wouldn't remove the gas tax revenue to support the subway—

**The Chair (Mr. Dave Smith):** Thank you. We've come to the end of this presentation.

## CUPE LOCAL 2

**The Chair (Mr. Dave Smith):** Is CUPE Local 2 here? Thank you. If you could come up to the table for us. Please introduce yourselves. You'll have six minutes.

**Miss Kinga Surma:** Sorry, who is this?

**The Chair (Mr. Dave Smith):** This is CUPE Local 2, TTC.

**Mr. Gaetano Franco:** Good morning. Thank you. My name is Gaetano Franco. I'm an electrician and an overhead lineperson for streetcar traction power at the TTC for the last 23 years.

I am also the president of CUPE Local 2, representing 700 TTC employees, most of whom work in signals, electrical and communications across the transit system.

It may surprise you to learn that CUPE represents workers at the TTC. Most of the public, when they think about unions at the TTC, probably think about the Amalgamated Transit Union. I am pleased to say that we in CUPE Local 2 provide a service to the public that ensures the absolute safety of each and every person that relies on the TTC to get to school, work, doctors' appointments and for general use of the TTC as a mechanism for travel and a connection to the vast parts of the city of Toronto and beyond.

The great city of Toronto is where I was born, where I live and where my family, consisting of my wife and three beautiful daughters, calls home. I am very proud to say, with great certainty, myself and my colleagues at Local 2 are the very reason why the TTC is a safe and reliable source of transportation. The members of Local 2 not only ensure the entire signalling system of the subway is in proper working order, but we build, install and maintain the new automated train control system that is being implemented. Our members build, install and maintain the entire light-rail streetcar system, which is the largest LRT system in North America. Local 2 also ensures all communication systems, fibre optics, data processing, fire

alarm, camera, passenger assistance alarm and many more safety security systems are installed and maintained to ensure the safety of each and every passenger. Local 2 completely installs and maintains all electrical apparatus and equipment in all stations, routes, underground tunnels, confined space, high voltage lines etc. Simply put, we ensure trains, streetcars, buses, subway stations and the entire system can operate safely and carry our most precious cargo, people, 365 days a year, 24/7.

While I must thank this committee for an opportunity to present our views on the bill, I must be straightforward and say there is no legitimate public purpose or service to the people by uploading the TTC to the province. In my view, the day-to-day operations, crucial safety inspections and protocols must be in the hands of the transit experts. Moreover, we cannot afford the possibility of the TTC being subject to privatization.

The safety of passengers is at risk. In 1995, on one of the worst days in TTC history, two trains smashed into each other. The members of Local 2, every day, work to ensure this will never occur again. Behind the scenes, over 170 signal maintainers ensure trains move safely, stop safely and continue onward, every second of the day. The streetcars move across the city on a very complex overhead power grid that cannot be replicated without a highly specific skill set and apprenticeship specific to the TTC. I encourage the members of the committee to go to Bathurst and King, look up in the sky and observe the Charlotte's Web of wiring that allows the streetcars to move in every direction of that "grand union," as we refer to it. As an electrician from outside TTC, nothing could prepare me for the new apprenticeship of an overhead linesperson, which is so unique and specific that our members are solely responsible for every piece of equipment and electrical apparatus that requires electricity to flow through its veins. It is very hard to describe how vast a network is managed by our very specialized electricians. We handle a vast network of communications systems, a sea of fibre optics buried deep underground, reaching every corner of the city and linking all of Toronto and our control centre at Hillcrest. It is the sole reason every operation, power restoration and control system unequivocally makes the TTC a safe form of transportation for my children and yours. I'm very proud to say that for the last 100 years, Local 2 has been at the centre of this, and it's why we are the vital link of the TTC.

CUPE Local 2 believes that if your concern as legislators is to have a strong, reliable transit system in the city of Toronto and beyond, you, as our elected representatives, should turn your attention to the real issues of overcrowding, cuts to routes and hours of service at the TTC. Turn your attention to the fact that Ontario continues to embarrass itself as long as it continues to be the only jurisdiction in North America to refuse operating funding to its largest municipal public transit system.

Respectfully, the latest transit plan of the Ford government—

**The Chair (Mr. Dave Smith):** One minute.

**Mr. Gaetano Franco:** I'm not even sure you could call it a plan. In my humble opinion, it's a recipe for disaster.

This is about privatization: a transit system where different parts are run by different parties in different ways, which will cause chaos. Imagine a system that's going to run with multiple companies and multiple levels of government. It doesn't make any sense and will not lead to improved service in the GTA. How can we put our most valuable cargo, our children, in the hands of people that have never done this type of specialty work and worked on live lines so complex it takes years of specific training?

Two examples: For the Leslie Barns, third parties were utilized. Two years later, the company had to concede they didn't know what they were doing. Local 2 had to come in and repair it. The ATC: millions of dollars of spending before it was brought back into the hands of Local 2, and it is now running as it should and being implemented. At the end of the day—

**The Chair (Mr. Dave Smith):** Thank you for your presentation.

First questions are from Mr. Schreiner.

**Mr. Mike Schreiner:** Thank you for being here today. I appreciate the good work that CUPE Local 2 does for our community and our province, so thank you.

**1040**

You've made the case that you're opposed to the government uploading the subway. I think what the government would probably say is, "Oh, we're just uploading construction, not day-to-day operations." Could you elaborate on how you think that upload would affect day-to-day operations?

**Mr. Gaetano Franco:** Absolutely. Specific to the work of Local 2 and our membership—and, to be clear, I'm not just speaking as the Local 2 president and a Torontonian for many years. You have to understand that as an electrician myself—I've been an electrician. I have a lot of vast experience. I've actually worked in this House of Commons building, building the fifth-floor attic. I've worked for the board of education, the LCBO, the private sector. I've had my hands in many forms of electrical work.

But the work at the TTC, in the subways, with the streetcars, is so specific that even though I have a licence, a 309A, I had to do an internal apprenticeship of four years within the TTC. They subject all employees to a level of training specific to the needs of the TTC, which means that an electrician working in and around trains, an electrician who does streetcars—

**The Chair (Mr. Dave Smith):** Thirty seconds.

**Mr. Gaetano Franco:** —a normal electrician can install pipes and pot lights, and work on machinery. It's quite different in a network like the TTC. You have to go through specialty training. Uploading it to third parties that are not able to go through that—there's that, and then the duplication of work: two hands doing stuff, all mixed. How we are going to control that with one power authority is beyond me.

**The Chair (Mr. Dave Smith):** Thank you. Mr. Sandhu.

**Mr. Amarjot Sandhu:** Thank you for being here.

How many of your members are employed by the TTC to work on the subway network, and what is the nature of their jobs?

**Mr. Gaetano Franco:** That's a good question. Several hundred, I would say, are specific to the subway, the stations, but that also includes all bus routes, loop lighting above and underground, and subway substations. We also have a vast majority of members that work strictly on the fibre optic network that links everything to the transit control system. Believe me, underneath us right now is a sea of fibre optics that links every subway, every streetcar and every bus to that. So to answer your question simply: the vast majority.

**Mr. Amarjot Sandhu:** Our government has been clear that the TTC will continue to operate the TTC's day-to-day operations. Is your union aware of this?

**Mr. Gaetano Franco:** We're not certain, because the plan, what I am able to read and what's available, is not clear. So I'm not certain, to answer your question.

**The Chair (Mr. Dave Smith):** Miss Surma.

**Miss Kinga Surma:** One of the items you brought up in your deputation was the issue of overcrowding, which is why we are prioritizing the Ontario relief line, doubling its size to make sure that we take that pressure off. Are you not in favour of that aspect of our transit plan?

**Mr. Gaetano Franco:** Not necessarily. The overcrowding, for me, is—go to Union Station, go to a station during rush hour. We need expansion money to enlarge the stations, enlarge accessibility.

We're trying our best to ensure that everybody who has special needs can get to every streetcar and every bus. Those are some of the things that I—

**Miss Kinga Surma:** So instead of actually adding an additional line that people can then take, therefore not needing to take the Yonge line, you're simply saying that the solution is to enhance or enlarge the existing stations?

**Mr. Gaetano Franco:** No, I'm not suggesting that the relief line is not required. Any relief, under the term "relief," is great. Adding lines is a good thing. My concern is predominantly that if the day-to-day operations are put in the hands of a third party—we're not even sure who—there's a huge safety factor there that cannot be ignored. You cannot split and divide and expect that somebody eventually, in my opinion, isn't going to get hurt. I gave an example of what occurred in 1995. There needs to always be one controlling authority, one master control centre, one set of employees that you can manage, discipline when required, have under your purview. Breaking it up is something that scares me.

**Miss Kinga Surma:** Well, we've been very clear: at the announcement in the House, when questioned in the House. My colleague just mentioned it to you that the day-to-day operations will remain with the TTC, so I'm not quite sure why there is that confusion surrounding that.

**Mr. Gaetano Franco:** I'll try to explain. The confusion is it's an integral part. All the pieces fit into a puzzle. If you take an expansion—one piece of a big map—and it all has to be fed by substations, by underground feeders, by a transit control, how do you do that? It's taking an essential

part out. But that part still requires all the mass amounts of support to make it all work together. You can't just take the heart and expect the rest of the body to function.

**Miss Kinga Surma:** Okay. Given the city of Toronto fiscal constraints, how would you propose to expand the subway network, including all of the maintenance backlog which you spoke to, which affects the reliability of the TTC? How would you recommend—?

**Mr. Gaetano Franco:** For me, from my understanding of the funding, 70% comes from the fare box, which is a pretty high number. It works well, except 30% is so small. There is no funding that expands beyond that. If we could increase that funding either through installation of the gas tax or other forms of taxation—a lot of other transit authorities understand that this is the cost of doing business. If you don't invest in transit and put real money behind it—

**Miss Kinga Surma:** So just to clarify: You would be in favour of a fare increase is what you're saying?

**Mr. Gaetano Franco:** Well, a fare increase unfortunately may be required and, yes, I would not say, "You've got to keep the price at this amount for the next 50 years." That would not be realistic. I'm just not sure how we would calculate it if there's no commitment to operating funding. That's a big missing piece of the formula that makes your question hard for me to answer.

**The Chair (Mr. Dave Smith):** Sorry. We've actually run out of time on this. Mr. Glover.

**Mr. Chris Glover:** Thank you for—wait, you're not done yet.

**Mr. Gaetano Franco:** Oh, I'm sorry. I thought I was. My apologies.

**Mr. Chris Glover:** I just have a couple of questions for you. Thank you for coming. Thank you for your deputation. I just want to make sure I understand. Basically, CUPE Local 2 is responsible for building, installing and maintaining all of the electrical components of the TTC, right?

**Mr. Gaetano Franco:** Correct.

**Mr. Chris Glover:** And your concern is that if this is broken up, if the province takes over the subway system, then the order, the way that commands are delivered, will be broken up in that there will be disjuncture and this will compromise the safety of the riders. Is that correct?

**Mr. Gaetano Franco:** That is correct.

**Mr. Chris Glover:** Okay. And the other thing that you're concerned about is that the province's—this government's—long-term plan is actually to privatize portions of the TTC, including the subway system that they upload. Have you heard the government say that they will not be privatizing portions of the TTC or anything that they upload?

**Mr. Gaetano Franco:** No, I've heard and read some big, red flags. No disrespect to the Honourable Mr. Ford, but when he was a councillor I heard him say, "I'm going to privatize everything that isn't nailed down." That's something that gives me a really big, red flag. Yes, I am very concerned.

**Mr. Chris Glover:** Right. And we've had the experience of privatization with the 407, and it ended up costing

taxpayers far more than it would have if we had just built and paid for the 407 ourselves. Do you have the same fear that if the subway is uploaded, if it is privatized, that this will cost taxpayers a much greater amount of money?

**Mr. Gaetano Franco:** Absolutely. The two examples that I only briefly mentioned, privatization or the use of bodies outside the TTC with the TYSSE, the extension, the automated train control: It was in every paper how many millions of dollars went out the window to the taxpayers. When they finally brought it back in and said, "Okay, let's use the members that we already employ," we're now pretty successful at it.

1050

Leslie Barns is another example. It took the contractor two and a half years—I know Mrs. Fletcher was screaming, because not a stitch of wire was installed at two and a half years. The company conceded, "We don't know what we're doing." So it's something that had to be brought in.

But the majority of my concern is safety, absolutely. Because on an LRT line, if I could give you a quick example, the wire breaks sometimes. It comes down. So if that's controlled by a third party, another authorization authority, if you will, and you have to coordinate buses to send relief and power cuts to make those high-voltage lines safe to work on, how are you going to do that when there's a multitude of people who actually have the jurisdiction and the power? It's a recipe for disaster, in my humble opinion.

**Mr. Chris Glover:** Thank you very much.

**Miss Kinga Surma:** Mr. Chair, if I may, or the Clerk, for clarification—I don't know if it's a point of order—MPP Glover was implying that our government was proposing to do something that is, in fact, not correct, and I think that was way out of line. He said the government's future plan to privatize—that was completely out of line.

**Mr. Chris Glover:** Potential plan.

**Miss Kinga Surma:** Potential—it doesn't matter. It was completely out of line.

**The Chair (Mr. Dave Smith):** Just give me one second, please.

Disagreeing with what a member has said is not a point of order; I'm sorry. However—

**Miss Kinga Surma:** No, but he was trying to imply—

**The Chair (Mr. Dave Smith):** Disagreeing with what a member has said is not a point of order. However, all members need to make sure, when they are making a statement, that their statement is 100% factual.

**Miss Kinga Surma:** In which case, it was not.

**The Chair (Mr. Dave Smith):** And I will—

**Mr. Chris Glover:** To clarify, I said that there is a threat that this government could, after they upload the subway—

**The Chair (Mr. Dave Smith):** Sorry, Mr. Glover. Just one moment, please. Sorry.

It was not a point of order; therefore, there's no discussion that needs to be made on it. I have stopped the clock for you at the point that Miss Surma interjected. I will

restart the clock and you may begin your questioning again.

**Mr. Chris Glover:** Actually, I'll pass it to Ms. Bell.

**The Chair (Mr. Dave Smith):** Ms. Bell.

**Ms. Jessica Bell:** Thank you for getting me to work on time on the TTC. I appreciate it.

I have a question. You raised the issue of overcrowding on the TTC. In your opinion, what is the best way to address overcrowding in the near term on the TTC and improve riders' commute? Do you see it here in this bill?

**Mr. Gaetano Franco:** No, I don't. Outside of funding, outside of accessibility to the stations, expansion—I know that there are thoughts to increase the size. Adding lines is always a great thing, but at the end of the day, the population is growing. Outside of key investment from all levels of government, ensuring that the growth is the same and meets the funding requirements, I can't see a magical answer. It's not something that will be easy, but we have to keep funding it and keeping up with the ongoing increasing costs.

**Ms. Jessica Bell:** Thank you. Does it concern you that there is, at this point, no identified funding in the estimates in either the Ministry of Infrastructure budget or the Ministry of Transportation budget for the Ontario government's new transit plan?

**Mr. Gaetano Franco:** Yes, it does. It also, in my humble opinion, is eventually going to lead to privatization. If there's no plan and no real funding, all arrows are pointing that way to me. Again, that's my opinion.

**The Chair (Mr. Dave Smith):** One minute.

**Ms. Jessica Bell:** On a day-to-day level of maintaining the electrical systems within the TTC, what impact would it be to have current TTC lines operated by maybe CUPE Local 2 but new TTC lines operated by a different company? What kind of impact would that have on your day-to-day work?

**Mr. Gaetano Franco:** On the safety implications, huge. These lines have to be controlled by something, and Hydro supplies power to us via substations. They're all linked. That would mean some workers or people would be entering these substations, doing work on live breakers, and our workers going in doing work on live breakers. I can tell you, Hydro wouldn't agree that that's a good idea. Again, when—

**The Chair (Mr. Dave Smith):** Thank you. I'm sorry, we've come to the end. That's the end of this presentation.

I'm going to take a five-minute recess to check with Hansard. Then we will reconvene at 11 o'clock.

*The committee recessed from 1058 to 1103.*

#### ONTARIO SAFETY LEAGUE

**The Chair (Mr. Dave Smith):** Thank you very much for coming back. We have our next presenter now. It is the Coalition for Vulnerable Road User Laws. I'd like to remind all members—

*Interjection.*

**The Chair (Mr. Dave Smith):** Sorry, the Ontario Safety League.

I'd like to remind all members, though, in their questioning, that when you're asking a question, you need to be direct to what the bill is, and 100% factual in what the statement is that you're making. Thank you.

Mr. Patterson, if you could introduce yourself, we'll start.

**Mr. Brian Patterson:** Thank you, Chair. It's Brian Patterson. I'm the president and CEO of the Ontario Safety League. It's a pleasure to appear before you today. With so many new members, I thought I'd start with a synopsis of what the Ontario Safety League does.

The Ontario Safety League has been the chief public safety advocate in the province of Ontario since 1913. There is rarely an item that you will deal with that is commonplace today that, at some point, was not championed by the Ontario Safety League and the kind of leaders that this House draws to take on some tough issues and bring them into law, and then deal with all of the backlash from those who feel they're being set upon. It doesn't matter whether it was 1930, 1940, driver training legislation in the 1950s, seatbelts—it's hard to believe that was a big problem 30 years ago—and issues around car seats and, of course, winter tires for winter driving. The Ontario Safety League has been the voice of many for that process since its inception, and we're very much still in that role today.

We are a non-partisan organization, and we provide just advice to the government—not always advice the government likes.

The former Premier missed an opportunity on the winter tire legislation, and he was not happy when the president of the Ontario Safety League said it's an opportunity of leadership missed, not to bring this regulation in place. I can tell you that, six weeks later, the Premier wanted to remind me that he had winter tires on his car and everybody in his family had winter tires, and he had misinterpreted the question that led to that exchange.

We're far more free, open and legitimate advice than we are a lobby group in any way, or just interested in small issues.

I'm very happy to be here today. I know I was initially introduced as the vulnerable road users, and I have to tell you that I'm embracing that whole process as well. So, Mr. Chair, if you want to think of me as a defender of vulnerable road users, please feel free to do so.

The bill that we've got before us now has a lot of things in there that I, as a 15-year champion, would say I'm very happy with. It has been our role all along that we have to lead with education, engineering and science. There are lots of ideas out there that people want to float from time to time, but the science has led safety at the Ontario Safety League for 100 years and it is the pillar upon which we build our comments to you and our comments to you today. We have had a benefit in engineering in vehicles for probably the last 25 years. I like to remind people when I'm not here that for 12 of the last 15 years, Ontario has had the safest roads in North America, and we've played a role in that happening.

What we also have to tell you is that others have done a lot of work to make it so, whether it's on the impaired

driving front etc. I have to focus on vulnerable road users and tell you what we do with them. We've delivered 15,000 bike helmets across the province to kids who need a helmet to be able to be active in their community as cyclists. We've delivered 250 bikes to the north so that, in some communities on Manitoulin Island, kids who would not be able to leave their house are now riding with helmets on. I am very happy to say that 80% of the kids, in the survey done after we initiated that, were still wearing their helmets in the summer, and you wouldn't find a bike that didn't have a bike helmet hanging off it. So I think we're going in the right direction there.

We can use technology to its best. Let me give you a couple of points. The speed change, as some of you may know—we have no issue with the speed change because, frankly, the engineering leads to that. That doesn't mean you can drive like a loogan in high speed whenever you feel like it on a 400-series highway in a thunderstorm. It means that appropriate care and caution will allow all to drive safely.

**The Chair (Mr. Dave Smith):** One minute.

**Mr. Brian Patterson:** The other technology pieces around schools, school buses and cameras: We have championed those for over five years. We want to make sure that that hub area around a school is not a high-risk zone, and that the discourteous parents who want to get Johnny there because he didn't get up on time, and put all kids in that neighbourhood at risk—it stops and it stops now.

**The Chair (Mr. Dave Smith):** Ms. Hogarth.

**Ms. Christine Hogarth:** Thank you, Brian, for being here today, and thank you for your advocacy work. In my past careers, I've had the opportunity to work with you on legislation with "Slow down, move over," and I just wanted to thank you for continuing that—and winter tires as well. I think we worked together on that case.

I actually want to talk about penalties for driving too slowly. Some people have been talking about this—I heard a little bit on the weekend. Can you talk about what you think about safety hazards around driving too slowly on our provincial highways?

**Mr. Brian Patterson:** Driving too slowly is within a group of problems. We have people on the highway now who don't have very good lane discipline at all, and then we have people who are using the highway but they're not able to travel at highway speed. If you're driving too slowly, you can block the on-ramps for drivers coming on, and they're not expecting you to be blocking that.

If you're in the extreme left-hand lane—although road rage is ridiculous, it does cause some people to then take dramatic and stupid responses, like pulling out into the lane, racing forward and pulling back into the lane. Some of these loogans teach driving by scaring people, by hitting their brakes as soon as they pull in front of them and making it unworkable. A slow-moving driver will cause some of those issues, can create a backup.

1110

Good driving is like square-dancing. You want everybody moving the same way at the same time on the same

beat. Just having one vehicle delay can start to back traffic up. Then, once you're five cars back, you don't really know what's happening in front of you, so you become concerned. It's not as trivial as some people on the radio want to make it out to be, and again, it's not the most significant when you've got people who are trying to exceed the speed limit aggressively and are just using that as an excuse, that somebody is going too slow in front of them.

**Ms. Christine Hogarth:** I still have another question. Since you're in the Ontario Safety League and you do a lot of educational pieces, is there something that we can do to help get our messages out, including some of the ideas in this proposed legislation, to make our highways and our roads more safe?

**Mr. Brian Patterson:** If I had my way, municipalities would have no say over the fine money; they get what they get. Way too much consideration in the last 10 years has been made to ensure the flow of revenue to municipalities from tickets, so we don't have diversion. We don't send drivers to driving school, which makes a huge impact; we don't track people who have two or three tickets, who are clearly problem drivers in the way they operate.

We don't deal effectively with a collision in which there are no witnesses and potentially a vulnerable road user. If there is no witness to what happened at the intersection where somebody was injured, it makes it very difficult, because we're still in the "find somebody to blame" category, where in fact, if you've been involved in two collisions, you should have your driving assessed. Corporations do that. We deal with all kinds of fleets. You wouldn't get away with two or three dings and bangs without being brought in for retraining. I think we missed that. For the last 10 years, it has been somehow tied up with some convoluted way that the fine money flows to the municipality.

We don't have road safety messaging in this province for no reason; we have it there to make people safer, not to have somebody issuing tickets that don't mean anything.

**The Chair (Mr. Dave Smith):** Ms. Wai.

**Mrs. Daisy Wai:** Thank you, Mr. Patterson, for coming for your deputation. We hear your suggestion about the helmets. As well, thank you for supporting us about the extra penalties we have for slow drivers on the highways.

Is there any other suggestion you have in mind for our future plans that you could share with us, that you would like to see happening?

**Mr. Brian Patterson:** Well, as a York region resident, as I know you are, you'll be happy to know that York region is ready to move today on safety zones around schools. They have put all the legwork in, all the engineering, all the signage. I think York region is going to be one of the first to reap the benefits of that automatic ticketing inside safety zones. Any way to expedite that for September would be greatly appreciated.

**Mrs. Daisy Wai:** Okay. Thank you.

**The Chair (Mr. Dave Smith):** Any further questions? Ms. Bell, then, please.

**Ms. Jessica Bell:** Thank you very much for coming in and speaking today.

I have a question about making our roads safer for vulnerable road users. Hearing previous deputants speak, they have brought up the issue that although deaths with drivers have gone down, the number of injuries and deaths that vulnerable road users are experiencing is on the increase. Can you just outline what the Ontario Safety League's positioning is in terms of reducing vulnerable road user deaths and injuries?

**Mr. Brian Patterson:** I think in some of the paperwork that I've seen over the last couple of years, there have been some brilliant ideas, and there have been some discussed today before you.

One is that traffic tickets are bizarre, where you just get a ticket, then you try to figure out how much you're going to pay. Are you going to have a paralegal? Are you going to even show up? The driver learns nothing. That's on a typical traffic ticket. For whatever reason, we've left that whole window open that when someone is injured or killed, there is no different way of dealing with those Highway Traffic Act offences in the court system today.

It's unthinkable that somebody who had acted recklessly, and not only placed people's lives at risk but may have taken one, or substantially changed the life of the person that they struck, is allowed to be treated in such a cavalier manner by the court. I mean "cavalier" in that they don't have much in the way of consequences.

I would look to any good suggestions there. Some of them are retraining, and some of them are attending court. If you've ever been to traffic court, you'll see that it does have that air of the bizarre about it—that everything is up for sale, and we're trying to clear dockets, and it's got more to do with the number of names on the docket than the clearance.

I think that real consequences for people who do reckless things is what this bill is going towards. If you wanted to absorb some good ideas around vulnerable road users, I would say that would be one area where I'd be very happy to see a change.

**Ms. Jessica Bell:** Thank you. Can you also speak a little bit more to the issue of moving forward with safety zones near schools? What is the need for this, and what is the provincial government's responsibility on that piece?

**Mr. Brian Patterson:** I'll tell you, my dad got a ticket many, many years ago, around a school where we lived—in July. He was furious that he would get this ticket and there was no one at school. He had a million reasons why it wasn't really fair that he got this ticket.

I can tell you that schools are hubs in communities seven days a week, 365 days a year. They're a gathering point. They're a collection point. They're a sports point. They're the impromptu play area. So as you go out from a school in that onion-like way, you have really got some areas that are vulnerable, close in.

I had the unfortunate issue of dealing with a young girl who was killed in Toronto. The person who killed her parked in a no-parking zone and left their vehicle running, and the vehicle rolled forward and killed her as her dad



took her out of the car. There were all kinds of complications about what she could be charged with. As a parent, I'd tell you what I would have charged her with.

We have to really consider school zones as areas—and parks and fields. It doesn't seem that difficult for drivers to recognize they're going through a park zone or a school zone. Failure to do so should have real consequences.

**Ms. Jessica Bell:** Just to elaborate on that, one of the things I've heard deponents and people speak to me about is the need to move forward on photo radar, which means that there would be speed enforcement cameras around school zones. Is that something that you have an opinion on, that you're working on?

**Mr. Brian Patterson:** We support it 100%. We worked with York region to get their schools ready for that piece of legislation.

I don't really care about the whining, like my dad saying, "Oh, I got a ticket today. I just got caught." It's not a game. It's not a game of tag, where you try to figure out if you can race in and out of a school zone and not get a ticket. It's about the fact that you're placing hundreds of kids at risk.

As these tickets roll out, I think it's going to be an appropriate use of technology. I look forward to a review in a couple of years, where we say that anybody who gets a second ticket is going to be dealt with completely differently. It's a high-risk activity to put kids at, for no apparent reason.

**The Chair (Mr. Dave Smith):** One minute.

**Ms. Jessica Bell:** I'm also under the impression that there are many municipalities that do want to move forward with photo radar, but it is the provincial government that needs to move forward in changing or approving the regulation to make that happen. Is that your understanding, or am I wrong?

**Mr. Brian Patterson:** I want to be accurate. It really has nothing to do with the current government. There's a complicated process that they came in with, in regard to payment, that they have to somehow partner with the payment system in Toronto, and they would charge an administrative fee etc. I think they've got to get that fixed. I mean, this is 2019. The technology is such that it can be issued.

I've been to Tehran probably seven times, reducing road safety issues there, and I can tell you, they can issue the ticket in the same day.

**The Chair (Mr. Dave Smith):** Thank you. Mr. Schreiner.

**Mr. Mike Schreiner:** Thanks, Brian, for being here today. I appreciate it.

My two minutes is between us and lunch, so I'm going to have one question for you. If there's anything that you would like to see added to this bill that would improve road safety, what would it be?

**Mr. Brian Patterson:** I would take the recommendations that are encapsulated around vulnerable road users and try to find a way to take the best of that list. Part of it is attending court and actually taking retraining. My grandma said, if the rule is simple, people will follow it. So I would say, if you have a bike, you have a helmet.

**Mr. Mike Schreiner:** Thank you.

**The Chair (Mr. Dave Smith):** No further questions?

**Mr. Mike Schreiner:** No further questions.

**The Chair (Mr. Dave Smith):** Thank you, Mr. Patterson, for your time. I appreciate it. We will be in recess, then, until 1 p.m. today.

**Mr. Brian Patterson:** Thank you, sir.

*The committee recessed from 1119 to 1300.*

**The Chair (Mr. Dave Smith):** Good afternoon. We're back for the public hearings on Bill 107, An Act to amend the Highway Traffic Act and various other statutes in respect of transportation-related matters. Just to recap, for the presentations, each witness has six minutes. Then the remaining 14 minutes are divided up: two minutes for the independent member, six minutes for the official opposition and six minutes for the government.

#### ONTARIO BRAIN INJURY ASSOCIATION

**The Chair (Mr. Dave Smith):** Could I have the Ontario Brain Injury Association please come up to the table?

Please introduce yourself. You will have six minutes for your presentation.

**Ms. Tanya Jewell:** Thank you. My name is Tanya Jewell. I'm with the Ontario Brain Injury Association, which we call OBIA, just to make it nice and simple.

Thank you for allowing me this opportunity. As I said, my name is Tanya Jewell, and I'm the community engagement coordinator for the Ontario Brain Injury Association, OBIA. I'm speaking today on behalf of OBIA, on behalf of our board of directors, the 21 community brain injury associations we work with across the province and the over 500,000 Ontarians living with a brain injury and their families. OBIA's mission is to enhance the lives of those living with the effects of brain injury through education, awareness and support.

Brain injury is the leading cause of death and disability for those under the age of 45 worldwide. It is 15 times more common than spinal cord injury, 30 times more common than breast cancer and 400 times more common than HIV and AIDS. However, the general public for the most part is not aware of the prevalence nor the devastation and life-altering consequences of brain injury.

Motor vehicle accidents are the leading cause of brain injury. It is not uncommon for pedestrians and cyclists, those with mobility devices, roadway workers or emergency responders who are struck by a vehicle to sustain a brain injury. In fact, for nine years we had an OPP police officer serve on our board of directors at OBIA. She sustained a serious brain injury through being struck by a vehicle on a routine traffic stop.

I was a vulnerable road user. Fourteen years ago, I was riding my bicycle to work just down the street from here when I was struck by a car. While my physical injuries recovered as much as they could, I will never be the same. I will never not have health concerns. I live with chronic pain and fatigue. I live with depression, anxiety and PTSD. I have an acquired brain injury. An incident that only took

seconds has affected every aspect of my life since then. In seconds, I lost the life that I worked so hard to build and that I was proud of. Gone was the promising career that I loved. It was over 10 years before I was even able to go back to work on a new path and, luckily, with a supportive organization.

So what if it never happened? What if the driver hadn't been distracted and had been more aware? We can't do anything about what happened to me, but we can do something to prevent it from happening to others. Most road incidents which result in serious injury or death are preventable. It starts with legislation that will deter road violence and bad drivers. It is our hope that Ontario will be the first province in Canada to enact a strong vulnerable-road-user law and set the standard for the rest of our country.

OBIA supports Bill 107's proposal to include highway workers in the vulnerable-road-user definition. We ask you to go further. We ask for changes to the Highway Traffic Act that include increased punishment for any time a bad, distracted or careless driver breaks the law and is convicted under the driving section under the HTA. We ask for driver education and retraining before a driver gets back on the road after a driver violation. We ask for community service, to give back to a community that has been damaged when an individual is injured. It does affect the whole community. Brain injury is not an injury that happens to just one person; it happens to a family, it happens to a community and it happens to our society together.

I want to thank you for this opportunity to speak. Our hope is that more lives can be saved and less people suffer with serious injuries. We would also welcome any opportunity to continue to be involved in this process to improve the lives of Ontarians.

**The Chair (Mr. Dave Smith):** Thank you very much. We'll start with the opposition. Ms. Bell.

**Ms. Jessica Bell:** Thank you so much for coming in today and speaking.

I'm assuming that you've read the bill, Bill 107. A question I had is, do you see any limitations of only increasing fines on people convicted of careless driving? We've had other people come in and talk about how that needs to be expanded. Is that something that you support?

**Ms. Tanya Jewell:** Absolutely, because essentially it's like a parking ticket. You pay it and you're done, and you walk away.

The woman who hit me was distracted. She was looking at her baby. New mom; I get it—a lot going on, but she was at fault with traffic. She may never have thought of me again—maybe once or twice over the years, because I had a lot of injuries. It's very similar to a lot of people. But we need to make it personal because we know that legislation and consequences change behaviour. What we'd like to see are driving courses. Let's see someone retrained, if there is any kind of issue around driving capability or distraction. Let's see community service and road safety—let's give back to that community that has been injured when a person is injured—and licence suspension when it warrants it.

I think one of the biggest ones that I have heard from people—not just having an injury myself, but working for OBIA and working with many, many people across the province—is the hurt when the person doesn't even have to show up to hear the victim impact statement, if it even does go to trial. It's almost like erasing the value of that person who lived it and has been injured and has put those words to paper in order to share them. We would like to see the person there, and we would like it to apply to all 45 offences under the Highway Traffic Act.

**Ms. Jessica Bell:** Thank you very much. Are there other measures that you are recommending that would increase road safety for vulnerable road users, aside from the vulnerable road users law?

**Ms. Tanya Jewell:** I don't have any that I could comment on at the moment. But I know my co-speakers would have lots to add to that.

**Ms. Jessica Bell:** Sure. Thank you.

**The Chair (Mr. Dave Smith):** Mr. Glover.

**Mr. Chris Glover:** I'll just make a comment. I appreciate your coming in, and I appreciate you sharing your own story.

I think everybody at this table speaks to how dangerous our roads are. One of my best friends has a lifelong brain injury from this. People have talked about losing loved ones on the roads as well. My cousin and her husband were both killed in a road accident, and left their three-year-old son.

I think it speaks to the importance of this issue that we're dealing with, and that we do need to get this right, and we do need to take the measures that you're recommending. Thank you very much for coming.

**Ms. Tanya Jewell:** Thank you.

**The Chair (Mr. Dave Smith):** Ms. Morrison.

**Ms. Suze Morrison:** Thank you again for coming in today.

Would you be able to comment on the estimated cost to our health system and our social services for acquired brain injuries as a result of motor vehicle incidents across the province? Does OBIA have that data?

**Ms. Tanya Jewell:** I don't have it, but I could look into it and I could follow up with the committee. I can follow up with you directly. I apologize; I don't have that here.

**Ms. Suze Morrison:** No, that's fine. Yes, I think it would be interesting to the committee, and to the conversation, to understand the extent of brain injuries as a result of motor vehicle accidents in Ontario, and how much that costs Ontario, either through publicly funded health care or through private insurance, and what people are paying out of pocket for the treatments they need, above and beyond.

**Ms. Tanya Jewell:** Yes.

**Ms. Suze Morrison:** Maybe that's a question you might be able to answer, through your members. Do you have a sense of how much people pay out of pocket for health services when they have an ABI that is not covered, either through the private vehicle insurance or through OHIP?

**Ms. Tanya Jewell:** That's an excellent question. We know that there are two streams. If you're going to get a

brain injury, let's hope it is by a car, at the moment, because there's very little funding outside of that. Even for people who have funding through the SAB, the statutory accident benefits, not everything is covered. A lot comes out of pocket.

Living with a disability of any sort is very expensive. I don't have particular figures. Most of the people we worked with fell down the stairs—different injuries that they didn't have any coverage for—and they're completely out of pocket.

A lot of people don't get treatment that we know, if it's done quickly, will really increase their success rates, until years later, if they get it at all.

**Ms. Suze Morrison:** How many of the clients that you work with are on ODSP? Do you know?

**Ms. Tanya Jewell:** Many.

**Ms. Suze Morrison:** Many. Yes.

**Ms. Tanya Jewell:** Yes. I worked in northern Ontario, and there are not a lot of services there. A lot of the times, we got the people who had fallen through the cracks for 20 years, or were injured as a child and are now an adult, and their life has fallen apart and we're trying to build it back up. They don't have a lot of support. We saw some of the most complex of complex cases, and then built teams around them with mental health and addictions, police, government. A huge proportion of our population is on ODSP.

**The Chair (Mr. Dave Smith):** Forty-five seconds.

**Ms. Suze Morrison:** How common is it for ABIs to go undiagnosed?

**Ms. Tanya Jewell:** Incredibly common. I was hit by a car and taken by ambulance to a hospital, and it still wasn't diagnosed, and neither were my three pelvic fractures. I should have been diagnosed from day one.

But most people don't go to the hospital, or if they go to the hospital, we focus on the physical injuries, the breaks and the fractures that we can see. So it's very common to be undiagnosed.

**Ms. Suze Morrison:** Okay. Thank you.

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**The Chair (Mr. Stephen Crawford):** Any further questions?

Mr. Schreiner, then.

**Mr. Mike Schreiner:** Thank you, Tanya, for coming in. I appreciate the work that you and OBIA do.

**Ms. Tanya Jewell:** Thank you.

**Mr. Mike Schreiner:** You talked about expanding the definition of vulnerable road users, and others have brought that up today as well. Do you have any suggested ways in which we could expand the definition of vulnerable road users within the bill?

**Ms. Tanya Jewell:** I know that there are people here who are better able to speak to it than me. Part of it is adding—looking at adding the—sorry; I trip over my words. It's a symptom of brain injury sometimes, or nervousness.

**Mr. Mike Schreiner:** Take your time.

**Ms. Tanya Jewell:** Including road workers, people who are working on the roads—but also, I think, if we

make the consequences tougher. We've seen it with smoking and we've seen it with seat belts and we've seen it with helmets. Legislation can change our behaviour and force us, sometimes, to be more responsible.

**Mr. Mike Schreiner:** Yes. For victims, the importance of having the opportunity to give a victim impact statement—can you expand on that a bit, even from a mental health perspective?

**Ms. Tanya Jewell:** Yes. It's a huge part of closure. Even being able to put into words what happened to you and how that impacted you is incredible, but then to have someone not even come to court to hear it is like a slap in the face, and I think that can be quite damaging.

It's a difficult process to go through because you're trying to rebuild who you are as a person. All of a sudden, everything you know is a little bit different, and then you already feel like you don't count, and the court is kind of telling you don't count—they don't even have to show up to find out what their actions did to your life. I've heard stories of people who had to take driver retraining themselves due to their injuries, but not the driver who hit them or who committed the offence. It seems very punitive. It feels like all the responsibility is put on us sometimes.

**Mr. Mike Schreiner:** Thank you.

**Ms. Tanya Jewell:** You're welcome.

**The Chair (Mr. Stephen Crawford):** Ms. Wai.

**Mrs. Daisy Wai:** Thank you very much, Ms. Jewell, for coming over to make your deputation. I'm sorry to hear what you have gone through. It must be traumatic for you.

Our government is already doing more penalties, increasing the penalties for careless drivers—really, for the schoolchildren as well as construction workers. My understanding is that you wanted to expand that, to punish careless drivers on the roads in general. Am I correct?

**Ms. Tanya Jewell:** Yes, because we need to take it more seriously. I have two children with autism. What I teach them every time they cross the road is, "Yes, you've got the light. Don't you dare cross the road until you see that car has stopped." I tell them that, "It may be the driver's fault; however, you are the one who lives with the consequences." But when the consequences are high to us personally, we tend to change our behaviour.

**Mrs. Daisy Wai:** Right. We hear you. We are working toward that direction, and we will definitely consider the expansion as to what you suggested.

I would also like to see if there is any red tape or burden that you yourself or your organization has experienced so that we can also work on that a little bit more for the future.

**Ms. Tanya Jewell:** Red tape in how?

**Mrs. Daisy Wai:** As you experienced after you had your accident. Did you see the process of reporting or anything become red tape or something that we can improve for the future?

**Ms. Tanya Jewell:** I could keep you here for a year.

**Mrs. Daisy Wai:** That's why we're here. That's why we are the government side. We want to make sure we make the changes for the people.

**Ms. Tanya Jewell:** Which I really appreciate. Full disclosure: I've had four car accidents. One, I was hit by a

car when I was cycling; one, I was on the way to the hospital in a taxicab—so two were in taxicabs, and one, I was driving. I've been through this system over and over.

The first three ones were while I was still recovering from injuries, and I think that's where my PTSD comes from. It was a terrible process. I know that we've changed a lot since then, because my first accident was 14 years ago and we've gotten rid of some of the systems, but we need to make it easier and user-friendly. We're talking about people who have very little power. When you've been hit and you're injured, you have so little power. You're just trying to survive. These systems—there were so many times when I was ready to say, "I'll give up treatment. I'll give up everything just to walk away and have my life back." I'm glad I didn't because I wouldn't be where I am now, but it's very difficult.

I'd love to expand on it more, but it's very difficult. It's very emotional. The families aren't supported; the individuals aren't supported. There's a lot of pressure to get back to just saying you're okay so that you can make your own decisions again.

Once you're going to assessments and you're trying to go for treatment, it gets rejected a lot of the time. A lot of work I did when I was in northern Ontario was mostly with people who didn't have lawyers. At times, I communicated between lawyers and their clients when they contacted me. It was to help people appeal ODSP; it was to help them appeal to victim services, all of these different systems where, when they applied—they don't have the terms; they don't know what to say. They just say what happened to them. There needs to be more support for people going through these processes. I know that's a bit off-topic, but you hit a passionate subject of mine.

**Mrs. Daisy Wai:** Thank you very much for being so passionate about this. This is why we like to hear it, at this time now, so that in the future, we can make more to cover the things that you need. Thank you very much.

**Ms. Tanya Jewell:** Thank you. I appreciate this opportunity so much.

**The Chair (Mr. Dave Smith):** Any further questions? Thank you very much for your presentation, then.

Ms. Morrison did ask for more information from you.

**Ms. Tanya Jewell:** Yes.

**The Chair (Mr. Dave Smith):** The deadline for submissions is this Thursday at 6 p.m. If you would like it to be part of the official record, we would need it by then.

**Ms. Tanya Jewell:** Okay. Thank you very much.

#### SCARBOROUGH TRANSIT ACTION

**The Chair (Mr. Dave Smith):** Could I have Scarborough Transit Action please come to the table? Please introduce yourself. You will have six minutes for your presentation.

**Ms. Moya Beall:** Thank you. My name is Moya Beall. I'm here representing Scarborough Transit Action.

Mr. Chair and committee members, thank you so much for this opportunity to speak with you about Bill 107. In

particular, what I would like to talk about are the proposed changes to the Metrolinx Act.

It's essential that we move forward with building transit, especially with the recent dire warnings that we've had about climate change and the need to drastically cut carbon emissions. With transportation accounting for a quarter of greenhouse gas emissions, it's imperative that we get gas-powered vehicles off the road. Public transit is key to this. We also know that access to public transit is key to lifting people and communities out of poverty. But transit has to be carefully planned, and it has to ensure best value for money.

Although it's good that the government wants to build transit quickly, we feel that this bill is not the way to do it. We have five key concerns: the lack of meaningful consultation with the city and with the public; the lack of due diligence; the harm it will do to Scarborough; its abuse of provincial powers; and its potential for privatizing a public service.

For the government to table this bill before the discussions with the city of Toronto have been completed certainly calls into question the government's commitment to meaningful consultation.

I think we can all agree that every municipality in this province needs better public transit. We believe that the government should approach this issue as a trustworthy funding partner. It should put this bill on hold and it should proceed in partnership with municipalities, with a process that ensures due diligence and value for money.

Transit planning requires planning. Premier Ford's transit map is simply that: It's lines on a map. We can't see that due diligence has gone into this.

Premier Ford promised to do a value-for-money audit of every government program, but there is no business case analysis for his plan. It also runs counter to the stand that the Conservatives took a few years ago with their complaint to the provincial Auditor General about the two GO Transit stops that Metrolinx had approved after its own research advised against it. Here's what Conservative transportation critic Michael Harris said at the time: "Before any more hard-earned tax dollars are sunk into these projects, taxpayers deserve to know that the money will be spent effectively and efficiently."

This bill will hurt Scarborough. The last time we saw rapid transit introduced in Scarborough was more than 30 years ago, when the opening of the Scarborough RT happened. Since then, our population has increased by a third.

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There are 650,000 of us, spread over a third of Toronto's land mass. We have a campus of the University of Toronto, three campuses of Centennial College, four hospitals, the Pan Am sports centre, the metro zoo, and hundreds of offices and operations of large and small businesses. We're increasingly becoming known for our amazing restaurants. But there's no rapid transit to take us to any of these places. We drive. We take the bus. And if we can't afford to take the bus, we walk.

Travel studies have shown that people in Scarborough are just trying to get around in our part of the city. Of all

the trips that start in Scarborough, whether it's transit or vehicle, 60% of them end up in Scarborough. Only 6% are trying to go downtown.

Now Premier Ford is promising a three-stop subway extension to replace our Scarborough RT and to open it by 2030. That's a delay of at least four years from when the current planned extension is to open.

We've already had enough disappointing delays in rapid transit construction.

**The Chair (Mr. Dave Smith):** One minute.

**Ms. Moya Beall:** For example, if Mayor Rob Ford hadn't cancelled Transit City in 2010, we could be riding on the Sheppard East LRT right now.

If the Scarborough subway extension is built, it will be likely that that's all there is for Scarborough for years to come, and it comes nowhere where people live or want to go.

Importantly, the shovel-ready and promised Eglinton East LRT is nowhere on the Premier's map. This is an incredibly important city-building initiative that would connect seven neighbourhood improvement areas. It would create development—residential and commercial development—along its route. It would provide immediate access to rapid transit for 45,000 people, right there. It's something that is needed, and it's not on the map.

We're concerned that the three-stop subway has never had a business case analysis. A draft 2013 Metrolinx analysis of the three-stop proposal—

**The Chair (Mr. Dave Smith):** Thank you very much.

**Ms. Moya Beall:** Thank you.

**The Chair (Mr. Dave Smith):** We'll go to questions. We'll start with Mr. Schreiner.

**Mr. Mike Schreiner:** Thank you so much for coming in. I appreciate it. Thank you for reminding us that we could have a seven-stop LRT delivering service right now in Scarborough if it hadn't been cancelled.

One of the reasons it was cancelled—at the time, it was said that we're disrespecting Scarborough by not building subways there and by building LRTs instead. But what I'm hearing you say is that you would rather have more value for money through LRTs with lots of stops than a three-stop subway. Can you expand on that a bit more?

**Ms. Moya Beall:** Certainly. Thank you. I think what we're talking about isn't just a seven-stop LRT. There could be—and what was originally planned—a network, an LRT network, with three different lines that was part of Mayor David Miller's original Transit City. We could have 50 stops, 50 rapid transit stops, that go through much of Scarborough, that could take advantage of those long avenues where people are speeding and creating accidents. It could create safer streets with more stops. It could create livable communities, create walkable, livable communities, with good jobs, with human-scale development.

When you compare that to the subway, the three-stop subway extension, which has been soundly criticized for providing the wrong technology to meet the problem—there simply isn't the ridership for the subway out there. There has been a lot of research into that. In fact, the original plan for the subway was approved on the basis of

a lack of due diligence, an inadequate ridership survey. So the kind of ridership that we have out in Scarborough, given that Scarborough is—

**The Chair (Mr. Dave Smith):** Thank you very much. We'll move to the government side. Mr. Thanigasalam.

**Mr. Vijay Thanigasalam:** Thank you so much for coming and raising these concerns.

Given the fact that Scarborough, as you mentioned, was looking for accessible transit for over 30 years, and now the government is investing \$5.5 billion in a three-stop subway—this is a long-term investment coming after 30 years in Scarborough. Obviously, Scarborough has one of the largest unemployment rates, so having this investment coming into Scarborough is going to develop jobs and the economy, and overall it's going to make sure that Scarborough prospers. So what's your opinion on having this investment coming to Scarborough after 30 years, and how won't this benefit Scarborough in a positive way?

**Ms. Moya Beall:** I see a problem with this investment because I don't think it's the best use of that amount of money. For the same amount of money or possibly even less money, we could have a 50-stop light rail transit network. And please remember: Light rail transit is rapid transit. It could be built much more quickly and create less of a carbon burden on our environment. It would take more cars off the road. In fact, some considerable research has gone into—the three-stop subway is not a new concept. Back in 2013, a draft Metrolinx study found that the three-stop subway proposal was not a worthwhile use of money. That's pretty much a direct quote; I think “not a worthwhile use of funds” was exactly what the Metrolinx analysis said. And the reason for that is because it said that, in part, the investment is concentrated so much in that one area, and it would take the equivalent of 50 32-storey towers to justify that kind of expenditure. However, when you look at the research that has been done by Professors Sorensen and Hess at the University of Toronto—Scarborough, they found that the three-stop subway compared with the light rail transit lines—there are far more jobs created. There's far more development created. There is far more immediate access to transit for existing citizens and far more ability to attract new riders.

With the three-stop subway proposal, one of the problems is that it doesn't attract immediate ridership because very few people live in that area. The chances of it attracting new ridership are much less than the chances of a 50-stop LRT network attracting new ridership.

I've noticed in my reading that the government's transit guru, Michael Lindsay—I don't agree with everything he says, but there is something that really stuck in my mind, a few things, saying that he advises that there be a fact-based transit strategy developed. I'm not sure that the government is working with all the facts with its proposal. He also advises that, in developing a transit strategy, the benefits be developed in a monetized way that looks at the immediate benefits, not on what may happen down the road.

A critical factor is developing transit where there are immediate needs. You're correct: There are immediate

needs throughout Scarborough, but the three-stop subway, as I said, will not come close to where the vast majority of people in Scarborough live or work or where they're trying to get to. It will be an expensive tunnel for the 6% of people in Scarborough who are trying to get downtown.

**The Chair (Mr. Dave Smith):** Any further questions? Ms. Surma.

**Miss Kinga Surma:** Can you please give me examples of public transit projects that the city has done over the last 15 years that have benefited Scarborough?

**Ms. Moya Beall:** Well, there haven't really been any, in terms of construction—

**Miss Kinga Surma:** Thank you for that. And you mentioned that more needs to be planned—

**The Chair (Mr. Dave Smith):** One minute.

**Miss Kinga Surma:** Don't you think that there have been enough plans and not enough action and actually concrete in building something to help the people out in Scarborough?

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**Ms. Moya Beall:** I think one of the problems is that there have been so many changes to plans; for example, the change in plans that Mayor Ford created and the change in plan with the Eglinton Crosstown, when Infrastructure Ontario took over the planning so the plans had to be completely redone. I think planning takes time. Due diligence takes time. It's so important that we get value for money right now that it's really important that we get it right.

**Miss Kinga Surma:** Just to be clear, no one is loved by the people more out in Scarborough than Rob Ford because he fought for subways. Subway expansion was a huge part of our platform in the election and that is why we had so much support out in Scarborough.

**Ms. Moya Beall:** Well, it's interesting—

**The Chair (Mr. Dave Smith):** Thank you. Ms. Bell.

**Ms. Jessica Bell:** Thank you so much for coming today.

I noticed that in your presentation you talked a little bit about lack of due diligence when it comes to developing this plan. Could you elaborate a little bit more about what you mean about the lack of due diligence?

**Ms. Moya Beall:** I think I'm talking about the same thing that the Conservatives talked about two years ago in opposition, when they made the complaint with the provincial Auditor General, asking for a business case analysis. The three-stop subway—neither version of it, the one-stop or the three-stop—has ever had a proper business case analysis, which is an industry standard to do, to conduct an analysis of all possible transit options that could be used to fix the problem that is being addressed.

**Ms. Jessica Bell:** Thank you. What I have noticed, going through the budget process and looking at the estimates, is that there is no, at this point, clearly identified pot of money that will be going to build the Ontario government's new plan in either the Ministry of Infrastructure's budget or the Minister of Transportation's budget. Does that concern you, that there's no clear money identified for this plan?

**Ms. Moya Beall:** Yes. It's actually a concern. The plan raises a number of questions around funding, around—well, basically, where is the money going to come from? Although the government wants to own the subway system, it is saying that it will spend about \$11 billion. It's concerning that you can't see that in the estimates.

We certainly have no idea where Toronto is going to—since it's expecting Toronto to participate in the funding of these plans, we have no idea where Toronto is going to come up with the money.

In my short experience with looking at transit in Scarborough, I have seen cost estimates just go up and up and up. I'm not so sure that the government's cost estimate is actually bang on, because the one-stop subway extension has grown from—I think the original cost was supposed to be about \$2 billion and now it's \$4 billion, and that's just at the 30% design stage. As due diligence proceeds in planning, what we usually find is that the cost goes up.

**The Chair (Mr. Dave Smith):** Ms. Morrison.

**Ms. Suze Morrison:** Thank you so much for coming today.

When you talked about your concerns with the lack of due diligence that has been done on this proposal, and specifically with regard to the transit for Scarborough, what steps, in your opinion, do you think that the Conservative government has missed in the planning process, and what would good due diligence and good community engagement have looked like to you?

**Ms. Moya Beall:** I think that in the best possible world, the government would have come to the city of Toronto and said, "Hey, how can we help you out with this? We know that you are working on quite a number of plans to improve transit throughout the city. How can we be a solid funding partner with that?" If the government had its ideas, it could say to them, "Show me your ideas. We'll show you our ideas. Maybe we can work together to see what makes the most sense. Maybe we can put some planning into this."

But it doesn't seem to me that the government has spent a lot of time looking at the huge amount of study and due diligence that the city of Toronto has put into the planning of transit all over the city, not just in Scarborough; for example, the Eglinton East LRT, which is practically shovel ready and now does not appear anywhere on the map. If it had come and said, "We want to be a trustworthy funding partner. How can we help?" that would have been a huge first step. But now it's throwing aside years of planning, years of expense, millions of dollars' worth of planning and due diligence. That's wasteful. That seems to go against what the government is complaining about.

**Ms. Suze Morrison:** Thank you. In your written submission, you also speak about being concerned about why Toronto is being specifically singled out in Bill 107. You specifically use the language around abuse of provincial powers. Could you maybe elaborate on that section of your written statement, for the record?

**Ms. Moya Beall:** Yes.

**The Chair (Mr. Dave Smith):** One minute.

**Ms. Moya Beall:** In my written statement, I described the government's measures as being draconian because, sure, Toronto may be a creature of legislation, but for the government to say, "We are taking over your subway and we don't have to pay you for it," given that we built it, there is only one taxpayer, we all paid for it, it's ours, it sounds a lot like theft to me. It doesn't sound like a trustworthy funding partner. It doesn't sound like a government that wants to build a productive relationship with a municipality. It's unfortunate.

**Ms. Suze Morrison:** Thank you.

**Mr. Chris Glover:** Is there more time?

**The Chair (Mr. Dave Smith):** About 15 seconds.

**Mr. Chris Glover:** Just to clarify, your concerns are, first, the consultation is made a mockery of by this legislation, and there has been no cost-benefit analysis. And just to clarify—

**The Chair (Mr. Dave Smith):** I'm sorry, Mr. Glover. We've run out of time.

Thank you for the presentation.

**Ms. Moya Beall:** Thank you very much.

#### CAA SOUTH CENTRAL ONTARIO

**The Chair (Mr. Dave Smith):** Our next presenter is the CAA South Central Ontario. If you could come to the table, please, and introduce yourself. You'll have six minutes.

**Mr. Elliott Silverstein:** Good afternoon, Mr. Chair and members of the standing committee. My name is Elliott Silverstein. I'm the manager of government relations at CAA South Central Ontario. I'm pleased to speak with you today regarding Bill 107.

CAA is a national not-for-profit auto club, one of Canada's largest consumer-based organizations. Today, CAA serves over six million members across Canada, with over 2.4 million members in Ontario. Advocacy is the origin of CAA's existence. Our efforts began in 1903, and over the past 116 years we have been at the forefront of many important road safety changes in the province, including the introduction of seat belts in cars, establishing legislation to address distracted driving, educating road users about the risks of driving under the influence of cannabis, and seeing tow truck operators included in "slow down, move over" provisions under the Highway Traffic Act.

Recognizing the time available today, my comments will focus on a couple of elements: the proposed speed limit pilot, expanding the scope of the charge for careless driving, and the bus cameras.

At the outset, I mentioned CAA has been advocating on behalf of members since 1903. During this time, school zone safety has been a cornerstone of our efforts, alongside governments and police partners, to promote the need for safety in school areas. In fact, the CAA School Safety Patrol program is celebrating its 90th anniversary in Ontario this year. For those unfamiliar, the CAA School Safety Patrol program is a joint effort between CAA, police, school boards, teachers, parents and more than

20,000 dedicated student volunteers. Those involved give their time to ensure their peers remain safe at road crossings and on school buses throughout Ontario. Countless schools in Ontario participate in the program. We partner with police services across the province to deliver it.

Measures found in Bill 107 would provide additional tools to ensure the safety of students entering and exiting school buses. The measures will help reinforce elements of the Highway Traffic act; namely, that motorists need to stop their vehicles when they approach a school bus with the stop arm and lights activated. While a lot of this will be left up to the discretion of municipalities to implement, this will be another tool to help curb challenges that many communities experience in and around school zones and bus stops.

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Another element of Bill 107 is the proposal to study highway speed limits in four designated areas of Ontario's highway network. The project that's proposed would increase the posted speed limit by 10 kilometres per hour on stretches of select highways for two years. As road safety advocates, CAA believes that this pilot provides an opportunity to remind all drivers of the importance of paying particular attention to weather and road conditions and to adjust accordingly, regardless of any posted speed limit. A pilot program like the one proposed is a measured approach and a way to gradually explore the subject of adjusting speed limits, accumulate relevant data, and determine the impact on road safety. Moreover, CAA has posed the question of highway speed limits to its members as part of our ongoing surveys. In the fall of 2018, when raising the subject, the support among members was comparable between keeping the speed at 100 kilometres and increasing it to 110. The pilot project provides an excellent opportunity to ensure that stakeholders are engaged and involved during and following this period.

We look forward to working with the ministry, law enforcement and other road safety partners to inform motorists about the importance of safe driving on Ontario's roads, understand the data collected during this period and ensure that Ontario retains its standing as having some of the safest roads in North America.

Another area of Bill 107—one that has not received significant public attention but is of great interest to us—is the proposed amendments in the Highway Traffic Act around careless driving causing bodily harm or death. Currently, under subsection 130(6) of the Highway Traffic Act, it refers to incidents involving either cyclists or pedestrians. If passed, Bill 107 would expand the definition to include a "person working upon the highway," which would include tow truck operators who are vulnerable while providing service to road users that are in need of roadside assistance. For those unfamiliar, CAA has been working for the better part of a decade to raise awareness around the need for greater safety for tow truck operators providing service across the province. In many cases, they are working within inches or feet of oncoming traffic while trying to rescue motorists. With CAA

completing well over a million service calls in Ontario annually, keeping both our members and tow operators safe is paramount to us. That's why we successfully advocated for changes to Ontario's "slow down, move over" provisions, something that came into effect in September 2015. Just last week, we held a national "slow down, move over" day in conjunction with all CAA clubs across the country, continuing to educate motorists.

The proposed changes in Bill 107 take our efforts a step further. While "slow down, move over" is meant to educate and mitigate situations from occurring—a preventive measure—the proposed inclusion of the words "person working upon the highway," like tow truck operators, would help ensure that if an incident were to occur, there is a penalty that reflects their susceptibility on our roads alongside cyclists and pedestrians.

Among the subjects mentioned in my remarks there are some common themes.

**The Chair (Mr. Dave Smith):** One minute.

**Mr. Elliott Silverstein:** For any road safety effort to succeed—school zones, careless driving, speed limits and otherwise—it requires ongoing education by government and road safety partners in tandem to ensure that road users are aware of the rules and recognize the consequences. Similarly, law enforcement plays a critical role as they are the front line on our roads. Through a mix of education, awareness and enforcement, it is hoped that they can collectively serve as a deterrent but also function as an opportunity to change behaviours as well.

**The Chair (Mr. Dave Smith):** Questions? Mr. Sandhu.

**Mr. Amarjot Sandhu:** Thank you for being here and thank you for all the work your association does.

My question to you is: What do tow truck drivers tell you about the experience of careless drivers?

**Mr. Elliott Silverstein:** Our tow truck drivers specifically? Certainly, it is very difficult because, again, nobody chooses where they're going to necessarily break down or have a collision. They're working to try and rescue people, and they've told countless stories about how there are cars zipping by and really not paying attention to the rules of the road. It is the law to yield for fire, police, ambulance and tow trucks. It's the risk of injury or death. We've heard too many of those experiences, too many of those accounts, and we're working hard to try and change that.

**Mr. Amarjot Sandhu:** What areas for improved road safety would your organization like to see explored in the future?

**Mr. Elliott Silverstein:** There are many. We're working on a variety of initiatives when it comes to road safety, whether it be cannabis-impaired driving or distracted driving. From the cycling perspective, we've been supportive of Dutch reach efforts. There's a multitude of issues. I think the work around road safety is never done. It's continuing to educate—because education requires constant reinforcement; it requires segmentation to tailor to various audiences. Again, we've been doing this for 116 years, and we're planning to do it for many more.

**Mr. Amarjot Sandhu:** Thank you.

**The Chair (Mr. Dave Smith):** Ms. Hogarth.

**Ms. Christine Hogarth:** As a former employee of CAA, I appreciate the work that CAA does. It's a well-known organization. Your advocacy work is excellent across Canada, but also in Ontario.

How can CAA help the government share the message about driving safely and some of the proposed changes in this legislation? How can you help, or do you have any ideas on how we can get that message across to drivers?

**Mr. Elliott Silverstein:** I think what it really comes down to is education and partnerships because—when you look at education, it needs to be ongoing and it needs to be done in so many different ways. I think back to when I was a child and the discussion around seat belts. You learned it in school. You learned it in so many different elements. You had the conversation with people. That took a generation.

A lot of changes are going to take time, much like we see with distracted driving today—so targeting in specific areas, specific issues and communities, having it translated for ethnic communities, and having repeated statements, so that you're not having one blitz and calling it a day, but having those repeated conversations.

I think what we can do is that we can get that message across. We have over 2.4 million members in Ontario; that's a large segment of drivers. I think it's getting that message across that there are issues out there and that there are changes out there and that these changes are very important to save not only the drivers' lives but the lives of anybody on our roads.

**Ms. Christine Hogarth:** We thank you for sharing that message and trying to keep our roads safe. That's so important.

How many tow operators would you say work for your company—or tow operators across Ontario? I know they're separate, but how many work for CAA?

**Mr. Elliott Silverstein:** I don't have that number in front of me but I can certainly say, when it comes to various types of service calls, we do well over a million calls a year, which when you think about it—with some of the cold snaps we've had—is a fairly significant number.

**Ms. Christine Hogarth:** You have to think that, these tow operators, their place of employment is often on a busy 400-series highway—and how fast cars go. Your thoughts around increasing those fines around the workplace of your employees?

**Mr. Elliott Silverstein:** When it comes to tow operators, wherever they are on Ontario, I think providing extra measures for their safety is critical. We saw the first introduction with "slow down, move over," which had unanimous support in the last term of government. Now, with this particular move to add tow trucks into this careless driving area, it certainly will help echo the message ahead of time to say, "Don't do it," and, if something were to happen, there is that penalty that goes along with it. I think that the industry would be very happy with that. I think that it actually will hopefully serve as a deterrent and help us communicate in many different ways, not only to our membership but to the general public at large.



**Ms. Christine Hogarth:** Well, thank you again for that. You survey your members quite often, as you mentioned, and you talked about the speed limit. Are there other areas they have mentioned to you where they would like to see changes in the Highway Traffic Act?

**Mr. Elliott Silverstein:** What it comes down to is, we've seen a lot of issues, whether it be the congestion or some of the challenges on our roads around infrastructure—a lot of the pieces that CAA is advocating on, each and every day and each and every year. What we try and do is understand the perceptions and the pain points of our members, even from the general public. Earlier this year, we talked about distracted driving. Whether it be distracted, impaired, or cannabis-impaired: All those things keep people up at night—school zones, particularly, when it comes to back-to-school. Certainly, we want to make sure that our youngest in the communities are getting home safely. That's what we continue to try to echo through all our programs and all our initiatives.

**Ms. Christine Hogarth:** Do you have any comments on zero tolerance when we talk about young drivers?

**Mr. Elliott Silverstein:** Zero tolerance is great. I know that there are some proposals here to extend it to driving instructors as well. What you come down to is that those who are in the early stages of their driving career are learning the ropes of driving. Having zero tolerance, whether it be for alcohol or cannabis and those areas, in those that are providing assistance to those that are learning, makes a lot of sense. We want to make sure that these people are focused on the road safely and navigating to not only teach but also learn.

**The Chair (Mr. Dave Smith):** One minute.

**Ms. Christine Hogarth:** I just want to say thank you again. I don't know if anyone else has anything to add? Thank you very much for all your work.

**Mr. Elliott Silverstein:** Thank you.

**The Chair (Mr. Dave Smith):** Ms. Morrison.

**Ms. Suze Morrison:** Thank you for coming in today. As someone who has been rescued more times than I care to admit on the side of the highway by CAA, I especially thank you.

There are certainly a number of pieces in this bill that would improve protections for tow operators and other road workers. From the perspective of CAA, if you had a wish list of other elements that are perhaps missing from this bill that you would like to see included in legislation that would further protect specifically tow operators and road workers as well as drivers and other vulnerable road users—what would you like to see that's perhaps not included in this legislation yet?

**Mr. Elliott Silverstein:** From CAA's perspective, the biggest thing that we've been working on that's not in the bill but is one that we're working on and hope to see in future bills is around the regulation of the industry: the training and the licensing of tow operators. It is a challenge right now in Ontario. There are only 16 municipalities that are licensed. It creates some challenges for motorists, who have inconsistent rules, and some challenges for operators, who have redundant costs in many parts of the province.

It's something that we're working on and something that we've been talking about for a number of years. It's what we would want to see coming forward because, having those types of standardized education, making sure that people who are on our roads providing that type of service have standardized education—those are critical pieces. That's one thing that's not in this bill, but that's not necessarily a bad thing, because we're still working on that and hope to see that in the near future.

**1350**

**Ms. Suze Morrison:** Okay. Do you feel that the consultation on this bill has been fulsome enough for your sector, appreciating there are a number of pieces in it that are not just the road safety piece, but also the specific portion around transit as well?

**Mr. Elliott Silverstein:** I can only speak to the road safety elements and what I've been involved in particularly. I think that the understanding and the conversation I've had on all sides of the government has been quite productive. I've had the opportunity to have conversations and to speak with all three parties. There's a lot in this bill, so I can't speak to a lot of elements that may be a focus for others, but certainly when it comes to road safety, any questions I had were able to be answered. I've always had that experience when it comes to the bureaucrats at the Ministry of Transportation—that they are always very keen to provide conversation and consultation to stakeholders like the CAA.

**Ms. Suze Morrison:** Okay. Thank you.

**The Chair (Mr. Dave Smith):** Ms. Bell.

**Ms. Jessica Bell:** Thank you so much for coming in.

I have a question around making it easier for there to be cameras on the side of school buses and to have proper enforcement on that. I'm under the impression that there's no funding attached to that. It would be something that school bus operators would need to move forward on themselves? Would you be in support of there being some funding to actually roll that forward?

**Mr. Elliott Silverstein:** It's an interesting conversation. I think the question becomes where it would be, because to my understanding, this would be either by a school board or by a municipality itself. There may be some municipalities and school boards that are more interested in this particular issue versus others, so I don't know if this is necessarily a conversation that will be from the provincial realm or even from the municipal realm. I do have to plead that I don't have that particular answer, but I think that having that ability, wherever it may lie—there's merit to it, because having the cameras there is certainly an opportunity to save some children's lives.

**Ms. Jessica Bell:** Thank you. When I read this bill, it did actually make sense to have tougher enforcement for school buses. What's your position on expanding that to include public transit vehicles like the TTC—so having some kind of camera arm on TTC vehicles like streetcars and buses? Do you have a position on that?

**Mr. Elliott Silverstein:** We don't have a specific position on that. Again, this is something where a lot of these larger pieces of transportation legislation—and we've

seen a few of them over the last five years—actually inspire further conversations. We saw that with “slow down, move over,” where a lot of other industries took note and said that they wanted to be a part of that as well. I think that good things can come out of good ideas. Really, this may be the start of a broader conversation down the road.

**Ms. Jessica Bell:** Thanks. I’m done.

**The Chair (Mr. Dave Smith):** Any other questions? Then we’ll go to Mr. Schreiner.

**Mr. Mike Schreiner:** Thank you, Elliott, for being here. Thanks, CAA, for the good work that you do.

I’m curious: We’ve had other people come to committee and talk about the need for stiffer penalties when a motorist seriously injures or kills someone on the road. As somebody who represents motorists but also is a strong advocate for road safety, can you share your thoughts on those recommendations?

**Mr. Elliott Silverstein:** I think the recommendations that are out there today—we’re seeing a significant increase in the penalties that are being proposed for tow operators. We also saw changes coming into effect to the careless driving causing bodily harm or death. They actually took effect, I believe, last September. So we’re still in year one of this, and what we saw through what was in the previous government, looking to bring that forward to increase the penalties, for jail time and potential licence suspension—those are all important measures because these are situations that are quite unfortunate. There are certain situations that are accidents, whether it be weather-related or otherwise. We had some positive steps forward in terms of trying to address, but also mitigate—because again, there’s the reactive and then there are the other measures where we’re trying to educate ahead of time. I think that part of this complete package is not only trying to address situations at hand, but also trying to prevent them from even happening in the first place.

**Mr. Mike Schreiner:** Do you think stiffer penalties would lead to prevention?

**Mr. Elliott Silverstein:** Penalties do resonate with drivers in the sense that they understand the penalties, whether it be distracted driving, drug-impaired driving—but the question is, do you hit a certain threshold where it goes beyond the scope of what can be through a provincial piece of legislation; for example, criminal codes? Do you start getting into the realm of federal charges, criminal charges and so forth? I’m not a lawyer by any means so I’m not an expert, but I think we want to try to educate. Again, situations happen. You want to resolve those, but at the same time, you still want to educate, so you try to prevent these things from even happening altogether.

**Mr. Mike Schreiner:** Would you be—

**The Chair (Mr. Dave Smith):** I’m sorry, Mr. Schreiner.

**Mr. Mike Schreiner:** Am I out of time?

**The Chair (Mr. Dave Smith):** You’ve run out of time. Thank you very much for the presentation.

**Mr. Elliott Silverstein:** Thank you.

## MS. MEREDITH WILKINSON

**The Chair (Mr. Dave Smith):** Next, we have Meredith Wilkinson. If you could come to the table for us, please, and introduce yourself. You will have six minutes.

**Ms. Meredith Wilkinson:** Hi, everyone. Thank you for having me today. My name is Meredith Wilkinson, and I would like to address the proposed Bill 107, the Get Ontario Moving Act.

Bill 107 touches on the definition of a vulnerable road user, and I am here today to request that we expand upon this and ask that Ontario enact a vulnerable road user law within Bill 107.

In September 2017, while on my daily bicycle commute to work, I was pulled under the front wheel of a garbage truck when its driver made a right turn across my on-street bike lane. My lower body was pinned under the front wheel and dragged several metres. I remained conscious the entire time. My mangled leg remained trapped under the wheel, my bones crushed and the tissue and muscle torn from my limb. That’s what happens when you’re pinned and dragged under a 25-tonne truck.

I was rushed via an emergency run to the hospital, where, before being put under, I was informed by a doctor that I would likely lose my leg. As a result of the driver’s actions, I lost my right leg above my knee and required extensive skin grafts to salvage what was left of my limb.

It has taken me so much effort to get to where I am today. My recovery will never end. I will face setbacks and frustrations due to my physical limitations every single day for the rest of my life. Losing a leg is a lifetime sentence.

The driver in my case was charged with careless driving at the scene of the collision. Early in my recovery, I was cautioned that vehicle drivers who injure or kill vulnerable road users face appallingly little in terms of penalties and criminal charges. Serious charges such as careless and dangerous driving are repeatedly pled down to lesser charges, which carry insultingly minimal penalties in comparison to the fallout we victims experience.

We’re left to wonder what drivers can possibly learn from this. What will drivers learn from fines potentially as low as \$85; if they’re not present when we read our victim impact statements; if the status of their drivers’ licences remain unaffected? What possible justice or closure does this provide for victims of road violence?

Due to my injury, my own driver’s licence was medically suspended, and only reinstated after months of corresponding with the MTO and after I completed hours of driver training. I was the one forced to prove that I was competent to drive a vehicle, not the driver who ran me over. How is this even remotely fair?

Most people I know have acknowledged that since my collision, they now drive differently, with more awareness, particularly around pedestrians, cyclists and other vulnerable road users such as seniors and children. Drivers are more likely to obey the traffic laws when they understand that the consequences are serious.

Vulnerable road users understand the consequences of collisions. We literally feel them with our broken bones,

our brain injuries and our lost limbs. We live with the consequences for the rest of our lives.

Is it too much to ask that drivers convicted of a road violation that injures or kills a vulnerable road user be present to hear the victim impact statement, and to complete driving courses and community service?

Enacting a vulnerable road user law within Bill 107 represents an opportunity to ensure that convicted drivers will understand the consequences for injuring or killing a vulnerable road user.

Road safety is a non-partisan issue. It impacts every single person, and the rates of injury and death of vulnerable road users are increasing. This is a growing epidemic on our streets, and something must be done to stop it. It is time for careless, reckless, dangerous and distracted drivers to be held accountable for their actions.

Thank you.

**The Chair (Mr. Dave Smith):** Thank you very much. We'll start with the opposition. Ms. Bell.

**Ms. Jessica Bell:** Thank you for coming here today and sharing your experience.

You've mentioned pretty clearly how you think Bill 107 should change, to have tougher penalties for drivers who injure or kill a vulnerable road user. As a member of the Friends and Families for Safe Streets, can you talk about the experience that some of the other members have, interacting with the courts, and what they are advocating for?

**Ms. Meredith Wilkinson:** Unfortunately, my experience isn't unique. Often, in the cases of other people in Friends and Families for Safe Streets, when the driver has been charged with a more serious charge, such as dangerous or careless driving, they are repeatedly pled down to lesser charges. Even though there are new penalties now for dangerous and careless driving, they don't really help us at all in many cases, because these charges are pled down to lesser charges.

The victims of these road violence acts are often left to just deal with the fact that the driver has been given such a low monetary fine and nothing else. There has been nothing done to encourage any education for the driver to reform their driving habits. There has been no closure, or very little closure, for the victims of road violence.

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**Ms. Jessica Bell:** Thank you for sharing that. Earlier deponents have spoken to the limitation of just including tougher penalties for the careless driving offence, and they recommend that stricter penalties apply to all violations of the Highway Traffic Act. Is that something that you support? And, if so, why?

**Ms. Meredith Wilkinson:** I think that if there's any road violation that injures or kills a vulnerable road user, stricter punishments need to be enforced. Ultimately, hopefully, they lead the driver to understand the consequences of their action, and hopefully motivate them to become better drivers.

Did I answer your question?

**Ms. Jessica Bell:** Yes.

**Ms. Meredith Wilkinson:** Okay.

**Ms. Jessica Bell:** And then are there other things or policy recommendations that you're advocating for aside from the introduction of the vulnerable road user law changes?

**Ms. Meredith Wilkinson:** I'm not too sure. I think it focuses on those.

**Ms. Jessica Bell:** Sure. Those are all my questions. Thank you.

**The Chair (Mr. Dave Smith):** Mr. Schreiner, then.

**Mr. Mike Schreiner:** Meredith, thank you so much for having the courage to share your story with us. I wish every driver could hear your story and some of the other stories that have been presented today.

My first question is just about having a driver at court to listen to a victim impact statement. Could you share a little bit about how that could be part of your healing process?

**Ms. Meredith Wilkinson:** Victims are often given a chance to provide a victim impact statement in court. However, the driver right now often does not need to be there; they can send their lawyer by proxy, and those are the people who listen to the victim impact statement in the end. Your guess is as good as mine whether those words actually reach the driver's ears. They are the ones who need to hear it. They are the ones who caused this. They're the ones who need to hear the fallout that happens to victims.

**Mr. Mike Schreiner:** And just to expand on the question around other changes, I know it might be a bit outside the scope of this bill, but do you think we need infrastructure changes to protect vulnerable road users, especially pedestrians and cyclists?

**Ms. Meredith Wilkinson:** Absolutely. We definitely need more physical infrastructure. But the beauty of enacting these vulnerable road user laws is that there's not a capital cost to them. These can be done right now. They can have immediate effects for victims and for drivers. But absolutely, I do believe that there needs to be more physical infrastructure in place.

**Mr. Mike Schreiner:** And do you think stiffer penalties would help educate drivers?

**Ms. Meredith Wilkinson:** Yes, I do. I can speak from experience that anyone around me who has been impacted by what has happened to me—I've had so many people who have told me that they drive differently now. They're not the ones who did it, but hearing these stories, understanding what happens to victims, does impact how you drive a car. It has impacted how I drive a car, too.

**Mr. Mike Schreiner:** Thank you for sharing.

**The Chair (Mr. Dave Smith):** Thank you very much. Mr. Kanapathi?

**Mr. Logan Kanapathi:** Thank you, Meredith, for coming out and sharing your story. It was very emotional.

What kind of public education and awareness campaign do you feel would be most effective to help protect vulnerable road users in Ontario?

**Ms. Meredith Wilkinson:** I can't really speak towards public education; it's not really what I do. Since I've become involved in this, I've had someone approach me

who deals with educating drivers for commercial companies, saying that it would be beneficial if I told my story to the drivers. That could be a source of public education. I suppose that would be private. But I can't really speak too much towards public education. It's not really what I do.

**Mr. Logan Kanapathi:** So in your opinion, municipal roads need better design, to improve protection for vulnerable road users?

**Ms. Meredith Wilkinson:** Pardon me?

**Mr. Logan Kanapathi:** The government could involve more improved protection for vulnerable road users.

**Ms. Meredith Wilkinson:** The municipalities could provide more public education for vulnerable road users, to protect vulnerable road users, yes. Again, it's not really what I do: focus on public education.

**Mr. Logan Kanapathi:** Thank you.

**The Chair (Mr. Dave Smith):** Any further questions? Thank you very much for your presentation, then.

#### AMALGAMATED TRANSIT UNION LOCAL 113

**The Chair (Mr. Dave Smith):** Next up, we have the Amalgamated Transit Union Local 113. If you could come to the table and introduce yourself, you'll have six minutes.

**Mr. Carlos Santos:** Good afternoon. How's it going? My name is Carlos Santos. This is Aleem Tharani. I'm the president of Amalgamated Transit Union Local 113. Thank you for giving me the opportunity to address the committee today.

The Amalgamated Transit Union has more than 11,500 members who perform virtually every role in public transit. We are Toronto's bus drivers, subway operators, fare collectors, maintenance crew and more. Our members proudly keep Toronto moving and have been doing so for nearly 120 years.

For nearly a century we have had a single integrated public transit system owned by the people and operated by a public entity: the TTC. Prior to its creation, transit was provided by nine different entities, some private and some public, each with its own fare structure. In 1920, the citizens of Toronto voted in favour of a single transit system operated by the city. The city, the TTC and its employees—our Local 113 members—have worked together for nearly 100 years to deliver cost-effective and efficient public transit.

Today, we risk undoing a century of good work. I am here today to share with you our grave concerns about Bill 107. If written into law, the bill clears the path to increased privatization and a sell-off of vital city assets and threatens the job security and benefits of our members and their families.

When it comes to the threat of privatizing our public transit system, Bill 107 includes language that would give the provincial government the power to take over any current or future rapid transit project or extension. The sweeping language in this bill provides enough room to halt transit planning currently under way and replace it

with its own designs, to be built and operated by private companies.

What is being proposed would mean taking a single integrated system of subway, bus, LRT and streetcars and carving it up into two, three or more pieces operated by vastly different entities. We have already seen that with the proposed Ontario Line, which will be designed and constructed by Metrolinx. The Ontario Line is to replace the downtown relief line, which essentially scraps years of city research, planning and consultations that have cost taxpayers millions.

Transferring a project to Metrolinx means privatization. Metrolinx favours contracting for-profit companies to operate publicly funded transit. It has already granted a 30-year contract to Bombardier for the maintenance of the Eglinton Crosstown LRT.

Bombardier also operates and maintains the UP Express, which was built using taxpayer money and then introduced as a business-class ticket, pricing most Toronto riders out. Ridership only increased due to massive public per-rider subsidies that Metrolinx refuses to disclose today. This is the type of transit planning that is in our future if Bill 107 passes.

We all remember Bombardier's dismal track record in building the city's new streetcar fleet. What many may not know is that it was the skilled members of Local 113 who refurbished the existing streetcar fleet so that service would not be interrupted, thereby avoiding a transit crisis.

Bill 107 clears the path to the privatization of maintenance of these services, currently performed by our members, who have done an incredible job of keeping our transit system running at a low cost. Our members have a proven track record of keeping vehicles running years past their design life and doing it with less cost to the public than any other transit system in North America.

Members of the committee, I am looking to you today to make a commitment that they will continue to operate and fully maintain the system under the TTC—not for-profit companies that have missed the mark time and time again.

Bill 107 includes more troubling sections that I would like to draw to your attention. Section 47 of the bill states that the province can transfer all or some of the city of Toronto assets to itself while leaving liabilities with the city. All of this can be done with or without compensation. That means that extremely valuable city assets can be taken away from the people who pay for them without a single cent in return. We know this is a real possibility because just last Thursday, it was reported in the Toronto Star that the Ontario government has already asked for information about Union Station, streetcars and TTC operations in support of its stated goal of taking ownership of the TTC subway and streetcar system.

#### 1410

It's not difficult to imagine a scenario in which the province takes over Union Station, for example, and sells decades-long contracts to private companies to operate a system that we built and paid for. This will put handcuffs on Toronto and saddle us with contracts that we cannot get

out of or change, just as we've seen with Highway 407 and its never-ending price increases.

Members of the committee—

**The Chair (Mr. Dave Smith):** One minute.

**Mr. Carlos Santos:** —I would like to close my comments today by mentioning the impact the implementation of Bill 107 would have on TTC workers. The Amalgamated Transit Union prides itself on negotiating fair contracts. We have fought hard to ensure that the people who move us daily earn a decent wage, have access to the benefits they need and can count on a pension when they are ready to retire. We believe these are basic rights for every member, and they should be able to count on these benefits as they plan their lives.

Section 47(9)(b) of Bill 107 allows cabinet to exempt the transfer of rapid transit projects to Metrolinx from many statutes. The statute we are most concerned about is the Labour Relations Act, which, if exempted, would mean that our members may not have successor rights protecting them as projects are uploaded to Metrolinx. This means that if a subway operator with 20 years of service with the TTC works on a line that is uploaded to the province—

**The Chair (Mr. Dave Smith):** Thank you. Questions? Mr. Schreiner.

**Mr. Mike Schreiner:** Thank you, Carlos and Aleem, for being here today. I appreciate the good work of the transit union.

Can you just elaborate a bit more on what you think the potential effects to service delivery will be if the subways are uploaded to the province?

**Mr. Carlos Santos:** There are going to be different companies that are—we still don't know what is in the works as far as what impact it's going to have, but if it's separated where we're operating it, and there's a private entity that's maintaining it, then there are going to be two different groups fighting for revenue and there are going to be two different groups that are blaming each other when there are problems within the service, like Presto. Presto is blaming the installation for the doors not opening and closing, and then TTC is blaming the computer system of Presto. So you're going to have two different groups blaming each other, and in the end the customer is going to suffer.

**Mr. Mike Schreiner:** So one of your concerns is lack of accountability, then—where the buck stops?

**Mr. Carlos Santos:** Yes.

**Mr. Aleem Tharani:** Just another thing, for the speaker. Currently right now we have something called transit control—

**The Chair (Mr. Dave Smith):** I'm sorry; could I get you to introduce yourself first?

**Mr. Aleem Tharani:** My name is Aleem Tharani. I'm the executive board member at large in maintenance for Local 113.

Currently right now we have a system called transit control. It's somewhat of the brains of the operation. For example, if there is a signal delay or a priority one—for example, unauthorized people at track level—our transit

control dispatches buses so that there's very little interruption in service for the end-user.

If the subway were to be uploaded—and we don't know this—that operation would be with two different parties. For example, right now we have somewhat of a seamless transition. If there are unauthorized people at track level or a signal failure and we need to stop—let's say, for example, from Yonge and Bloor to Castle Frank subway station—we already know to dispatch buses so that we can get people from A to B so that they can get to work, medical appointments, family, whatever the case may be.

**The Chair (Mr. Dave Smith):** Thank you.

**Mr. Mike Schreiner:** Great. Thank you.

**The Chair (Mr. Dave Smith):** Ms. Hogarth?

**Ms. Christine Hogarth:** Hi. How are you doing? Thank you very much for being here today.

Something you said—I just want to clarify. Are you aware that it's the province's intent that the responsibility for the day-to-day operations of the subway network, including labour relations, would remain with the TTC?

**Mr. Carlos Santos:** The province has not been willing to meet with us, so we don't know what they—this is why I've been trying to get a hold of the Premier. I've asked—

**Ms. Christine Hogarth:** I'm letting you know: It will remain with the TTC.

**Mr. Carlos Santos:** Operations and maintenance?

**Ms. Christine Hogarth:** It's actually part of the legislation. It says the day-to-day operations of the subway network, including labour relations, will remain with the TTC.

We only talk about uploading subways. You mentioned streetcars today. We're talking about subways, subway infrastructure, not streetcars. That's not something that is part of this legislation. I just also wanted to clarify that.

**Mr. Carlos Santos:** Okay, great.

**Ms. Christine Hogarth:** We've had a couple of people chatting, especially people here from Scarborough, who—some of them said they've been left out for over 35 years. Do you believe that, over the last 15 years, transit has improved? Do you actually take the TTC?

**Mr. Carlos Santos:** I do take the TTC.

**Ms. Christine Hogarth:** Has it improved over the last 15 years?

**Mr. Carlos Santos:** The equipment hasn't improved. The streetcars were delayed in getting built, and we're having all kinds of problems with the streetcars due to them not ordering them 15 years ago, or however long it was. But it's always an equipment issue. It has been an equipment issue.

**Ms. Christine Hogarth:** What about growing the TTC, growing transit, getting Toronto moving, getting the region moving? Have you seen that happening over the last 10 years?

**Mr. Carlos Santos:** Just GO Transit has been expanding.

**Mr. Aleem Tharani:** I'll touch on that. There's the capital budget, which is being funded well, and there is expansion, like the TYSSE line and so on and so forth. But

as for operating budget, there hasn't been significant or any funding.

We talked about the Bombardier streetcars. Bombardier is sort of delayed with their delivery. Therefore, we have the legacy fleet, which is the older streetcars. We have the ALRVs and the CLRVs. They were supposed to be decommissioned, but because of Bombardier's failure to deliver a product, our workers have had to keep that existing fleet going.

Anywhere else, any transit system in North America—if you look at New York, which is sort of relative, compared with us, their vehicles stay on the road for about 10 years, and then they're called throwaways. Our streetcar fleet has been in service for over 40 years.

It's the same with our bus fleet. If you look at our buses, we do something called a six-and-12 program. That is, after the buses have reached their 10-year cycle, our maintenance employees perform something called a six-year refurbish or a 12-year refurbish, where we take those vehicles and we overhaul them completely so that they can stay—

**Ms. Christine Hogarth:** I don't mean to cut you off. It's just that I want to have a couple of more questions.

**Mr. Aleem Tharani:** No problem. Go ahead.

**Ms. Christine Hogarth:** It's more about the infrastructure that's in place. Do you believe there is room for it to grow in Toronto, or do you think the status quo is fine right now and we can plan—

**Mr. Aleem Tharani:** No, there's always room for growth.

**Mr. Carlos Santos:** There's definitely room to grow.

**Ms. Christine Hogarth:** Okay. One of the things we ran on is to make sure it is going to grow, and to get people moving so they can get home on time. That was why this legislation came forward, and that is one of the key commitments of Premier Ford. What we want to do is get shovels in the ground.

**Mr. Aleem Tharani:** We're okay with that. We feel we're a stakeholder. We just want a seat at the table, right? We've been doing it for 120 years. We just would like part of that consultation.

**Ms. Christine Hogarth:** Okay. I'm going to pass it off to PA Surma.

**The Chair (Mr. Dave Smith):** Ms. Surma.

**Miss Kinga Surma:** Thank you for coming in today.

You are aware that Mayor Tory has been very public in terms of his opinion, in terms of how we're using previous studies. He feels that our plan is incorporating them. Are you not clear on that? Have you not seen or heard his remarks?

**Mr. Aleem Tharani:** Listen, it's just a fact, right? We're elected officials as well. Our plans could potentially change if we're unelected. We have government that gets into place and sort of puts this plan forward, and then in four years, the government could potentially change.

We had Transit City, which we believed was probably a very good transit plan for our city, talking about growth and getting people to where they needed to be. Now we have a new level of government, provincial—

**Miss Kinga Surma:** No, no, no. In your remarks, you said that our new plan didn't incorporate previous studies, previous plans. The mayor has come out publicly and said that in fact it does. Are you not aware of that?

**Mr. Aleem Tharani:** I'm not aware of it. Sorry.

**Miss Kinga Surma:** Okay. Then you also mentioned the possibility of privatization. Can you please indicate to me where that is referred to, where it is said in the bill, in Bill 107?

**Mr. Carlos Santos:** I don't have the bill in front of me, but Metrolinx does have the privatization—

**Miss Kinga Surma:** If I gave you a copy of the bill, would you be able to show me where it says that?

**Mr. Carlos Santos:** It says that the province can step in and take over all existing transit. We don't know what the province wants to do.

**Miss Kinga Surma:** No, the bill says that new expansions, new builds—that we would have further jurisdiction on new builds and new expansions, because many residents in the city are tired of the status quo, as you admitted, and we want to get things built. Like you said, there have been previous plans, tons of them, and nothing has happened.

**The Chair (Mr. Dave Smith):** Thirty seconds.

**Miss Kinga Surma:** Our intention with this bill is to get shovels in the ground.

**Mr. Aleem Tharani:** I'll touch on that. We have the Eglinton Crosstown, which is a private company that's doing that. At the same time, it has taken way too long. Metrolinx hasn't proven themselves.

We have Presto, which is also part of Metrolinx. Before Presto came in, we were doing fare collection and we did it well. For example, if a vehicle was down due to the fare box—

**The Chair (Mr. Dave Smith):** I'm sorry; we've come to the end of the time for that.

Ms. Bell.

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**Ms. Jessica Bell:** Thank you very much for coming in.

One of the questions I have is that there's nothing in this legislation that says that the provincial government will not privatize, and there's no funding available for these transit projects to move forward, which does lend itself to them being sold off to the private sector because there's no public money available to fund the projects right now. Is that something that concerns you?

**Mr. Carlos Santos:** As you can see with the Eglinton Crosstown, it's being done by Metrolinx and they are contracting out the maintenance of it. It's exactly like what you said. It doesn't say that they are, but it doesn't say that they aren't. This is why we would like to have a seat at the table so we can understand more what the province is willing to do.

**Ms. Jessica Bell:** When I read the bill, I saw nothing in the bill about a commitment to have the TTC operate and maintain the subway system. I just reviewed it again. I don't see those words in there. But we will make sure to introduce an amendment later on to get that on the record

around this government's commitment to keep operations and maintenance under public control.

My question is—there are 13,000 members within the ATU; you run the TTC—did the provincial government contact you or consult you about its transit plans?

**Mr. Aleem Tharani:** No, they didn't.

**Mr. Carlos Santos:** No, not at all.

**Ms. Jessica Bell:** Okay, so no. What do you think would be the top way that the provincial government could move forward and improve the rider experience? What would be the best way for them to do that?

**Mr. Carlos Santos:** They can continue to build new infrastructure, because that's what they want to do. But I think it would be in the best interest to have the city at the table and have the people who have been operating and maintaining transit in the city for—we know all the nooks and crannies in the city of Toronto for transit. Just have us at the table. That way, we understand and there's no miscommunication between the stakeholders and the province. Have the city, the members and the province.

**Mr. Aleem Tharani:** We really believe we're stakeholders, right? At the same time, it's our bread and butter, and we've been doing it for hundreds of years—120 years. We're just asking for a seat at the table.

I think what the city really needs and our transit really needs is dedicated funding to the operating budget. It's great that we're talking about capital infrastructure and extending new lines, but you have an old system that is—I wouldn't say "hanging on by a thread," but we're at our bare minimums. We need to invest back into our existing transit system. It's great to have all these people outside of the GTA come and use our system, but it's almost overburdened. I don't want to say it like that. But maybe some more funding into operating could help us out as well, right?

We have an aging fleet. If you look at our streetcars, our trains—we just got the new TRs, but we're still running the T-1s on the Bloor-Danforth line. The SRT line: a little outdated, right? We need some more dedicated funding to the operating budget, I think.

**Ms. Jessica Bell:** Thank you.

**The Chair (Mr. Dave Smith):** Ms. Morrison.

**Ms. Suze Morrison:** Thank you for coming.

I've heard anecdotally from folks in my riding in downtown Toronto about some of the complications with repairs being needed already on some of the brand new streetcars that have just been delivered by Bombardier.

When we contrast what we've been hearing, what I've also heard anecdotally from folks in my riding, around the extraordinary measures that your members at the ATU have taken to be able to maintain an aging 40-year-old fleet of streetcars, I'm wondering if perhaps you can speak to, on the record, the differences in the quality of the product that we're getting from Bombardier versus a publicly owned and run fleet, and in terms of cost savings that can be found in our transit system when our maintenance is publicly managed.

**Mr. Carlos Santos:** Four months ago, I was a streetcar operator myself, so I do have lots of experience. I've

driven the old streetcars and I've also driven the new streetcars. The difference is in the maintenance. The mechanics knew our streetcars. They knew how to fix everything. They knew how to take it apart and put it back together, whereas the new ones have more computers and they have more glitches, so our mechanics don't know them like they do the 40-year-old fleet. So once our mechanics get to know them, I'm sure they can make them last just as long. It's just that it takes time to learn. This is why we think it's very important to have our members maintaining these vehicles, because you can't just have a mechanic work on a car for 30 years, put somebody else in there who has no experience on that vehicle and expect them to provide the same quality of service. That's why we think it's very imperative that our members maintain the vehicles, because we know these vehicles.

**The Chair (Mr. Dave Smith):** Just less than a minute.

**Mr. Aleem Therani:** At the same time, the main issue, I think, with Bombardier right now—they're calling them "latent defects." For example, they deliver the product and they say that there's a door module, so before our proven professionals can even touch the vehicle, Bombardier is there fixing a product that's already deficient. We don't have the access to touch the vehicles just yet.

For example, in the contracts that they gave, or that the TTC acquired from Bombardier, if they have latent defects, Bombardier fixes it. At the same time, we don't get the access. If the vehicles were coming in perfectly—we do something called "commissioning," so we commission the vehicles. We burn them in. We ride them for—

**The Chair (Mr. Dave Smith):** I'm sorry. Thank you. I believe that's the end of this presentation. Thank you very much for your time.

**Mr. Carlos Santos:** Thank you for your time.

**Mr. Aleem Therani:** Thank you.

#### ONTARIO GOOD ROADS ASSOCIATION

**The Chair (Mr. Dave Smith):** Next we have the Ontario Good Roads Association. If you could come to the table, please, and introduce yourselves. You have six minutes.

**Mr. Scott Butler:** Good afternoon. My name is Scott Butler. I'm the manager of policy and research for the Ontario Good Roads Association. We are a municipal association that has been around since 1894, so after 125 years we're starting to figure some things out. When we look at Bill 107, we see some opportunity to improve some things. We also see some areas for concern.

Our members are 433 of the 444 municipalities in Ontario, including the city of Toronto, who have two directors at our board of directors' table. Our mandate is around transportation and infrastructure at the municipal level, advocating for best practices, dissemination of knowledge, training, professional development, this sort of thing.

As I said at the outset, our interest is twofold in Bill 107. First, with regard to the uploading of the subway infrastructure contained in schedule 3, we do have some

concerns, but we're trying to maintain an open mind. The second is with regard to the provisions to improve road safety, specifically around the definitions of what constitutes a vulnerable road user. I'm going to focus my remarks largely on these two areas, and then hopefully anything that I don't get to during my deputation, we can cover off during the questions.

Beginning with regard to the upload, I think that our board of directors was very much in alignment with the concerns expressed by city council here in Toronto. There's an overarching concern that this provision actually removes local decision-making. This should be, I think, a paramount consideration, maintaining local decision-making of municipal councils; they are the closest order of government to the people. They also have the least amount of agency to actually influence decisions, despite the fact that they're responsible for many of the activities that govern the day-to-day lives of constituents.

Although we are concerned about this, we recognize that currently the legislation, as put forward, limits this action to the TTC subway specifically. Nonetheless, it does possibly set a precedent where the same apparatus or the same actions could be taken and applied to other municipal assets. When you look at what's prescribed for the TTC, for the subway specifically, we would contend that what we're seeing is an asset taken—a valuable, valuable asset taken from a local government and transferred to the province without what we would consider to be fair or reasonable compensation back to the municipality.

That said, if this goes according to plan and the government's objectives are realized, we actually think it establishes a fairly interesting precedent where other assets in the municipal realm could be transferred up to the province in order to deliver them quicker, faster, better, stronger or whatever the rationale is. I can assure you, I would have no shortage of mayors lining up with assets that they'd be willing to have you take off their hands and build for them. It's something to keep in mind. As I said, we're maintaining an open mind with regard to this, but we are rightly concerned that this does set a potentially troubling precedent.

**1430**

With regard to the provisions to improve road safety, we support the prescriptions in here wholeheartedly. However, we see this as an initial step. We think there's a lot more work that can be done.

Going back just over a year ago, my board of directors adopted Vision Zero as a framework for road safety in Ontario. This is the idea that all catastrophic accidents and fatalities within the road network can be prevented by pursuing four different aspects: education, empathy, enforcement and engineering.

When we look at this, I think there's an opportunity to stiffen the penalties for people who incur these convictions. At the same time, I think there's an opportunity to also more clearly articulate who is a vulnerable road user.

This serves a number of different benefits. Obviously, it avoids stories like what we just heard from Ms. Wilkinson. I can't imagine—I felt somewhat un-empowered by

the message that she brought forward. It's something that everybody who gets behind the wheel should hear, and rightly so. I can't think of a more compelling or powerful testimony as to why more action is required in this space.

At the same time, municipalities are rightly concerned about liability issues. We know that there have been promises made to look at the issue of joint and several liability, but the best prevention from being sued is preventing accidents in the first place.

**The Chair (Mr. Dave Smith):** One minute.

**Mr. Scott Butler:** Given our druthers, we'd really like to see a lot of the prescriptions that are contained in Bill 62, the vulnerable road users act, plucked and incorporated into here. There's a lot of opportunity to ensure, as we're renewing our infrastructure and transportation assets, that we're doing so in a way that ensures that everyone using that space, regardless of if they're behind the wheel, behind the handlebars or just walking, is going to be able to do so without fear of suffering some sort of catastrophic loss.

Thank you.

**The Chair (Mr. Dave Smith):** Questions from the government? Ms. Wai.

**Mrs. Daisy Wai:** I appreciate you coming. Thank you, Mr. Butler, for your deputation.

I understand that you have a concern that we might be privatizing—

**Mr. Scott Butler:** No.

**Mrs. Daisy Wai:** No, eh? I just want to see how your organization feels that the public might best be informed of the changes that are included in this proposed bill.

**Mr. Scott Butler:** Which changes are you referring to? I spoke to two different ones. The upload of the subway, or the road safety aspect?

**Mrs. Daisy Wai:** The road safety aspect.

**Mr. Scott Butler:** I think there's an opportunity—and there are people eminently more qualified than myself to speak to this, but driver training is certainly one. There's legislation currently before the House looking at things such as the Dutch reach. There's Bill 62. All of these things take steps. The idea that there's a silver bullet that's going to address all these concerns, or that somehow OGRA has the answers, just isn't there. I think we need to continually keep seeking out new opportunities to enhance road safety.

**Mrs. Daisy Wai:** Okay. Thank you.

**Ms. Christine Hogarth:** I'll ask one question, Chair.

**The Chair (Mr. Dave Smith):** Ms. Hogarth.

**Ms. Christine Hogarth:** What are your thoughts on the changes to the speed limit, the pilot projects?

**Mr. Scott Butler:** They're currently on provincial highways, so I think that's an MTO issue. We're primarily concerned, and exclusively concerned, about municipal infrastructure.

**Ms. Christine Hogarth:** Okay. I just wondered if you had an opinion.

**Mr. Scott Butler:** In parts of the province, if you could get to 100 kilometres an hour, it would be a miracle. In other parts, if anybody actually drove 120, it would also



be a miracle. If there's some genius in the approach that the government has taken, it is that they're doing it as a test. Allow the evidence to demonstrate what could be done. If Milton could somehow just go 70 on a morning, I would be really, really happy, but that doesn't seem to be the case.

That same idea of testing the things could apply to a lot of the road safety ideas that we're talking about. We had a speaker who used to be responsible for the entire transportation system in New York City come in. She said paint is a really cheap and effective way to experiment.

**Ms. Christine Hogarth:** Did you say "paint"?

**Mr. Scott Butler:** Paint, yes, that really high-tech innovation all the kids are talking about. You can begin doing things with road markings. You can look at lane widths. There's a whole series of things that you can do using paint. And paint, if it doesn't work out, can be erased; we all know that.

**Ms. Christine Hogarth:** Did you have any other thoughts on where you would like to see this bill go, or any ideas from your group of how we can implement some of the proposed changes?

**Mr. Scott Butler:** As I said on the road safety side, I think that when we're looking at this, there is more that can be done. We don't have to go out and look far. There is other legislation before the House that actually contains some of those provisions that I think would work well.

Last November, we commissioned Nanos Research to do some polling for us, looking specifically at road safety; not any one idea, but just road safety as an emotive value of Ontarians. And 75% of people were willing to see more of their tax money go into road safety measures. It didn't matter how you cut that pie; if you looked at gender, class, age or region, it was completely inelastic. That number didn't move. Everybody was willing to see more time and attention devoted to that space. Ironically, 90% of the people who said that were actually motorists.

I think you only have to pay attention to the media very loosely to understand that people are feeling vulnerable and they're feeling frustrated. They're looking for some leadership on this issue.

**Ms. Christine Hogarth:** Okay. Anybody else? Thank you.

**The Chair (Mr. Dave Smith):** No further questions? We'll turn to the opposition. Mr. Glover.

**Mr. Chris Glover:** Thank you very much for your deputation. I heard at the beginning that your organization is deeply concerned about the uploading of the subway and the precedent that it sets for the Ontario government seizing municipal assets. Is there also a concern about the consultation process? Because the city has entered into good faith negotiations with the province about the potential to upload, and in the middle of those consultations the government has now introduced legislation that would, in effect, seize the asset that they were negotiating about.

**Mr. Scott Butler:** Yes, there is concern. The same way that I think one of the earlier speakers identified road safety as a non-partisan concern, having municipal guidance and decision-making disregarded by Queen's

Park is also a fairly non-partisan consideration in reality. A number of governments have taken steps that have not really bolstered or entrenched local decision-making. We want to ensure that that democratic principle is maintained.

I think that the consultation process was inadequate by any measure, quite frankly. What we would like to see is more robust engagement.

There is also that municipal governments, we always say, are closest to the people, but there's an expertise that they have. Politicians know that you gain a special knowledge talking to people. Municipalities are doing that on a day-to-day basis, whether it's staff or whether it's elected officials. I think we too readily discard that knowledge that they have when it comes to making important decisions such as this.

**Mr. Chris Glover:** Just to clarify, you're also concerned that the seizure of this asset will lead to a loss of expertise that exists at the city level, which could lead to further mistakes.

**Mr. Scott Butler:** Frankly, we don't know; right? It very well could happen; it may not. My crystal ball is a little cloudy on this one.

**Mr. Chris Glover:** Thank you.

**The Chair (Mr. Dave Smith):** Ms. Bell?

**Ms. Jessica Bell:** Thank you for coming in today.

Can you speak a little bit about the Ontario Good Roads Association's position on measures to increase road safety for vulnerable road users; maybe expand a little bit more?

**Mr. Scott Butler:** Yes. If it's a good idea that's been proven to work elsewhere, we think we should entertain it. If there's the possibility to undertake a pilot process and look at what the implications are for road users, regardless of who they are, we're fully supportive. It's really that simple.

**Ms. Jessica Bell:** Are there any that you're looking at that are maybe being used in other jurisdictions that you think should be tested out here?

**Mr. Scott Butler:** Ontario becomes a big place with a lot of complicated—the realities in Leamington are not the realities in Cornwall or Kenora, right? They're certainly not the realities in downtown Toronto. So I think that, going back to my answer to the previous question, local councils know what's best. If you empower them to make those decisions, chances are they will do so in an effective way that actually responds to those concerns.

The one thing I should say—and I guess it's out of scope for OGRA but it does capitalize on something that the committee heard earlier with regard to victim impact statements—as a previous member of the Ontario Parole Board, I can assure you that those victim impact statements stay much, much beyond just the simple sentencing. If an applicant who is seeking relief from their sentence is coming forward to a parole committee, the first thing that board member doing their due diligence looks at is that victim impact statement. Although they're not obligated to act on any of the recommendations contained in there, it certainly carries a lot of weight. My advice back to my board would be that the notion of having that victim

impact statement enshrined in the process really can't be understated. It's a powerful, powerful instrument.

**Ms. Jessica Bell:** Can you just clarify that a little bit more? Have you seen victim impact statements change people's behaviour and attitude?

**Mr. Scott Butler:** Yes. Remorse is a really sticky emotion that you can't get rid of very easily. Certainly, again, going back to the experience I had on the parole board, those impact statements were probably the one thing that applicants found themselves speaking to more than anything else that they may have done in a rather long and illustrious criminal career.

**Ms. Jessica Bell:** Thank you.

**The Chair (Mr. Dave Smith):** Any further questions? Mr. Schreiner.

**Mr. Mike Schreiner:** Thank you, Scott, for being here and for the good work that Ontario Good Roads Association does. It's nice to see a University of Guelph pin on one of our deputants today.

**Mr. Scott Butler:** I expected you to see that.

**Mr. Mike Schreiner:** I would say that schedule 3 is probably the most contentious schedule of the legislation. You've brought it up as one of your two key points. Do you think it's possible to amend schedule 3 to address the concerns that OGRA has, or not?

**Mr. Scott Butler:** It's an interesting question. I would not say that our board had a uniform or clear articulation of what it was they were concerned about. It failed the smell test, to use a colloquial term.

The transit union just spoke to some concerns that they've had. I think the TTCriders were in here earlier. Everybody has a lot of legitimate concerns. From OGRA's perspective, it's the removing of that asset and really the removing of local decision-making that is the primary problem.

Quite honestly, Toronto is exceptional at coming up with transit plans. That's not where they fall down; it's on the execution side of things. I think that what we would like to see is the opportunity for council to come in, make a decision, stick to it and be given the opportunity, obviously, to see it through to completion.

**The Chair (Mr. Dave Smith):** Thirty seconds.

**Mr. Mike Schreiner:** Do other municipalities have concerns that they may have assets seized, given the potential precedent here?

**Mr. Scott Butler:** Yes. I certainly think that there is concern out there. I don't know that anybody has articulated that they have an express concern, but certainly they're aware of what the potential is. Cloud storms are on the horizon, so to speak.

**The Chair (Mr. Dave Smith):** Thank you very much.

We are a little bit ahead of the schedule. I'm going to propose that we take a 10-minute health break. We do have to make some slight adjustments to the layout as well. We'll do that and return at 2:53.

*The committee recessed from 1443 to 1453.*

**The Chair (Mr. Dave Smith):** We're back. It is 2:53. Thank you very much for the 10-minute break, everyone.

## SPINAL CORD INJURY ONTARIO

**The Chair (Mr. Dave Smith):** Next up, we have Spinal Cord Injury Ontario. Please introduce yourself, and you will have six minutes for your presentation.

**Mr. Peter Athanasopoulos:** Great. Thank you, everyone, for having me. My name is Peter Athanasopoulos. I'm the director of public policy and government relations for Spinal Cord Injury Ontario. For those of you who are not familiar with Spinal Cord Injury Ontario, we're an organization founded by World War II veterans who experienced spinal cord injuries from the Second World War and came back to Canada with the interest of making this country and province fully inclusive to people with disabilities. We've been doing that for 70 years straight.

I'm really glad that I have the opportunity here to speak around Bill 107. I have two objectives within this deputation. The first is the provision of accessibility within Bill 107. I have yet to hear any of the deputants or anything in the bill speak to what the progress and plan for accessibility are when Bill 107 is in effect.

I think many of you are aware that recent statistics from Stats Canada in 2018 shared that one in every seven people have a disability in this country, and we're expecting to see a rise in disability in this country to one in five in approximately 2038. Approximately 50% of people with disabilities live in this province, and yet the subway system only has up to 50% accessibility within its system. I would love to see a provision, some kind of plan, some mandate, to move progress and the timeline forward to ensure that the subway system is inclusive to everyone, which currently it is not.

Again, my second objective for this deputation is to look at the expansion of the definition of "vulnerable road user" within the Highway Traffic Act. You've heard many of my colleagues here today speak of the seriousness of an individual getting injured through vehicle accidents as a cyclist, a pedestrian. We seriously need to look at some stronger penalties and some stronger provisions to support people who get injured either recklessly or unnecessarily.

Previously, there was a question asked: "How expensive is this problem in Ontario?" Well, it costs the health care system \$2.7 billion every year. Regardless of doing nothing, that's the amount of money that our health care is spending on neurotrauma. I'd like to believe that simple things like creating a mindset and behaviour around training, impact statements and minimum standards in the sentencing within the Highway Traffic Act is not so unreasonable to ask for in terms of saving people's lives and ensuring that we have roads that people feel confident to play on and work on and experience with their children.

That is our position here today, and I'm hoping that you would amend those two provisions into Bill 107.

**The Chair (Mr. Dave Smith):** Thank you very much for that.

**Mr. Chris Glover:** Is it us first?

**The Chair (Mr. Dave Smith):** Yes. Mr. Glover.

**Mr. Chris Glover:** Thank you. Thank you very much for your deputation. I have two questions that I'll ask. One

is that you mentioned that the subway currently has 50% accessibility. Can you speak to the impact? One of the issues that I've worked on as a school board trustee before this is employment opportunities for people with disabilities. Can you speak to the impact of the inaccessibility of our transit system on the ability of people with disabilities to get work and to maintain work?

**Mr. Peter Athanasopoulos:** It is completely unsafe, and it's a huge liability on a few fronts. Number one, you can't go from A to B without being extremely creative when there's something that's not accessible. In terms of trying to get to work on time and trying to get to destinations, I think it's unfair to ask people to have to take divergent routes in getting from one destination to the next in over an hour's period of time. It's just not acceptable.

The second reason why it's a liability is because you can't easily and safely get on and off the subway platform and on the car without being at risk. Unless you're really savvy and able to pop your wheels up a good four to six inches and manage the traffic that's happening in rush hours, the liability is huge. I've experienced myself trying to get on the subway, getting cornered with a whole swarm of people, missing my jump into the subway, flipping out of my chair, falling in the car while the doors closed, and my wheelchair was still on the platform.

**Mr. Chris Glover:** Oh. Okay.

**Mr. Peter Athanasopoulos:** A simple ramp in the DWA section is all you need, where the people are blowing their whistles to ensure safety, no different than the GO bus does, but for some reason, that has been a hurdle that has yet to be able to be overcome.

**Mr. Chris Glover:** Have you made that as a written recommendation?

**Mr. Peter Athanasopoulos:** Yes, we have, on several occasions, with Citytv, CityNews, Global and a variety of different other facets.

**Mr. Chris Glover:** Thank you. The other question that I have is, you talked about making the subway 100% accessible. Is 2025 the date?

**Mr. Peter Athanasopoulos:** So 2025 is the date, and every three years there is a review. Recently, David Onley has just completed a review, and we continue to hear the same things every three years around lack of progress and inability to meet a timeline of 2025. Transportation has become one of the largest barriers towards meeting the expectation of a fully inclusive Ontario.

**Mr. Chris Glover:** Would you be supportive of an amendment that said that the subway will be 100% accessible by 2025?

**Mr. Peter Athanasopoulos:** Absolutely.

**Mr. Chris Glover:** Okay. Thank you.

**The Chair (Mr. Dave Smith):** Ms. Morrison?

**Ms. Suze Morrison:** Thank you so, so much for coming. A lot of the issues you've raised around accessibility strike particularly close to home for me. I know I spoke about a number of these issues when the bill was in second reading.

My mom has been in a wheelchair since I was 16, and I've grown up in Toronto watching in horror as she had

similar instances to you trying to jump the gap onto the train. There are really simple solutions to some of this stuff, like the ramp that the GO train operators use to help people bridge from the designated waiting areas onto the trains, and we just don't have that on the TTC in Toronto.

**1500**

If you were to develop your top three accessibility modifications for the TTC, in addition to the ramp that we spoke about in the designated waiting areas, what would be your top three recommendations to the committee for easy-to-implement accessibility changes that could be made to our transit system?

**Mr. Peter Athanasopoulos:** My number one is the gap, my number two is ensure that there are elevators to reach every level on every floor in every subway, and number three is signage. People don't know where to go. People don't know where the accessible routes are. They put the elevators in very creative places, and unless you've been there more than three times, you really don't know where you're going.

**Ms. Suze Morrison:** In your opinion, do you think it's feasible for the existing subway stations to become accessible by 2025? Having experienced the system myself from the lens of my mom as a wheelchair user, I have a lot of concerns with how we have subway stations that have been poorly designed and how we make them accessible. If we put that time-stamp on as an amendment, do you think the accessibility community will buy into it, considering how long the accessibility date has been pushed back and pushed back as it's been revised?

**Mr. Peter Athanasopoulos:** I think it needs a commitment, and a commitment that is a serious commitment because, like you've mentioned, we've seen the timelines get pushed back over and over and over again. We keep on hearing more rationale for why it's not possible, but I don't think it's enough. I really don't. I really think that if the commitment is solid and serious with a plan of action to execute and a reasonable plan to make it happen, why shouldn't it happen? We've already been waiting 20 years and we've not seen the progress that we should be seeing.

**The Chair (Mr. Dave Smith):** Thirty seconds.

**Ms. Suze Morrison:** Just lastly, do you have any recommendations around Wheel-Trans specifically? Is it currently meeting the needs of folks, do you think? Are there opportunities to be improving that service?

**Mr. Peter Athanasopoulos:** I think Wheel-Trans is trying to transition to be everything to everyone right now, and it needs to really focus on its primary objective of why it was there. I see more and more users that are using the system not as their primary, and I think Wheel-Trans needs to focus on its primary objectives.

**The Chair (Mr. Dave Smith):** Thank you very much. Mr. Schreiner.

**Mr. Mike Schreiner:** Thank you, Peter, for being here and the good work that Spinal Cord Injury Ontario does. We've had some good conversations today about vulnerable road users, particularly pedestrians and cyclists. I'd like to give you an opportunity to talk a little bit about the

experience of people in wheeled mobility devices and how we can improve road safety for you.

**Mr. Peter Athanasopoulos:** I think we need to build a mindset and a behaviour around this. Can you imagine, every single day you enter in your cars at the end of the day, the likelihood of you creating a neurotrauma injury to someone in this province is going to happen? It happens once a day. So what kind of a mindset and behaviour in terms of training and public awareness can we create so when people are actually entering their cars at the end of the day, they feel a sense of responsibility that they can hurt someone if they're not cautious, before they pick up the phone, before they get distracted? I think it's that kind of a mindset in terms of the training.

Then what happens is the follow-through in terms of if you've not been cautious and if you've not been paying attention, then there are consequences for that and responsibility and accountability for that, which is why I think my fellow deputants have been asking for impact statements. People need to feel the impact that people have created in the event of a serious injury. I just hope that we can take what I think is a simple amendment that can make a huge impact.

**Mr. Mike Schreiner:** Do you think stiffer penalties are a way to get through and educate motorists?

**Mr. Peter Athanasopoulos:** I think, in some instances, they are. Right now, I think the way the sentences within the highway control act are functioning are as loopholes. Every victim, every situation is getting lessened to another provision within the highway control act. I think if we had mandatory minimums that required all HTA sections to be effective, then people wouldn't skirt around the issue.

**The Chair (Mr. Dave Smith):** Thank you. Ms. Surma.

**Ms. Kinga Surma:** Thank you for coming in today. We really appreciate it. Can you just explain to me a little bit in terms of what the pushback has been from the city when you have been in conversations with the city, whether it's the mayor, the councillors or city staff? What is their excuse?

**Mr. Peter Athanasopoulos:** In terms of fixing the gap, the major excuse is interruption in time. "The deployment of a ramp can take too long, and we might not meet our three-minute deadline to get to the next station." Don't quote me on the three minutes; I don't know exactly how long it is. Obviously, you can tell I'm frustrated, because this has been going on for a decade and there has been no traction.

Recently, the city has also spent about, I don't know, \$6 million or so in trying to create different levels within the platform, to make it more bridged toward the subway, but again, there's still a hole there.

I'm frustrated that they're spending money on a band-aid to a band-aid solution, and not fixing the problem at all.

**Ms. Kinga Surma:** Just so you are aware, in terms of our subway expansion, all new transportation infrastructure will be in compliance with the Accessibility for Ontarians with Disabilities Act. I just wanted to let you know that.

**Mr. Peter Athanasopoulos:** It's great that you're doing that. If I can just impose, can you go a little further, when you're looking at that legislation, and mandate at least a committee and mandate an overview of some sort that ensures and gives some more confidence that accessibility is important to this government?

**Ms. Kinga Surma:** Certainly, yes, I can tell you that. Thank you.

**The Chair (Mr. Dave Smith):** Any other questions?

Thank you very much for your presentation. We greatly appreciate it.

## ONTARIO FEDERATION OF SNOWMOBILE CLUBS

**The Chair (Mr. Dave Smith):** Next, we have the Ontario Federation of Snowmobile Clubs. If you could come to the table for me, please, and introduce yourselves. You will have six minutes. Those microphones work as well.

**Mr. Andrew Walasek:** It's all good. Thank you, Chair. My name is Andrew Walasek, and I am the director of stakeholder relations at the Ontario Federation of Snowmobile Clubs. I am pleased to be here today to address the committee with regard to Bill 107.

Before addressing the bill, I thought I'd share a little bit about our organization, for those who may not be familiar with the OFSC. We are a volunteer-led, not-for-profit association. We represent nearly 200 community-based recreational snowmobile clubs across the province of Ontario.

According to our latest economic impact study, the snowmobiling industry delivers between \$1.6 billion and \$1.7 billion in economic activity in the province of Ontario. This is based on the Ministry of Tourism's TREIM model.

To support this economic activity, the province has invested \$1 million annually. This produces a return of \$77 for every public dollar invested in the sport. Snowmobiling also contributes to the creation of over 11,300 direct, indirect and induced jobs, many in small and rural communities.

Finally, I should also note that the industry produces approximately \$145 million in tax revenue for the provincial government.

We have commissioned a new report, which shall be made public next week.

I would also like to inform the committee of our relationship with the Ministry of Transportation, the sponsor of Bill 107. The OFSC delivers two programs on behalf of MTO: the province's snowmobile permit program, and the driver training licensing program.

We work closely with the ministry on operational enhancements. For example, the new online driver training program announced last fall by Minister Yakabuski will be a cost-effective initiative which will expand training and provide access to people in many more areas throughout the province.

**1510**

A couple of months ago, we joined Minister Yurek at the Cottage Life Show in Mississauga to announce a

positive change to service plate regulations, making it easier for snowmobile dealers to transport sleds. By reducing red tape and making training more accessible, more Ontarians will be able to enjoy the snowmobiling experience.

With regard to Bill 107, the OFSC is pleased to support the initiatives contained in the legislation with regard to schedule 1 of the Highway Traffic Act, particularly the amendment regarding the operation of off-road vehicles. We work closely with off-road vehicle associations because, in many cases, an Ontario snowmobiler is an Ontario ATVer or a side-by-side driver. In fact, we have participated in several meetings over the past year of the Ontario Power Sports Working Group, with representatives from a number of off-road organizations. We particularly support the amendment that enshrines the ability of municipalities to enact regulations and bylaws to have greater control over their roadways by permitting or prohibiting off-road vehicles. This allows for decisions to be made at the local level, where we feel it makes the most sense. The OFSC appreciates that sometimes a municipality may allow access in certain areas, whereas in other cases, access may not be preferable. Our local clubs have excellent relations with their local municipalities and would be happy to address any concerns that occur in future.

The OFSC is also supportive of the amendment to subsection 191.8, which states that bylaws may apply only during specific times. Setting specific times of operation is good practice. For example, from early December onwards, our club volunteers are out preparing and grooming trails. Off-road vehicle use during this time can be both dangerous and counterproductive to our efforts.

**The Chair (Mr. Dave Smith):** One minute.

**Mr. Andrew Walasek:** The OFSC also supports measures to ensure that driving instructors have a blood alcohol concentration of zero. Our instructors are actually located in classrooms; however, a zero-tolerance policy is always good policy, and our industry has made great strides in this general area over the years.

The OFSC also has a proposal in to MTO for stiffer penalties for infractions under the Motorized Snow Vehicles Act such as speeding, careless driving, and failure to display a permit.

In conclusion, the OFSC remains an advocate of recreational vehicle use throughout Ontario during all seasons. We look forward to working with MTO on cutting more red tape and making Ontario the premier snowmobiling destination in North America.

**The Chair (Mr. Dave Smith):** Questions? Mr. Schreiner.

**Mr. Mike Schreiner:** Thank you for being here today. I have a cottage up near Creemore, which is a very popular snowmobile destination.

I'm curious. You are very supportive of local decision-making. Can you just elaborate a bit more on the importance of local decision-making in terms of supporting trails?

**Mr. Andrew Walasek:** Sure. For snowmobiling, we have over 30,000 kilometres of prescribed trails. That is

where snowmobilers are responsible for making sure they are maintained and enjoyable for families throughout the winter. In many cases, we share these trails with off-road groups such as ATVs. Some associations are great. At the end of their season, they go out and they fix the trails, and then they become a winter trail for the snowmobilers. In some instances, unfortunately, the trails are in pretty rough shape. So we're glad to see that having a municipality being able to permit or prohibit—it just gives that extra layer of, "Okay. What can we do to bring all groups together so that everyone has an enjoyable experience throughout the year?"

**Mr. Mike Schreiner:** Do you think the importance of local decision-making applies to other municipal assets, such as subways and other things?

**Mr. Andrew Walasek:** I really can't comment on subways. As a snowmobiling association, most of our trails are quite a ways away from the TTC system. That isn't to say we don't have lots of permit buyers from the GTA who do trailer up north, but we really don't have a comment on that.

**Mr. Mike Schreiner:** Great. Thank you. I appreciate your time.

**The Chair (Mr. Dave Smith):** Thank you very much. Mr. Sandhu.

**Mr. Amarjot Sandhu:** Thank you for being here.

What kind of impact do you think this measure will have on your members? And if you can also tell us about the anticipated reaction of your members about this proposal?

**Mr. Andrew Walasek:** We think that most of them will be supportive. As I mentioned, your average snowmobiler also does off-road activities in the summer months, so we're really talking about the same people in many cases. The one area that we are a little bit concerned about would be if there are trails on unassumed roadways. If there's increased use by other off-road groups, will that cause more work to be done in the preparation stage? It's possible. But overall, I think most of our membership would be willing to at least work with people to try to come up with a good solution.

**The Chair (Mr. Dave Smith):** Ms. Wai.

**Mrs. Daisy Wai:** Thank you very much for coming.

I hear that you're advocating for a zero-tolerance policy as well as for the stiffer penalty. This is exactly the direction that Bill 107 is taking. Any comments on what we have presented in Bill 107 in support of the two areas that you're also advocating for?

**Mr. Andrew Walasek:** Yes, I think it matches quite well. The OFSC has for many, many years made the point to all of our members that driving a snowmobile is the same as driving a vehicle on a highway, that zero tolerance is expected. It's what keeps the sport safe. By obeying all of the traffic requirements on the trails, it just ensures that everyone can have a more enjoyable experience.

We also, though, think that a stronger deterrent under the Motorized Snow Vehicles Act would ensure that more people are obeying the laws. If the penalties were a little bit stiffer—a little more similar to what they do in Québec,

where the fines are much, much higher. We look forward to working with MTO on that.

**Mrs. Daisy Wai:** Okay. Thank you. So you're in full support of Bill 107 the way that we're laying it out as well, right?

**Mr. Andrew Walasek:** Yes. For the most part, I think it's a good step in the right direction. We look forward to it coming into force.

**Mrs. Daisy Wai:** Thank you.

**Ms. Christine Hogarth:** I've got a quick question.

**The Chair (Mr. Dave Smith):** Ms. Hogarth.

**Ms. Christine Hogarth:** Thank you very much for being here. It's always nice to see you.

I'm just wondering: Do you think some of these changes may help the tourism industry? Sometimes those tourism industries are the lifeblood of those small communities. The more people they get to enjoy the sport—it helps create jobs. They'll go to the local stores and buy food. Any thoughts on getting the economy going?

**Mr. Andrew Walasek:** Absolutely. We offer snow tours throughout the province. These are organized trips by local clubs to bring visitors into snowmobiling areas. We target the northern states. We try to bring people in from other parts of Canada.

Winter tourism is hard. It's not easy. On a nice sunny day, it's easy to go out to a fair or a festival and have a good time. Getting people out at minus 20 to go and drive a long distance, either to a snowmobile business or even to take up the sport itself, is very, very difficult. Any support from the government is welcome. We will work with the Tourism Industry Association of Ontario. We're very good partners. We were down in Cleveland recently for the Great Lakes Economic Forum just drumming up business, letting people know that Ontario is open for business and to bring their sleds up north.

**Ms. Christine Hogarth:** We're open for business and we're also open for jobs. Thanks for being here.

**The Chair (Mr. Dave Smith):** Any further questions? Ms. Morrison.

**Ms. Suze Morrison:** I find it really fascinating to hear a lot about the economic impact that your sector has; specifically, your comment that winter tourism is hard. I'm wondering if you can comment on if the season for snowmobiling and other winter tourism has been decreasing as we start to see later winters and earlier springs, and how that's affecting the economic impact of the sector.

**Mr. Andrew Walasek:** Thank you for the question. It's a very, very important issue for our industry. We had regions of Ontario that did not have any trails open this year, and that obviously has an impact on the local clubs, on our ability to sell permits moving forward.

In northern Ontario, if you talk to some of the members from Sudbury or North Bay, they had a fantastic year. The snow came, it stayed, and they had a very, very long season. Around the Peterborough-Barrie area, it was kind of a mixed bag. But what we're finding in southwestern Ontario—places like London, maybe places like Guelph where traditionally you would at least be able to go out a few weekends a year—it's very, very difficult with the amount of snow we get.

It's something that's out of our hands, but we just hope that the snow returns next year.

**Ms. Suze Morrison:** Does your organization at all track the economic impact of shortened seasons?

**Mr. Andrew Walasek:** It's a factor that goes into the production of our report. We certainly take a look at traditionally how long the season was during our last study, which was 2014, compared to this year. So it will be very interesting when the numbers come out. We break it down by district, we look at things geographically and what kind of an impact it had for areas that didn't have as much snow compared to northern Ontario, where they just had a fantastic year.

**Ms. Suze Morrison:** Then in line with that, as we look at global warming, are you tracking those trends over time, appreciating that last year may have not been a great year, this year may have been a better year in the north, for example—but overall, are you tracking the length of the seasons?

**Mr. Andrew Walasek:** We're certainly keeping an eye on it. I wouldn't say that there's a formal—we're a very small group. But we can tell. We can tell by trail availability, which you can follow on ofsc.on.ca. You can see for yourself when the trails are open, when they're available compared to when they're not. It's a very strong correlation to the weather pattern.

**Ms. Suze Morrison:** Considering, as you said, that your industry, your sector, generates \$1.6 billion to \$1.7 billion in economic activity, and you're a really small, mostly volunteer-run, really niche activity, and that's the economic impact that you have, do you think it would be prudent of this government, then, as we look at our transportation strategies as a whole with regard to this bill, to be looking at, more broadly, all government policy from within the lens of a climate crisis?

**Mr. Andrew Walasek:** We would certainly be open to having those discussions. We're impacted by the weather probably more than any other tourism industry. If you're a ski hill, you can go out and make your own snow. That's a very easy fix for them. In the summertime, tourists flock to Ontario. They love to come and see the festivals and the various events. We would certainly be happy to have those discussions as to the effect that the weather is having on the industry.

**Ms. Suze Morrison:** Thank you.

**The Chair (Mr. Dave Smith):** Ms. Shaw? No further questions? Okay.

Thank you very much for your presentation.

**Mr. Andrew Walasek:** Thank you, everyone.

**The Chair (Mr. Dave Smith):** Our next group is the Ontario Traffic Council. They're not here yet, but they're not scheduled until 3:40. I propose, then, that we take a recess until 3:40 to give them time to come. We'll return at 3:40.

*The committee recessed from 1523 to 1540.*

#### ONTARIO TRAFFIC COUNCIL

**The Chair (Mr. Dave Smith):** Since it is 3:40, we are coming back. Thank you very much for this.

The Ontario Traffic Council: If you're here, please come to the table. If you could introduce yourself. You'll have six minutes for your presentation.

**Mr. Geoff Wilkinson:** Good afternoon. My name is Geoff Wilkinson, and I'm the executive director with the Ontario Traffic Council.

Good afternoon, committee members. Thank you for allowing me the opportunity to present to you on Bill 107. The Ontario Traffic Council is a not-for-profit association focusing on providing education and sharing information and best practices on transportation enforcement and engineering. We work with the Ministry of Transportation on updating Ontario's traffic manuals through our committee involvement and input. We're leading the development of Ontario's automated speed enforcement program, which we are near completion on. We expect to be involved in the automated enforcement of the "failure to stop for school buses" program, when and if municipalities and school boards are interested in pursuing this.

The OTC struck an automated speed enforcement working group in 2017 in anticipation of the introduction of Bill 65, the Safer School Zones Act. Since this time, we've been working with the Ontario municipalities to develop an ASE program that will improve speed compliance in school zones and community safety zones, protecting the lives of vulnerable road users: our daycare- and school-aged children, our senior citizens and our other neighbours within our communities.

The Ontario Traffic Council is here in support of Bill 107. We applaud the government for implementing changes to the Highway Traffic Act to improve vulnerable road user safety and to allow municipalities more options on administering traffic offences.

The OTC recommends that, to achieve the full benefit of Bill 107, the regulations for section 21.1, as amended by Bill 107, include owner liability offences, those being automated speed enforcement, school bus stop-arm cameras, and red-light cameras, so that these offences may be enforced using administrative penalties.

In addition, in order to avoid any potential conflict as to whom administrative penalty revenue is due and payable, a simple amendment to section 21.1(13) is also recommended.

This afternoon, I will be talking specifically on an administrative penalty system for automated speed enforcement, as this program is currently being developed under the leadership of the OTC and is on the cusp of implementation.

In order to change driver behaviour to reduce speeding in school and community safety zones, the province enacted Bill 65 to allow municipalities to enforce speeding offences through the use of automated speed enforcement. Under the new ASE provisions, the owner of the motor vehicle would be charged with speeding and would pay a monetary fine as the only available penalty. Municipalities will continue to retain all fine revenues, as has been the case since the transfer of responsibilities under the Provincial Offences Act.

The OTC ASE working group is advocating for ASE offences to be dealt with under an administrative penalty

system. This would require the proclamation of section 21.1 of the HTA, and a corresponding regulation designating these offences to be dealt with under an administrative penalty system.

Sample speed data has been collected from municipalities, to assess how many speeding infractions occur in the community safety zones. As an example, using York region data, and in doing the full math based on just two locations, there would be 112,000 trials, and six additional courtrooms, including judicial complement, staffing and other resources would be required. Again, this is for two sites within just one municipality.

Based on this one example, the committee can appreciate the magnitude of offences anticipated by the municipalities moving forward with ASE, and also why a number of municipalities have communicated that they simply cannot use this road safety tool without the use of an administrative penalty system.

Administrative penalties are not new. They've been used for over 15 years by federal and provincial regulators and by municipalities for bylaw and parking infractions. Some examples of AP have been provided in the reference appendix provided.

The Ontario Court of Appeal and the Supreme Court of Canada have consistently upheld such regimes as an alternative to prosecutions. An AP system provides a more proportionate, efficient means of enforcement. It ensures that judicial resources are not wasted on matters of owner liability but are allowed to focus on substantive prosecutions such as careless driving, stunt driving and the like, as well as other serious offences heard in POA court such as those involving workplace safety and sex offenders.

As can be seen from the example of the two York region sample sites, the introduction of ASE into the provincial offences courts versus an AP regime will have a devastating impact on not only local courts but on the ability to sustain the prosecution of driver liability offences for significant road safety offences. The time trial, for example, will easily exceed the guidelines set by the Supreme Court of Canada. As importantly, owners receiving ASE and other owner liability tickets will be denied the ability to have an expedited resolution to their defence or concerns related to their charge.

**The Chair (Mr. Dave Smith):** One minute.

**Mr. Geoff Wilkinson:** A number of municipalities have been using AP systems for parking and bylaw offences. The city of Toronto is one of the most recent municipalities to move from POA to APs for parking violations. In 2017, approximately 168,000 of Toronto's parking ticket recipients requested a trial, which represents 83,000 fewer trial requests in 2017, compared to the 251,000 trial requests in 2016. An AP regime would eliminate the need to build additional courtrooms, hire staff and add more justices of the peace. It would eliminate costs required for processing disclosure requests and responding to court applications seeking additional disclosure such as calibration, maintenance and testing of ASE services. It would reduce potential court delays and charter violation claims. We will see a timelier resolution of disputed offences and collection of penalties.

As mentioned earlier, the OTC would also like to ensure that there is clarity around revenue under section 21.1. To remain consistent with POA fine revenue, there's a need for administrative penalty—

**The Chair (Mr. Dave Smith):** Sorry. Thank you. We've come to the end of your six minutes.

**Mr. Geoff Wilkinson:** Okay.

**Miss Kinga Surma:** No questions on this side.

**The Chair (Mr. Dave Smith):** No questions?

From the opposition, any questions? Mr. Glover.

**Mr. Chris Glover:** Could you just clarify your recommendation to amend section 21.1?

**Mr. Geoff Wilkinson:** Sure. For amending section 21.1, that would allow for APs for owner liability offences, such as for automated speed enforcement within the regulations to Bill 107.

**Mr. Chris Glover:** So that would mean that if somebody is driving a car and they commit a speeding offence in a school zone, the owner of that car would be assessed a penalty?

**Mr. Geoff Wilkinson:** That's correct.

**Mr. Chris Glover:** And that fine. Then, as far as the appeal process goes, what would that look like?

**Mr. Geoff Wilkinson:** Under the administrative penalty system, there is an appeals process and tribunals that are available to those who wish to seek that. With the AP process, there is evidence that's provided to the offender in the case of photographic evidence and technological evidence.

**Mr. Chris Glover:** Okay. That's fine. Thank you very much. Thank you for your deputation.

**The Chair (Mr. Dave Smith):** Ms. Bell.

**Ms. Jessica Bell:** Thank you for your presentation.

I have some questions around the expansion of automated speed enforcement and red-light cameras. Can you tell me a little bit about your interactions with MTO on this? Are they supportive? How are those interactions going?

**Mr. Geoff Wilkinson:** Yes. The MTO is supportive of the ASE program. We're working very closely with them on the implementation of the program. They're part of the committees that work together on developing the right type of program, a program that can be sustainable and where prosecutors will be able to prosecute offences.

**Ms. Jessica Bell:** Thank you. Can you also clarify for me the work or the communication the Ontario Traffic Council has done with other groups such as school boards that are also concerned about this issue? Are you working on your own? Are you working in coalition? I just want to have that fleshed out a bit.

**Mr. Geoff Wilkinson:** Right now, with the ASE program, we're working with our community partners through the municipalities. They're reaching out to their school boards, they're reaching out to the law enforcement in their areas to make sure that everyone is on the same page with regard to this program, and that people understand it and the importance of being able to protect our most vulnerable road users.

**1550**

**Ms. Jessica Bell:** So just to clarify, the reason why I'm asking is because when I canvass and talk to people, this has come up again and again. I just want clarity around if there are two separate groups operating separately, or if you're all working in coalition, because I wouldn't want to advocate for something and then find out another group is advocating for something a little different.

**Mr. Geoff Wilkinson:** Right. For the ASE, there's one group that is working together, and that's under the leadership of the OTC. With regard to the school bus camera program, that's a little bit different, in that it's more fragmented. I'd say that there's a lot more work that needs to be done on that program. As I've mentioned, I think there is opportunity for the OTC to bring communities together in working on a program, but we want to get the ASE program in place first.

**Ms. Jessica Bell:** I haven't read this yet, but I certainly will. Do you have specific legislative recommendations that we could introduce in committee that would allow ASE to move forward on a municipal level?

**Mr. Geoff Wilkinson:** I think for us one of the important things is the regulations that are then tied to the bill. With the passage of the bill, then that section 21.1 will be approved, and that will allow for an AMPS or an AP system.

**Ms. Jessica Bell:** Okay.

**Mr. Geoff Wilkinson:** So that's going to set the framework, then, for regulations that will allow this with regard to ASE.

**Ms. Jessica Bell:** Thank you very much for coming in and giving us your presentation. I appreciate it.

**Mr. Geoff Wilkinson:** Thank you.

**The Chair (Mr. Dave Smith):** Any further questions? Mr. Schreiner.

**Mr. Mike Schreiner:** Thanks to the OTC for coming in today. I really appreciate it.

I just want to be really clear: Your contention is that if there isn't an amendment to clarify where revenue goes, that will likely lead to municipalities opting not to move forward with some of these traffic safety measures, just due to costs alone?

**Mr. Geoff Wilkinson:** I think that amendment that we're looking at is more of a technical amendment to the bill. I think it's more that having that section there allows for the way the process works today, so it's just a continuation of the process that exists today.

I think what you may be referring to is where there are municipalities that may not be looking to participate in ASE, and that's more on continuing with the POA process as opposed to the administrative penalties process. Under the POA process, it's very costly to our court system, and many municipalities are just saying that they can't afford it.

**Mr. Mike Schreiner:** Right. But your amendment that you're proposing here would help alleviate those concerns?

**Mr. Geoff Wilkinson:** The amendment is actually a different amendment.

**Mr. Mike Schreiner:** Okay. So you're suggesting that is something that the committee needs to consider if we'd like to see these measures actually implemented?

**Mr. Geoff Wilkinson:** Yes.



**Mr. Mike Schreiner:** Okay. Thank you.

**The Chair (Mr. Dave Smith):** Thank you very much. This ends the presentations for today, then.

We will adjourn until 9 a.m. tomorrow, when we will continue the public hearings on this. I'd like to remind everyone that written submissions must come to the Clerk

by 6 p.m. on Thursday, May 23, and the deadline for filing amendments to the bill is with the Clerk at 10 a.m. on Friday, May 24. All amendments must be filed in hard copy.

We are adjourned until tomorrow at 9 a.m.

*The committee adjourned at 1555.*





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