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**Legislative Assembly  
of Ontario**

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**Assemblée législative  
de l'Ontario**

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**Official Report  
of Debates  
(Hansard)**

**Monday 9 March 2009**

**Journal  
des débats  
(Hansard)**

**Lundi 9 mars 2009**

**Standing Committee on  
General Government**

Countering Distracted Driving  
and Promoting Green  
Transportation Act, 2009

Road Safety Act, 2009

**Comité permanent des  
affaires gouvernementales**

Loi de 2009 visant à combattre  
la conduite inattentive  
et à promouvoir  
les transports écologiques

Loi de 2009 sur la sécurité routière

Chair: David Oraziotti  
Clerk: Trevor Day

Président : David Oraziotti  
Greffier : Trevor Day

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Monday 9 March 2009

Lundi 9 mars 2009

*The committee met at 1404 in room 151.*

**ELECTION OF CHAIR**

**The Clerk of the Committee (Mr. Trevor Day):** Honourable members, it is my duty to call upon you to elect a Chair. Any nominations?

**Mr. Kuldip Kular:** I move that David Orazietti be named for the position of Chair.

**The Clerk of the Committee (Mr. Trevor Day):** Mr. Kular has nominated Mr. Orazietti. Mr. Orazietti, do you accept?

**Mr. David Orazietti:** Yes, thank you.

**The Clerk of the Committee (Mr. Trevor Day):** Any further nominations?

**Mr. John O'Toole:** I would nominate Frank Klees.

**The Clerk of the Committee (Mr. Trevor Day):** Mr. O'Toole has nominated Mr. Klees. Mr. Klees, do you accept?

**Mr. Frank Klees:** I will humbly accept. I would ask that we have—

**Mr. John O'Toole:** A secret ballot.

**Mr. Frank Klees:** —a secret ballot, because I have a feeling that the members of government would be intimidated otherwise.

**The Clerk of the Committee (Mr. Trevor Day):** Unfortunately, our rules do not allow for that, Mr. Klees, but thank you.

Any further nominations? Nominations are now closed.

All those in favour of Mr. Orazietti? Mr. Orazietti has received the majority of the members of the committee.

**Mr. Frank Klees:** Could I withdraw before the embarrassment?

**The Clerk of the Committee (Mr. Trevor Day):** Mr. Orazietti, you are the Chair of the committee. Come up, please.

**ELECTION OF VICE-CHAIR**

**The Chair (Mr. David Orazietti):** We need an election for a Vice-Chair. Nominations?

**Mr. Bill Mauro:** I'd like to nominate Jim Brownell for Vice-Chair.

**The Chair (Mr. David Orazietti):** Do you accept?

**Mr. Jim Brownell:** I do.

**The Chair (Mr. David Orazietti):** Any other nominations? All in favour? Opposed? Carried.

**SUBCOMMITTEE REPORT**

**The Chair (Mr. David Orazietti):** Good afternoon, everyone. Can I get someone to read the Standing Committee on General Government report of the subcommittee?

**Mrs. Carol Mitchell:** Sure.

Your subcommittee met on Thursday, December 18, 2008, and Wednesday, February 18, 2009, to consider the method of proceeding on Bill 118, An Act to amend the Highway Traffic Act to prohibit the use of devices with display screens and hand-held communication and entertainment devices and to amend the Public Vehicles Act with respect to car pool vehicles, and Bill 126, An Act to amend the Highway Traffic Act and to make consequential amendments to two amending acts, and recommends the following:

(1) That the committee clerk, with the authorization of the Chair, post information regarding public hearings in the *Globe and Mail*, the *Toronto Star*, *L'Express*, and the daily or weekly paper in Niagara Falls, Goderich, Sudbury and Kingston, for one day during the week of January 12, 2009. This is to include French newspapers where applicable.

(2) That the committee clerk, with the authorization of the Chair, post information regarding public hearings on the Ontario parliamentary channel and the Legislative Assembly website.

(3) That interested parties who wish to be considered to make an oral presentation contact the committee clerk by 12 noon on Thursday, January 29, 2009.

(4) That groups and individuals commenting on one bill be offered 10 minutes for their presentation and those commenting on both bills be offered 15 minutes for their presentation. This will be followed by up to five minutes of questions by committee members.

(5) That the Minister of Transportation be invited to appear before the committee at the conclusion of the public hearings to make a presentation of up to 10 minutes, followed by 20 minutes of questions by committee members.

(6) That the committee meet in Toronto on March 9, 11 and 23, 2009, for the purpose of holding public hearings.

(7) That the deadline for written submissions be 5 p.m. on Monday, March 23, 2009.

(8) That, for administrative purposes, proposed amendments be filed with the committee clerk by 12 noon on Friday, March 27, 2009.

(9) That the committee meet for the purpose of clause-by-clause consideration of the bill on Wednesday, April 1, 2009.

(10) That the research officer provide the committee with a summary of presentations.

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

That is the report.

**The Chair (Mr. David Orazietti):** Any debate on the committee report? Seeing none, all in favour? Opposed? Carried.

COUNTERING DISTRACTED DRIVING  
AND PROMOTING GREEN  
TRANSPORTATION ACT, 2009  
LOI DE 2009 VISANT À COMBATTRE  
LA CONDUITE INATTENTIVE  
ET À PROMOUVOIR  
LES TRANSPORTS ÉCOLOGIQUES

ROAD SAFETY ACT, 2009

LOI DE 2009 SUR LA SÉCURITÉ ROUTIÈRE

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

**The Chair (Mr. David Orazietti):** Good afternoon, everyone. Welcome to the Standing Committee on General Government. As there are a number of presentations this afternoon and some individuals may be speaking to one bill or both bills, the agreed-upon time is 10 minutes if you're speaking to one bill, and you may have up to five minutes of questions following that.

SHARE THE ROAD CYCLING COALITION

**The Chair (Mr. David Orazietti):** Today we have the first presenters, Share the Road Cycling Coalition. If you'd like to begin, please state your name for Hansard for our recording purposes. Go ahead when you're ready.

**Ms. Eleanor McMahon:** My name is Eleanor McMahon. I am the founder of the Share the Road Cycling Coalition. To my left and with me today are Mr.

Ron Middel, who is the chief administrative officer of the Police Association of Ontario, and to his left, Debbie Virgoe, who is a road safety advocate as well—and I will talk a little bit about Ms. Virgoe in a moment.

I'm glad to be here. There were tragic circumstances that brought me here, however, and believe me, part of me wishes I wasn't here. To my left, you see a photograph. That is my husband, Ontario Provincial Police Sergeant Greg Stobbart, who was killed in a cycling tragedy while riding his bike north of our home in Milton, Ontario, on June 6, 2006. It is because of Greg that I am here and that I've been working with OPP Commissioner Fantino and others for the past two and a half years since his death on legislative amendments. Those amendments were tabled as part of Bill 126. They are to section 55, which deals with suspended drivers. I draw your attention to those and I'm going to be proposing some amendments to you today.

**1410**

I should also mention that Mr. Karl Walsh, who's the chief executive officer of the Ontario Provincial Police Association, sends his regrets. He is unfortunately delayed in the United States due to weather; he had hoped to be with us today. He, on behalf of the 8,100 members and my husband's former colleagues of the Ontario Provincial Police, sends kind support in support of my remarks today.

I have a presentation. I'm not going to go through it in its entirety; it would take me longer than the 10 minutes I'm allotted. I hope to address pieces of it, though, so I would ask you to take it out if you have it in front of you; I understand that you do. Again, I am going to go through it very briefly. It contains some statistics and some data that I leave for your thoughtful consideration. With that, I'm going to go through it now.

I start with the background, which is slide 3, because it talks about the reason that we're here. Again, my husband was killed. The driver who killed him had a 10-year driving history that included five convictions of driving under suspension, two convictions of driving while not insured, \$14,000 in unpaid fines—and two months after he killed my husband he hit someone else. I can say that we were all shocked to learn of this rather appalling driving history, particularly since this driver was a commercial driver at the time and drove for a living. So you can imagine our discomfort and how upset we were when we learned of this driving history. As a consequence, we started a debate on high-risk drivers and serial traffic offenders in this province that we thought was important, with a view to seeking tougher penalties to reduce recidivism, save lives and ensure some accountability. I'm moving quickly through my presentation, with your indulgence.

An operating principle that's been important to us from the outset is that obtaining and holding a licence in this province is a privilege and not a right—a very important premise for all of us, especially those in the province who are licensed drivers and who are law-abiding citizens.

A second important operating principle is that traffic authorities—namely, police officers—have to be empowered to take action that’s preventative. Preventing tragedies is what law enforcement officers do on a day-to-day basis. I was proud to be married to one and I can tell you that after almost 24 years on the police force, Greg served as a traffic sergeant in the OPP. He dealt with suspended drivers; I heard stories about his work on a day-to-day basis, and the tragedy that they represent is part of the reason that I’m here today.

In looking at seeking amendments that I talked about a moment ago and that are now reflected in the legislation, we wanted to deal with repeat offenders and to reduce those costs to society. Accountability was an important piece of what we’re trying to do. In seeking to get legislative amendments in place, we undertook outreach and an enormous amount of research; that research is contained for your information herein. I liaised with other road safety organizations, notably Mothers Against Drunk Driving, given the amount of research that they’ve done on suspended drivers.

What did we learn right off the bat that was helpful? That six other provinces in Canada have legislation that targets suspended drivers, which we thought was a useful platform to bring to Queen’s Park and to the provincial Legislature because dealing with suspended drivers, repeat offenders and high-risk drivers has been a priority in six other provinces; why not the busiest province in the country, in terms of roads and road safety?

Some data that will interest you, I think: There are 8.7 million licensed drivers in Ontario; there are currently 500,000 suspensions on file in this province. That is a number that is far too high, arguably, and that we need to address. Another number: 286 collisions in 2007 involved a suspended driver; that’s up from 183 in 2004, a significant increase.

Some Canadian data for you to consider: I draw your attention to the overall costs of collisions in Canada, noted at between \$11 billion and \$27 billion. If we had another problem of this magnitude in our society, such as a health care problem, I’m sure that we’d be moving to fix it. One of the things that I’ve noticed, and I’m sure you have too, is that there’s an overall complacency in our society as regards traffic fatalities and traffic collisions. We expect them to happen. When they do, we feel bad about it, but it’s time that we move to close this important piece which deals with repeat offenders and people who leave their driveway without due care and attention for others and repeatedly drive under suspension, as if the law does not apply to them. That is what we’re hoping to do with this legislation and of course with the amendments that I’m going to propose.

I won’t go through them, but there are two provinces outlined here, Alberta and Saskatchewan, that speak to the importance of suspended driver legislation, and some of the remedies they have put in place. Since I do use them as a platform, however, I will draw your attention to Saskatchewan, where they did a study two years after the legislation was tabled and passed. They noticed that

there was a 30% decrease in repeat offender drivers and suspended drivers in that province. I would suggest that’s a fairly good statistic in terms of looking at how vehicle impoundment has worked.

As you know—and Mr. Klees, in particular, knows—since section 172, the Highway Traffic Act, was passed almost two years ago now, dealing with street racing, there have been over 10,000 drivers charged in this province, and there’s a 30% decrease in speed-related fatalities in Ontario. Again, a major feature of that legislation is vehicle impoundment. That’s why it’s in this legislation and, indeed, I’d like to see it strengthened.

I won’t go through them again, and I apologize for my scant reading of these, but for your interest and information there are several statistics there and quotes relative to MADD. I would draw your attention, if I may, to a slide which says “Why vehicle impoundment?” I’ll very quickly read this:

“Penalties that separate offenders from their vehicles are therefore appealing and have been shown to be effective. Although laws allowing for vehicle sanctions, especially for repeat offenders, have been on the books for years, their use has been quite limited until recently. One major reason for the lack of the use of the sanctions is that they were generally imposed through the courts.”

As my friend to my left, Debbie Virgoe, will tell you, her husband, David, who’s a hero, was killed by three street-racing drivers on Highway 400. She’s in the midst of a trial on all three counts. The fellow who pled guilty was convicted and he was, of course, charged with having no insurance. The maximum fine was \$5,000; he received a fine of \$1,000. Judicial discretion allows for that. I would suggest that sometimes imposing administrative sanctions such as this law suggests gets outside of that discretion and actually acts as a very helpful deterrent, and I think the research backs that up.

I have a quote in there as well, of course, from MADD that talks about suspended drivers and their impact on insurance costs in this province. This is also a very important feature because when someone is suspended, they aren’t insured, and that compounds the tragedy.

In summary, we have six jurisdictions in Canada that have programs in place to deal with high-risk drivers and repeat offenders and suspended drivers. We need Greg’s Law, as we’re calling it. I would ask, Mr. Chair—I don’t know if it’s in the purview of this committee or not—that it be called Greg’s Law, because as a law enforcement officer and a public servant in this province, he dedicated his life and his professional life to accountability in the service of this province. I would ask you to consider that. It can have a powerful effect when you name a law after someone, because it stays with officers, in particular. In his memory and on his behalf, I ask that you consider that.

The final slide deals with my requested amendments that would call, as they have in Alberta and Saskatchewan, for a 30-day vehicle impoundment for a first offence—it would increase the current legislative proposal from seven days; a 60-day impoundment for a

second offence, with an automatic further suspension of the licence on both counts; and then vehicle forfeiture on the third offence, and incarceration should be considered on that third offence. In Alberta, an interesting piece I would like to suggest to members of the committee is that a 60-day impoundment is applied if two offences occur within the same year.

That concludes my formal presentation. I thank you for your attention and I welcome your questions.

**The Chair (Mr. David Orazietti):** Thank you very much, Ms. McMahon. We're all very sorry for your loss and saddened by the conditions that brought you here, but we thank you very much for your advocacy and for what you're doing here today.

We have about five minutes for questions and we'll start with opposition members, if you'd like to go ahead.

**Mr. Frank Klees:** Ms. McMahon, thank you for your presentation and for your advocacy on this issue.

Have you had an opportunity to make your presentation to the government on this issue and, if so, what kind of response have you had to date?

**Ms. Eleanor McMahon:** Thank you, Mr. Klees.

I met with Minister Bradley last July and had an opportunity to present a very similar presentation to him, including the work that was done in other provinces. He seemed persuaded by the fact that other jurisdictions already had such legislation in place and was kind enough to invite me to the tabling of the legislation in November. It was a positive response from the minister, and I think that's the reason we have the proposed amendments today.

1420

**Mr. Frank Klees:** Have you had any reaction as to why the stronger impoundment measures have not been included in the legislation?

**Ms. Eleanor McMahon:** My understanding from talking to officials in the department is that there is some reticence about charter challenges that have existed—currently section 172. My response to that is that charter challenges, in my experience, aren't necessarily suitable grounds for amending legislation. I think we need to be courageous. I think we need to look at what works in other provinces and look at saving lives. The cost to society alone per fatal collision and per injury is significant.

I can just tell you from Mrs. Virgoe and from my perspective that when you lose a loved one—you can just imagine. The deterrent factor of impoundment programs, and the numbers make it clear, is very effective. The growing number of suspended drivers—half a million drivers in this province are currently under suspension, and that should give us all pause for concern. If we can lessen that number, we should try and do so.

**Mr. Frank Klees:** Mr. Chair, have we got—

**The Chair (Mr. David Orazietti):** You've got about 30 seconds, if you want to ask another—

**Mr. Frank Klees:** I'd just like to give Mrs. Virgoe an opportunity to state why she supports this proposal.

**Mrs. Debbie Virgoe:** Anything that can help us strengthen the laws in keeping suspended drivers off our

roads is beneficial. Although the drivers involved in my husband's death were not under suspension, one of them was uninsured and should not have been on our roadways. So anything that we can bring forward that will stiffen keeping these drivers off our roadways is of utmost importance.

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

**The Chair (Mr. David Orazietti):** Thank you very much. Government members?

**Mr. Bill Mauro:** Ms. McMahon, thank you for being here today. I have a couple of very quick questions. Our legislation contains a recommendation for seven-day impoundment. Is it in your materials on how long you would like to see the seven days become?

**Ms. Eleanor McMahon:** How long I would like it to be extended?

**Mr. Bill Mauro:** Yes.

**Ms. Eleanor McMahon:** Thirty days on a first offence.

**Mr. Bill Mauro:** Thirty, you said?

**Ms. Eleanor McMahon:** Yes.

**Mr. Bill Mauro:** My second quick question: In your materials, the 500,000 number is a staggering number to me for suspended licences. Is there a significant number of those that are non-driving-related, that are health related, seniors perhaps who fail an eye test or something? Do you know the—

**Ms. Eleanor McMahon:** I don't know. That's a very good question. That's a blanket statistic. That's OPP data that was sent to me by the Ontario Provincial Police.

**Mr. Bill Mauro:** It's a staggering number.

**Ms. Eleanor McMahon:** It is a staggering number. Again, with all due respect to your question, and I do respect it, because there are differing reasons—

**Mr. Bill Mauro:** I know, yes. Okay, understood. Thank you, Chair.

**Mrs. Linda Jeffrey:** I just want to thank you for being here today. It must be extraordinarily difficult, and your persistence is very much appreciated, because there is no one who can tell the story better than you can.

Just a quick question. I read your materials but I didn't see anything here—maybe I haven't caught it yet. How do you feel about the fines? The fines have been increased. Do you see that as an impediment? In your research of the other provinces, was that part of the deterrent factor?

**Ms. Eleanor McMahon:** I think fines are a part of the deterrent factor, but I would look at our own case. This gentleman had \$14,000 in unpaid fines. He continued to incur fines. I can't speak for him, obviously. I would suggest that in this case—and I can say anecdotally from talking to the commissioner and other officers around the province—vehicle impoundment works. Separating people from their cars, the cost and inconvenience of that, is a powerful deterrent. While fines are important, again, when you have an individual who incurs a fine of \$5,000 and keeps on driving, with their licence suspended, and finally five times, is continuing to drive, and that individual is a commercial driver, I would say that

not only do the statistics tell us that vehicle impoundment works but that fines aren't enough. They simply don't do it.

**The Chair (Mr. David Oraziotti):** That's all the time we have. Thank you very much for your presentation and for being here today.

**Ms. Eleanor McMahon:** Thank you. I appreciate it.

#### TEAMSTERS CANADA

**The Chair (Mr. David Oraziotti):** Our next presentation is from Teamsters Canada, Robert McAulay, national director, freight and tank haul; and Phil Benson. Gentlemen, good afternoon. Thanks for being here today. You have 10 minutes for your presentation. Please state your name before you begin to speak so that we can record it for Hansard purposes. If there is time remaining, we'll designate that to questions among all the members here. You have five minutes for questions, and in addition, any other time that you leave of the 10 minutes. Go ahead whenever you're ready.

**Mr. Robert McAulay:** My name is Robert McAulay, director of Teamsters Canada, freight and tank haul division.

**Mr. Phil Benson:** Good morning. Thank you for having us down. My name is Phil Benson. I'm a lobbyist for Teamsters Canada.

Teamsters Canada's labour organization, with over 125,000 members, is affiliated with the International Brotherhood of Teamsters, which has 1.4 million members across North America. We represent several industries and sectors, including transport—air, rail, truck and ports—retail, motion pictures, breweries, soft drinks, construction, dairy, graphic communication, warehousing and more.

We're talking about Bill 118, distracted drivers, which amends the Highway Traffic Act to prohibit driving with display screens and other devices in motor vehicles, except as exempted by legislation, by regulation. Many of the exemptions make sense, especially as they relate to emergency vehicles and to professional drivers. Some exemptions for the general driving public do not seem consistent with the bill: for example, heads-up displays and navigational equipment. We're referring, of course, to the blue and the white wall of death that our drivers see going down the highway.

As such, the bill seems to do little other than prohibit the use of cellphones while driving, and of course individuals can continue to use cellphones with hands-free technology. It is our understanding that studies do not particularly support the idea that hands-free is a much safer option, but it is at least a start. We also suspect the regulators to be very busy granting exemptions. One glaring omission from the trucking sector of our members is the use of CB radios. For professional drivers, a CB radio is an essential tool of the trade.

The bill does deal with very limited aspects, but we suggest there are a lot more pressing issues regarding safety on the road. Teamsters Canada has repeatedly

raised the issue of snow and ice on top of trailers and the hazard they cause. Health and safety requirements that protect drivers mean that methods of clearing the snow must be provided by private or public sources because drivers can't get on the roof to shovel it off. The Auditor General's report, 2008, reported that commercial vehicle safety and enforcement show a somewhat less than stellar performance by the transport department. The current requirements are not being enforced, checked or regulated, yet we're proceeding with new initiatives.

It's not just distracted drivers; one example is speed limiters on commercial trucks. We don't condone speeding, we are concerned about the environment, but we have concerns. Speed limiters may cause more danger on highways, especially on two- versus four-lane routes. It also appears that the technology to allow truck fleets to change speed settings on the fly are expensive, unavailable, and others claim it may violate warranties. The speed limiter issue is further complicated due to the cost it will impose on truckers. Time and cost create non-tariff trade barriers that may result in a complaint through NAFTA. At a time when hundreds of thousands of Ontario workers have lost their jobs, we wonder why the government would want to create any kind of incentive for US companies to choose Michigan or Ohio rather than Ontario.

On the speed limiter issue, it's bad for trade and it's not necessarily safer. We would prefer working within the CCMTA and AAMVA framework to produce regulations that apply equally and everywhere, something that this government has already taken a position on through interprovincial trade. Once influential governments like Ontario take a piecemeal approach, others will continue. We particularly do not want to work in a patchwork quilt of regulations across North America, as our drivers and transport aren't just local. We often wonder what would happen in Ontario if Michigan decided to set speed limiters at 100 kilometres, Ohio at 95 and Florida at 93.

One thing we are certain of is that transport doesn't seem to have the resources to enforce what it is supposed to do today: basic regulations, truck safety, hours of service. We don't know how you're going to monitor cellphones, wireless communication, snow and ice, or even speed limiters.

Bill 118 is not bad legislation. It may do more good than harm. It seems quite limited. Again, we think it could have been achieved through the CCMTA route. That's the Canadian Council of Motor Transport Administrators.

#### 1430

It's not just professional drivers who need consistent rules; all drivers do. In our opinion, there are much more pressing transportation issues. The holdup, of course, is that, unlike cellphones, they would cost government and industry real money to deal with them.

With that, if you have any questions, we'd be pleased to answer them. Thank you for having us here.

**The Chair (Mr. David Oraziotti):** Okay. We have a fair bit of time. We'll start with the third party.

**Mr. Gilles Bisson:** I've got a bit of a cold; sorry about that. Thank you for presenting. A couple of things in regard to the safety aspect of the speed limiters. One is if you can give a little bit more detail as to why you think the speed limiters could lead toward more unsafe situations on the highways. Maybe we'll just start with that, if you could give a little bit more detail.

**Mr. Robert McAulay:** Yes, thank you. Robert McAulay. Like I said, I'm a 41-year Teamster and I drove a tractor-trailer for 25 years.

What would happen, especially on—take the 401, for instance, where there are three lanes going in one direction. The two right lanes would have tractor-trailers in them trying to pass each other. It leaves no alternative but for a car to head for that passing lane, trying to overtake. So you're going to have aggressive lane changes, a lot more lane changes, and a lot of irate drivers.

**Mr. Gilles Bisson:** Is there any data that demonstrates that from areas where this has been installed?

**Mr. Robert McAulay:** I don't have data. I just have experience myself and what I've seen on the road. Definitely, what's happening is there are several distractions right now, as Phil mentioned. With speed limiters—we already have speed limiters in place. They're called signs.

**Mr. Gilles Bisson:** They're called the police.

**Mr. Robert McAulay:** Exactly.

**Interjection:** More enforcement. Exactly.

**Mr. Robert McAulay:** So you've taken one group and said it's okay to do 125 kilometres—120, 125 kilometres an hour—in a car, and drinking a coffee, maybe shaving, with a bowl of cereal on your lap. But on the other hand, you're taking truck drivers and you've said, "Okay, you have to be regulated at 105."

If there's a bad-apple truck driver out there, then shame on him. He should face the penalties, if it's an improper lane change or whatever it happens to be. But at least make it fair for everyone here. We have a traffic flow out there right now. It mixes quite well.

**Mr. Gilles Bisson:** Just a very quick question on the cost of installing the laptops in order to be able to turn them on and off. How practical is that?

**Mr. Robert McAulay:** Once again, the limiter itself, to have it regulated, costs about \$150, I understand. You have to go to a dealership and get it done through a computer. If you do it from a home office, it would be about a \$3,000 to \$4,000 cost. It has to be controlled by a home office set-up where you can control your switch on and off.

What it does is, if you've got a US driver coming into our province—and we talk about the free trade, the heavy trade that goes on in Ontario and Quebec—here a driver has to stop and make an appointment at a dealership. It has to be a dealership; otherwise, his warranty would be no good, if somebody else works on it.

**Mr. Gilles Bisson:** That's a good point.

**Mr. Robert McAulay:** Yeah. Make an appointment—there's downtime right there, \$150 out of his pocket—come into the province, deliver a load, pick up another

load on the way back out, set his limiter again: another \$150 if he doesn't have that \$3,000 or \$4,000 switch. And then what happens—

**The Chair (Mr. David Oraziotti):** Sir, I have to stop you there. Thanks very much. We have to move on to the next caucus for questions.

**Mr. Gilles Bisson:** You can answer that and reduce somebody else's time now.

**The Chair (Mr. David Oraziotti):** To the government members. Mrs. Jeffrey.

**Mrs. Linda Jeffrey:** Mr. McAulay, I wonder if you could expand on something you mentioned at the beginning, not being a truck driver myself: the CB radio and the hand microphones that you use as part of the job. Since we're reviewing our exemptions and what would be necessary to assist you doing your job, can you explain how the CB radio works and why it would be necessary to do your job?

**Mr. Robert McAulay:** Yes, I'd like to answer that. If there's an accident that a driver just passed, he would get on his CB radio. He'd warn other truck drivers that are coming the opposite way to slow down: "There's an accident"—of course, they have their own lingo, but that there's been an accident and to start backing down. What these trucks will do is put on their four-ways to slow the traffic down coming in that direction. In my experience, that's exactly what we've done in the past.

**Mrs. Linda Jeffrey:** So you'd only use it in case of emergency; is that right?

**Mr. Robert McAulay:** Yes.

**Mrs. Linda Jeffrey:** The CB radio wouldn't be used for locating where you're going; it wouldn't be a tracking device at all?

**Mr. Robert McAulay:** No.

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

**The Chair (Mr. David Oraziotti):** If there are no further questions, we'll move to the Conservative caucus. Mr. O'Toole?

**Mr. John O'Toole:** Thank you, Mr. McAulay. In your presentation with respect to the speed limiters, you were not inherently specific with this bill, but I did attend your presentation here last week, where you and others enunciated it. At your press conference here last week, there were two issues that indicated that it constitutes a threat to safety on our highways. They talked about—and your presentation here mentioned it—studies done by the University of Waterloo that actually substantiate some of the things you've said here today. Could you share with the committee on the record some of those studies? I was told that they were prohibited from being presented during the drafting and discussion on the bill.

**Mr. Robert McAulay:** There was a study—actually, I just read about that—by the University of Waterloo. Because of the volumes of traffic we have on our highways and because of the aggressive lane changes, it will be a threat to our safety on the roads. That's the report from the University of Waterloo, I understand, in a nutshell.

**Mr. Phil Benson:** Even the Transport Canada study that the government relied upon raised issues about once



you got away from the three- and four-lane highways to the smaller-lane highways.

Just this morning, quite sadly, brother Fred Randall, who's a reservist, had to go up to Trenton to take part in a ramp ceremony. One of his dear friends unfortunately just passed away in Afghanistan, a former Teamster, Mr. Brown. He was saying that up there, in the exact same place I saw the road rage going up past Oshawa, where the cars went from 140 down to about 65 kilometres an hour—if they're doing 140, where are the police? I'm not sure. But doing 140 down to 60 and there are three trucks trying to pass, one person ended up going off the road. There's that issue of safety on our highways, but there's the other issue of trade. At a time when we're losing tens of thousands of jobs, transportation is an absolute requirement for trade. I think it was unintended, but the bill, as it was put into effect, has created a non-tariff trade barrier. We really don't need that right now at a time of job loss. So there are two aspects to the problem.

**Mr. John O'Toole:** I guess I have just one more comment. It does send a confusing message to the visitor to Ontario from other provinces and other countries about what the speed limit is. It's posted today, as I understand—I drive each day—at 100. Now we're saying you can go 105. As you said, most of the ambient traffic is about 120 or 115, and then there's another side that says at 150 kilometres an hour there's this inordinate fine of \$10,000. What is the speed limit? What's the message here? To me, it's inconsistent. Would you not agree? Visitors here are going to be confused.

**Mr. Robert McAulay:** Absolutely, because it's always been accepted, as long as I can remember. Because the speed limit is 100 kilometres an hour, if cars do 120, that's fine. If they're doing 125—I'm just saying, a police cruiser pulls up and it's been accepted. They do it all the time. We're not getting the proper enforcement. How can you turn around with one group and allow that?

**Mr. John O'Toole:** It's a charter challenge, potentially.

**Mr. Robert McAulay:** It is, but now we're making it worse. We're putting up a roadblock by limiting all the trucks to 105 kilometres.

**The Chair (Mr. David Oraziotti):** Thank you, Mr. O'Toole. That's all the time we have for questions. Thank you very much, gentlemen.

**Mr. Robert McAulay:** Thank you very much, Mr. Chair.

#### ONTARIO FEDERATION OF AGRICULTURE

**The Chair (Mr. David Oraziotti):** The next presentation is from the Ontario Federation of Agriculture—I understand you'll be speaking to Bill 126—Peter Jeffery and Wendy Omvlee. Please state your names for the purposes of Hansard. You'll have 10 minutes for your presentation and there will be five minutes for questions, should the caucuses wish that. Go ahead when you're ready.

**Mr. Peter Jeffery:** My name is Peter Jeffery. I'm senior policy researcher, Ontario Federation of Agriculture.

**Ms. Wendy Omvlee:** My name is Wendy Omvlee, executive committee, for the Ontario Federation of Agriculture.

OFA is the voice of Ontario farmers. Supported by approximately 38,000 individual farm family members and 30 affiliated organizations, the OFA represents farm family concerns to governments and the general public. We are active at the local level through 51 county and regional federations of agriculture. We welcome the opportunity to present our perspective on the Road Safety Act, 2008, amendments to the Highway Traffic Act.

#### 1440

Farmers and farm organizations endorse road safety and reasonable, effective measures to achieve that goal. Farmers use our system of highways and roads in two distinctly different ways: Firstly, we operate a variety of licensed motor vehicles, ranging in size from small passenger vehicles to large trucks; and, secondly, we operate a variety of unlicensed, slow-moving farm implements from farm to farm.

Turning first to section 30 of the Road Safety Act, 2008, which amends provisions related to the use of the slow-moving-vehicle sign: Farmers rely on the SMV sign on farm vehicles to alert drivers closing from behind that these farm vehicles are travelling at a speed much below the posted road speed limit. Common farm practice is to tow a variety of farm implements from farm to farm or farm to field behind a licensed truck. Unfortunately, the current wording in section 76 of the Highway Traffic Act defining those vehicles eligible to display an SMV sign when on the roads has been interpreted by some enforcement personnel as precluding towing farm implements behind a licensed truck.

A September 2003 memo to Ontario's police services outlined the Ministry of Transportation's perspective on towing farm implements behind a licensed truck; namely, that the ministry "considers the combination of truck and implement to be an SMV, provided an SMV sign is displayed on the towed implement and the speed of the combination does not exceed 40 kilometres per hour."

OFA has long considered it legal and appropriate to tow a farm implement with a licensed truck. OFA has also supported the 40-kilometre-per-hour speed limit for use of the SMV sign. The practice is safe. The practice does not negatively impact road safety.

OFA wholeheartedly welcomes the proposed amendment recognizing the combination of a motor vehicle and towed farm implement as a slow-moving vehicle, provided an SMV sign is displayed on the towed implement and the speed of the combination does not exceed 40 kilometres per hour.

Then our second part: We oppose the proposals to change the current graduated licensing system to require longer periods in both the G1 and G2 driver's licence classes before one can move to the next level. The proposal will directly affect teens and beginning drivers who

live on our farms or who reside in small urban centres without public transit. Teens and beginning drivers who live on our farms or who reside in small urban centres must rely on their parents or older siblings, if present, to drive them to after-school activities, sports or part-time jobs. They often have no alternative. The ability to earn a driver's licence that authorizes one to operate a motor vehicle without an accompanying driver in a timely fashion is vital.

The proposed longer periods for G1 or G2 drivers before they can move on to the next level will significantly impact the lives of teens and beginning drivers who live on our farms or who live in small urban centres. Opportunities for after-school activities, sports or part-time jobs will be severely curtailed, if not outrightly precluded.

What will be the net benefit from longer periods for drivers with a G1 or a G2 driver's licence for teens and beginning drivers who live on our farms or who reside in small urban centres? From our perspective, the outcomes are negative. Farm and small-town teens and beginning drivers will be unable to fully participate in after-school activities, they will be unable to participate in sports and, finally, they will be unable to take on part-time jobs, which for many is crucial to begin post-secondary education through monies earned. The Ontario Federation of Agriculture recommends that periods for drivers with a G1 or a G2 driver's licence remain as they are currently set.

On behalf of the 38,000 farm families who support the OFA, I thank the Standing Committee on General Government for the opportunity to present our perspective on the Road Safety Act, 2008.

**The Chair (Mr. David Orazietti):** Thank you very much for your presentation. We'll start with the members of the government. Mrs. Jeffrey?

**Mrs. Linda Jeffrey:** Thank you for your deputation. It's very helpful to have this much detail. Can I ask you about something that you actually haven't mentioned in your deputation? I wondered if there is an impact on the farming community in the use of electronic equipment. It's something we're considering, as to what exemptions would be available and whether there would be any electronic equipment that farmers would use that you would want to have exempted. Is that something you've considered as part of the OFA?

**Mr. Peter Jeffery:** We looked at the legislation and didn't see a need for a specific agricultural exemption from the prohibitions on hand-held devices.

**Mrs. Linda Jeffrey:** Okay.

The issue with regard to the slow-moving vehicle: I think what the legislation would ultimately do is make legal what you've been doing in practice all along. Is that the case? In essence, this is what you'd normally have to do, reasonable activities in the business of running a farm, and this is something you would support; is that right?

**Ms. Wendy Omvlee:** Absolutely. I know in our case, we move implements around with our half-ton all the time.

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

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

**Mr. Frank Klees:** You make reference to some of the provisions of this act having been brought forward in haste. Can you just tell us, did the government consult with your organization on some of these areas before they drafted the legislation, or perhaps while they drafted the legislation?

**Mr. Peter Jeffery:** No.

**Mr. Frank Klees:** They did not consult with you, even though there is obviously a very direct impact on the entire agricultural industry. I just wonder if perhaps the parliamentary assistant could tell us why there was no consultation with this organization.

**The Chair (Mr. David Orazietti):** Mr. Klees, the question is to be asked of the presenter. We'll not have the cross-discussion—

**Mr. Frank Klees:** The parliamentary assistant can respond if she chooses to.

**The Chair (Mr. David Orazietti):** We can have a discussion about that later. If you want to use your time to ask questions of the presenter, you're able to do that. You have about three minutes to do that.

**Mr. Frank Klees:** That's fine, thank you.

**The Chair (Mr. David Orazietti):** Third party?

**Mr. Gilles Bisson:** I'm glad the parliamentary assistant clarified the amendments to the Highway Traffic Act in regard to the towing of various implements, because that is a good thing. That's how I understood it. It just does what we've always done and puts it into law.

You have no worry that the wording may or may not be what you want? You're satisfied with the wording the way it is?

**Mr. Peter Jeffery:** We're comfortable with the way the wording is.

**Mr. Gilles Bisson:** All right, that's fair.

On the G1 and G2, what would you suggest? The suggestion is to lengthen the period between the G1 and the G2. You would just leave it the way it is? Is that what you're asking for?

**Ms. Wendy Omvlee:** Yes.

**Mr. Gilles Bisson:** That's all I needed to know.

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

**Mr. Gilles Bisson:** No. We're pretty clear.

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

#### CHARLES DILTZ

**The Chair (Mr. David Orazietti):** Is Charles Diltz here? Would you like to come forward for your presentation, please, sir?

I understand that you'll be speaking with respect to Bill 118. If you just want to state your name for the record when you begin, you can start your presentation as soon as you like.

**Mr. Charles Diltz:** Thank you very much. Good afternoon, ladies and gentlemen. I have provided copies

of my presentation so that you can have something to keep in mind and have with you afterwards.

I want to go on record as saying that I do have a cellphone, and my cellphone is in my car. I keep it in my car. No one has my phone number. The cellphone is used strictly for outgoing calls, and I do not talk on the phone when I'm driving; I pull over.

I have to admit that on two occasions I did use the cellphone while driving. I wasn't crazy enough to try to do it in the city traffic; I did it out on the highway. But I did it simply for the experience and to get evidence of the points that I want to make. There are two points that I would like to make:

One is that the use of any and all hand-held electronic devices such as a cellphone or some of those game players or a BlackBerry by the driver of a moving vehicle should be banned by law. I forgot to put "BlackBerry" on the copy. Over the weekend, a lady found out that I was making this address. She called me and said, "Put BlackBerry in there because my husband drives me crazy"—

**Mr. Gilles Bisson:** Because of the BlackBerry or for other reasons?

1450

**Mr. Charles Diltz:** I have no evidence of that, sir—"when he checks the thing while he's driving."

The second point I want to make is that the use of a hands-free phone by the driver of a moving vehicle should also be banned by law. I recognize that this point would be difficult to enforce, but it should be on the books for the police to use if reliable evidence or a witness to an accident or an incident is available. If they are not banned, then people will feel free to buy them, which the manufacturers will love, of course, but which will still contribute to unsafe driving habits.

The reason for these bans can be summed up in one word: "concentration." If one is talking on the phone, one is concentrating on listening, and driving with peripheral vision. To prove the point, simply go out on the street to observe pedestrians talking on their phones. I put the word "yapping" in there. I was told that it wasn't a good word because it suggested that I was angry—I wish to inform the committee that I was not angry, perhaps disgusted, but certainly not angry.

Watch them. They walk with their heads down, they're not fully aware of what's going on around them, and one can occasionally see someone with one of those hands-free phones doing the same thing. In fact, the first time I saw someone with one of those things, I thought they were off their meds and they were standing talking to themselves. It's the same with driving: Listening requires concentration, and it detracts from safe driving. As I pointed out already, I have tried it, to find that I was concerned more with the conversation than with the safe operation of my car. I challenge any one of you who has spoken on a cellphone while driving a motor vehicle to debate this point.

I also wish to point out that there is a difference between concentrating on a phone call and carrying on a

conversation with a passenger or listening to the radio. Have you never turned up the radio to hear the news or you wanted to hear what a particular piece of music was, and you were waiting for the announcer to tell you what the name of the piece was and you missed it because the traffic required your concentration?

Your fellow passenger is also aware of traffic and knows when to be quiet, and a lot of times they can help you. The problem with speaking with a passenger is simply that one tends to look from time to time at one's fellow conversationalist.

Another point that I wish to bring to your attention is that contrary to the ideas expressed by our Premier, eating or drinking or adjusting the temperature or the radio is almost an involuntary action. It does not distract from driving, although I grant you that it means that one has but one hand on the wheel. Further, it could be rather messy if one had to, in an emergency, drop what one was holding. Will you notice, please, that while I was talking, I took this hearing aid out of my pocket? It did not detract from my speaking.

Last week, while getting a newspaper from a vendor's box outside a parking garage, I observed a man who drove into the exit right up to the barrier and looked around for the ticket dispenser. At least he put the phone down in order to back out safely.

There was an article in the Globe and Mail on Monday, January 19, 2009, reporting on a GPS device that parents could rent for \$10 to \$20 a month. This gizmo can be attached to the ignition key with a teenager's cellphone number punched in so that the phone is deactivated if the vehicle is moving. The item then went on to list four methods by which the teen could circumvent the device. My point is that the parents should not have to rent such a contrivance and teenagers should not be singled out from adults who should know better.

Driving while talking on a phone is just as dangerous as driving while under the influence of drugs or alcohol. An exaggeration? Perhaps. But sometimes one has to overstress in order to get a point across.

Driving is a privilege, not a right. Unfortunately, in our society today, everyone is concerned about their rights and people forget that there are responsibilities as citizens.

In the name of safe driving, I ask you to do your duty as citizens to ban these unsafe driving practices. Thank you for your attention.

**The Chair (Mr. David Oraziotti):** Thank you very much, Mr. Diltz, for your presentation. We have about eight minutes for questions. We'll start with the official opposition.

**Mr. John O'Toole:** Thank you very much, Mr. Diltz. It's a discussion and comments that I've heard many, many times, and perhaps I've had an e-mail from you. Hopefully you haven't sent the e-mail while driving.

I've been working on this issue for about five years, along with Frank Klees, my colleague, who at one time was the Minister of Transportation, I can say. One of the comments you made is the real issue here. There really

are the two functions or two issues when you're driving a vehicle. Your primary responsibility is that there's the physical distraction of fiddling with CDs or your BlackBerry or whatever other device, and there will be more of them, for sure. That's kind of the physical distraction. The other is the mental distraction of the argument with your friend, children, spouse, dog, whatever. Having that distraction is the other part, the mental distraction. So the conversation on a cellphone is admittedly—and that's verified by the researchers. I have the papers with me, actually. One is called the Redelmeier study, which says that mental distraction is four times more likely to be involved when there's an accident. Recognizing that, even to the point where you say it's most like being impaired, the Utah study agreed 100% with what you're saying: You're just as impaired as .08 in a detailed conversation.

There are solutions, and that's what they're looking for here. The starting point is probably something that is a replication of my bill, which is the use of hands-free, voice-activated technology. In the future, the BlackBerry—you won't be text messaging; you'll be voice activating. You'll be speaking and it will be typing and e-mailing and doing all the things that mine and anyone else's does today. You can program it to do that.

**Mr. Charles Diltz:** Excuse me, sir. I'm not familiar really with the BlackBerry. I don't have one. I was under the impression that you had to hold it up to your face in order to speak on it.

**Mr. John O'Toole:** No, you don't. In fact, without using a gadget here, you can just press a button and it'll say, "Say a command." It will just say someone's name.

**Mr. Charles Diltz:** I see. I didn't know it was that sensitive.

**Mr. John O'Toole:** I'll turn it off here. But the issue here is that these will be gone.

**The Chair (Mr. David Oraziotti):** Thanks very much for that demonstration, Mr. O'Toole.

**Mr. John O'Toole:** But it's important.

**The Chair (Mr. David Oraziotti):** We need to be moving on.

**Interjection:** —on a mission.

**Mr. John O'Toole:** It's not a mission, but would you not agree that the technology is important? It's making it safer. We don't want to be considered to be Luddites or against—or Liberals, heaven forbid. Or you just completely ban it, and let's stay where we were in 1958.

**Mr. Charles Diltz:** Granted, we have the technology. The thing is, when are you going to use it? There has to be a responsible use for these things.

**Mr. John O'Toole:** That's the educational component, and I agree with you. There is another way, with the technology today: Manufacturers can put a magnetic device in the car that automatically times the call out in two minutes, three minutes. The studies show that long, convoluted conversations, like my talk now, are the ones that actually distract you.

**Mr. Frank Klees:** They put people to sleep.

**The Chair (Mr. David Oraziotti):** Thanks, Mr. O'Toole, for that, and on that cue we'll wrap up.

Members of the government? Mrs. Mitchell.

**Mrs. Carol Mitchell:** Thank you, Chair, and thank you, Mr. Diltz, for your comments. I certainly do appreciate your taking the time out today. Your two recommendations: I am very curious. You read about it in the paper? What prompted you to come forward to the committee today?

**Mr. Charles Diltz:** I wrote to the Premier two or three times in the last couple of years about this matter and then I wrote to the Minister of Transportation. Is his name Jackson?

**Mrs. Carol Mitchell:** Mr. Jim Bradley.

**Mr. Charles Diltz:** Sorry. Yes. I wrote to him, and when I saw your ad in the paper, I thought, "I'm going to go and sound off."

1500

**Mrs. Carol Mitchell:** Well, I sincerely want to thank you for sounding off. It really is important to all of the committee members that people like yourself take the time to come before the committee. So I sincerely thank you, and we will clearly look at your recommendations.

**Mr. Charles Diltz:** Thank you for your attention.

**The Chair (Mr. David Oraziotti):** Thank you very much, sir.

#### ANTHONY HUMPHREYS

**The Chair (Mr. David Oraziotti):** Our next presenter is Anthony Humphreys. Good afternoon, sir. I understand you're going to be speaking to both bills. Please state your name for the record for Hansard purposes and proceed when you're ready.

**Mr. Anthony Humphreys:** Thank you kindly, members of the committee. My name is Anthony Humphreys and I'm here to speak specifically about cycling in regard to these bills.

My family and I ride bicycles. We also happen to own a car, and we do use it from time to time, but as much as is practical, we prefer using the bicycles. Of course, to cyclists, the perception and too often the reality is that those crazy motorists are the people who are responsible for many of our deaths, injuries and collisions, which is why I'm very happy to see these two bills before you today, because many of the items in the bill are going to help to make our roads safer, particularly for cyclists: removing the distractions from drivers, getting their focus back where it should be, on the road in front of them and on the environment that they're moving through. Removing the unsafe drivers from our roads by taking away their vehicles when they no longer deserve to drive is certainly a good thing, and I thank you for moving forward with that.

Today, besides patting you on the back for those items—and certainly, speakers before me have spoken well to those, including my dear friend Eleanor McMahon—I'm here to talk about some of the implications

for cyclists with regard to this legislation, specifically about the e-bikes legislation.

Currently, you're classifying any kind of electric-powered two-wheeled vehicle as a bicycle, which I don't think is fair or right. We already have a classification for mopeds, and many of the vehicles that you're proposing to currently classify as a bicycle should in fact be considered mopeds. The positions that I gave to you in the handout there came from the Toronto Coalition for Active Transportation and the Toronto Cyclists Union. They indicate that their position is that if the power's only there to assist the cycling and pedalling, then that's fine; it can still be a bicycle. But if the person using the two-wheeled vehicle does not need to pedal in order to make the thing go, forget it; it's a moped. I think that's going to be more fair and reasonable. I will explain briefly why I feel that is going to be more fair and reasonable.

The other handout that I gave you here is the example from BC in terms of how they put their legislation together for classifying electric bicycles, which is actually very similar to the position that the Toronto Coalition for Active Transportation and the bike union have put forward. It is that if it's there only to assist the cyclist, then yes, it's a bicycle, but if it's a powered vehicle, then it's a moped.

Just recently, a very interesting book came out called *Traffic*, by Tom Vanderbilt. This is where I'm going to explain why I think that e-bikes should not be allowed as bicycles at this point. In there, he quotes one particular road engineer who says that there are three things that we can do to control the operation of a roadway, which would include a bicycle path or a trail upon which these vehicles will be operating. He says that one of them is the driver, one of them is the vehicle and one of them is the design of the roadway itself. Of course, a road engineer can control the roadway design, but they can't control the driver or the vehicle.

Our current trails and bike paths are specifically designed for bicycles, not for electric-powered vehicles. Without giving them more money to change, you're forcing municipalities to reinvest in their bike paths and trails to accommodate these new users, which, some have told me, looks unfairly like downloading from the province to municipalities.

I think that's about it. Yes, of course, when you're driving a vehicle that you are powering yourself, your attitude and your behaviour are going to be different than one that you're not powering and putting the power into yourself, which is why I'm saying that these really are two different classes of vehicles. I think that's about all I have to say.

**The Chair (Mr. David Oraziotti):** We've got some time for questions. The official opposition, Mr. O'Toole.

**Mr. John O'Toole:** Thank you very much for an interesting presentation, and I say that genuinely meaning it.

The current thrust, of course, is to accommodate many different forms of slow-moving vehicles, electric

vehicles, electric bikes. We've had a couple of e-mails in the package. There's one from Tom Seiler, who lives at 1534 Gladstone Avenue in Windsor, talking—pretty much the same as you—about the difference between a bike and an e-bike.

What's your view? In Toronto, I see during the winter, when you can see them, there are bicycle lanes usually covered in snow. Do you think having bicycle lanes in North America, Canada specifically, is a good idea? Usually they're full of snow or ice. Do you think it's a good idea to have these bicycle lanes?

**Mr. Anthony Humphreys:** In Toronto specifically, the city has been trying to do a better job in clearing the bike lanes specifically. This year, they ran a pilot program with the Martin Goodman Trail. That has proved to be very popular and has gotten a lot of good feedback. I'm sure that when I go back to city hall later this month, we'll hear more about that.

It certainly meant for me—because I live down in Mimico and when I travel downtown, I use Lakeshore and I often use the bike path itself—that I've been able to use that this winter, and of course, even when I haven't been using it, I've been able to see it being used this winter.

I was downtown in February. My daughter had to do something downtown, and I brought her downtown. The very interesting thing for me was, here it was in the middle of the day on a weekday—and we were at Richmond and John Street—and there were more bicycles on the road that day in February than there were motorized vehicles.

So certainly in Toronto it makes a lot of sense. Toronto has, in the downtown core, a very high proportion of cyclists. Out in the outskirts, such as in Etobicoke or Scarborough, it's certainly less so, down to the point where it's nearly negligible. In Toronto overall, I think that the mode share is just over 1%, almost 2% now. The mode share, for instance, in the Northwest Territories in Yellowknife is about 18%.

**Mr. John O'Toole:** Really?

**Mr. Anthony Humphreys:** Really. Alaska has one of the highest percentages of cyclists by mode share of just about anywhere in North America. So does it make sense to me? Oh, absolutely, absolutely.

**Mr. John O'Toole:** I'm asking it sincerely. I would find it difficult to commute on a bicycle, but I'm sure that there are—

**Mr. Anthony Humphreys:** Well, certainly there are going to be days when it's difficult to drive because of the weather, let alone ride a bicycle. Certainly on those days I do my best to call my boss and say, "Hey, is it a good day for me to work from home today? Can we put off some of our appointments and such?" But yes, it is a good idea.

**Mr. John O'Toole:** Keep pushing. Thank you very much.

**Mrs. Linda Jeffrey:** Thank you, Mr. Humphreys, for coming today. This is a really interesting presentation. Do you speak for the Toronto Cyclists Union? Is this their position? Are you their spokesperson?

**Mr. Anthony Humphreys:** I am not their spokesperson. I am a member, and I do sit on the board of the Toronto Cyclists Union. I am a member of TCAT, and I sit on the steering committee, but I am not their spokesperson. I'm bringing this forward for your information but not on their behalf.

**Mrs. Linda Jeffrey:** So this is a recommendation that they put together back in February?

**Mr. Anthony Humphreys:** This is a recommendation that they put together, yes.

**Mrs. Linda Jeffrey:** I have learned a lot about e-bikes or power-assisted bicycles in the last little while—more than I ever knew before. I understand they became a new category of federally regulated vehicles back in 2001 and that we're looking at and evaluating e-bikes in a pilot program. I have the sense, based on what you said today, that you wouldn't want them as part of this legislation at all. Do I have your understanding right?

**Mr. Anthony Humphreys:** No. I'm saying that you can make amendments to bring this closer in line with what's gone on in BC. In the States, some of them have allowed higher power and have still continued to classify them as mopeds. They can go up to 50 kilometres an hour instead of the current limit of 32 kilometres an hour. So that's fine by me, and certainly it would be fine by all the rest of us who are out there on our bikes cycling.

Cycling, of course, has benefits that using an e-bike doesn't have, such as the actual physical exercise, which in turn actually lowers costs to your government, specifically health-care-related costs. So encouraging people to be on a bicycle, as opposed to an e-bike, would actually be good for you financially in terms of controlling your own costs with regard to health care.

1510

**Mrs. Linda Jeffrey:** I don't see any recommendations in here with regard to safety equipment. I presume you have some recommendations regarding the equipment you would wear while riding a bicycle?

**Mr. Anthony Humphreys:** One of the things that does concern me in the current legislation is that the ability to change the regulations regarding helmets is going to be put solely within the confines of the minister. Adults shouldn't have to wear a bicycle helmet while riding a bicycle—perhaps while riding an e-bike, but not while riding a bicycle.

When you look at the world, in places where there are high rates of cycling, such as Amsterdam, they do not wear bicycle helmets. In fact, there's quite a thrust against them because it makes cycling look more dangerous than it actually is. The risks are actually very low for cyclists in terms of getting involved in a crash or a fall. However, these things happen, so it's wise to wear a helmet, but I don't think we should be legislating them for adults.

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

**The Chair (Mr. David Oraziotti):** Thank you very much, Mr. Humphreys, for your presentation. Those are all the questions we have for you today.

**Mr. Anthony Humphreys:** Thank you.

LIONEL RUDD

**The Chair (Mr. David Oraziotti):** Our next presenter is Lionel Rudd. He'll be making a presentation by teleconference. Is Lionel on the line?

**Mr. Lionel Rudd:** Yes, I'm here.

**The Chair (Mr. David Oraziotti):** I understand that you're going to be speaking both to Bill 118 and 126. Members are here and ready to listen to your presentation, so if you'd like to start, you can go ahead. You've got about 15 minutes and then we have about five minutes allocated for questions should we need the time.

**Mr. Lionel Rudd:** Okay, great. My name is Lionel Rudd. I've just retired from teaching engineering at Laurentian University after 27 years. I'm calling from Sudbury, the pothole capital of the world.

Here's my submission. I sent this in to you but I'm going to read it to you again. This is in the context of when it was written, which was in January, and we're now into March.

The recent rash of tragic and very serious traffic accidents that have not only occurred on our local highways but also province-wide raises some important concerns. The media and society are quick to blame the weather. With the onset of the snow season, blizzard white-out conditions, icy roads and extremely low temperatures are certainly among the mitigating circumstances. However, many of the tragedies could be avoided with some imagination, common sense and a strong desire from the Ontario government to legislate safety measures and implement highway safety strategies.

This is my observation: A factor all too common in many accidents is speed. The hazard of speeding is somewhat exacerbated by the current use and embrace of winter or snow tires. The problem with snow tires is that they offer a very false state of security. The manufacturers of these tires market them by extolling the dramatically improved stopping distances and turning characteristics of the product. This does not mean that these characteristics work under all conditions. There is the temptation to drive faster and brake later, assuming that your tires will perform as they do in the TV ads. Snow and winter tires are not necessarily the answer.

Solutions: One solution would be, from November 1 to April 1, to drop the maximum speed limits on all highways by 10 kilometres an hour, and 20 kilometres per hour on the 400-series highways, and strictly enforce these limits with static and mobile photo radar. At the same time, empower police authorities to arbitrarily additionally lower the speed limits during stormy conditions and also enforce these limits with static and mobile photo radar. On major highways and expressways, place remotely controlled illuminated speed limit signs which can be changed when needed due to dangerous or poor driving conditions to slow down the traffic.

Mobile police roadblock or quieting: This is for the 400 expressways. When there is a need to slow the traffic on the expressways, have the police position themselves

in cruisers blocking all lanes with all their flashers going, to slow down the traffic uniformly to a predetermined slower speed.

Another item: When the mobile police roadblock is deployed or a dangerous or hazardous condition exists, automatically shut off the access ramps and direct traffic to secondary routes. This could be employed when traffic counts go beyond a certain tolerance point. It would encourage people to stagger their start/stop times for work etc.

Another point: Personal protection is also a factor in driving and travelling safely. Avoid accidents by slowing down, observing the driving conditions and driving defensively. It should be common practice by now that people pull over when they're tired and do not drive when under the influence of alcohol or medicated. Avoid distractions like cellphones and other onboard toys like satellite navigation systems, stereos and other odds and ends.

There should be an outright ban on the use of all cell-phones, passive and hand-held, and other communication devices while driving. This ban must include, as I said, hand-held and hands-free devices. Driving requires 100% of one's attention. Such devices divert mental attention away from the demands of driving. It has been well proven in the UK and other places. The same applies to satellite navigation systems, and drinking and eating while driving. My recommendation is to pull over. Provide an adequate number of safe rest stops to avoid fatigue on all highways. Other distractions include non-standardization of onboard driving controls and function meters like speedometer, fuel gauge, heating and air-conditioning controls; also windshield wiper controls, emergency brakes and window controls. Turn the page; I'm doing this one-handed. These all vary from make to make and even within the same model line. Some are hard to see and others are hard to find. That's the controls.

To avoid T-bone collisions, slow down traffic and avoid the expense of traffic lights, build roundabouts at all intersections. They work. They do not cost a lot of money and they often avoid fatal T-bone accidents. Other factors: Roundabouts keep traffic flowing, thus avoiding stop-go traffic, unnecessary idling and the danger of rear-end accidents. Roundabouts cost far less to construct than traffic light installations, flyovers and stop signs. Roundabouts do not require as much real estate as one would think. They vary in size and design, according to local conditions. Roundabouts have the effect of quieting traffic and lessening road rage. Roundabouts require zero or minimal maintenance.

Highway construction and maintenance are currently mostly done during the daytime, which coincides with the heaviest traffic conditions. Consider the following: In most instances, conduct highway construction at night and off-peak hours. This would have the effect of minimizing traffic holdups and delays, minimizing pollution caused by numerous vehicles idling in stop-go traffic. It would also lower construction costs by affording ma-

chines and workers less traffic to deal with. Also, people and machines work more efficiently when cool. As a reminder—Gilles Bisson will appreciate this—miners have no trouble working in the dark with artificial lights, and they do it safely as well. One of the advantages of working at night is that it improves overall safety of construction crews and traffic.

Another recommendation is to compel municipalities to install bus lanes and express bus routes. Also, compel municipalities to install bike roads—not just lanes parallel to roadways; a separate road for bikes from highways—and keep them clear of snow and other obstructions. This is what they do in China, and it's not that severe.

Plan construction and focus on completing one project at a time rather than several going simultaneously. There is nothing more infuriating than having Highway 69, Highway 11 and Highway 17 all dug up at the same time.

**1520**  
Highway design and management: Have all highway fatalities inquested to attempt to identify causes, remedies and solutions to highway safety. In all cases of fatal accidents and serious accidents, insist that the traffic engineers and highway designers responsible be held fully accountable for their designs, decisions and supervision of highways and traffic under their direction and management.

Establish a commission to investigate and implement innovative and alternative transportation and haulage systems such as pneumatic capsule transportation systems, which could run parallel to rail lines like the Toronto subway, rights of way, hydro lines. It would be a fantastic way to enhance cross-border commerce.

Review other innovations, such as linear induction motors, for transportation. That's used on the Scarborough line of the TTC.

Methods of rapidly and effectively fixing potholes: I would suggest something like a portable, large-diameter diamond drill, to ream out the potholes' holes, and a preheated plug of the same diameter be inserted and tamped in place. If done at night and allowed to cool properly, it should last.

Lastly, a system of preventative and pre-emptive maintenance should be created for our highways.

I could carry on for a whole day, but I've only got a few minutes. That's the end.

**The Vice-Chair (Mr. Jim Brownell):** Thank you very much for your presentation. It's Jim Brownell now in the chair. I'm the Vice-Chair of the committee, and I want to thank you for your presentation. We have about five minutes each for this. I believe we start with Mrs. Jeffrey.

**Mrs. Linda Jeffrey:** Thank you very much for being a deputant from Sudbury, Mr. Rudd. I appreciate your thorough presentation; it's very helpful.

I guess I wanted to respond to something I read in your letter to the standing committee about the fact that we weren't able to get up to Sudbury. I think many of us were very disappointed. We just didn't have enough individuals who came up by the deadline to appear before

committee. So we're really pleased that you took the time to do this.

The only other thing I wanted to respond to in your letter was that you indicate there were various safety agencies that haven't shown an interest in this consultation. I would tell you that I've noticed there are a significant number of safety agencies, particularly with Bill 118, which is the distracted driver bill. We had the Ontario Association of Fire Chiefs, MADD Canada, the Insurance Bureau of Canada, the Canada Safety Council and the Ontario Safety League. We've had a significant number of individuals who commented on the bill. So if you've come away with the impression that people haven't participated, they have been consulted extensively on this bill. I just wanted to make sure you knew that.

**Mr. Lionel Rudd:** I stand to be corrected. I'm more familiar with the Industrial Accident Prevention Association and people like that.

**Mrs. Linda Jeffrey:** I'm specifically interested in the second point you put in your deputation to us with regard to GPS systems or all cellphones. You would ban all cellphones and all communication devices in a vehicle, would you? Is that your position?

**Mr. Lionel Rudd:** Yes. It's well documented. I consulted with Dr. Frank McKenna of the University of Reading in Britain. He visited Sudbury and Toronto last year to make presentations. In Britain, it's a total ban; you don't use any of those things. The psychologists and the researchers have identified the fact that you need—and anyone will tell you this—100% of your attention for driving.

**Mrs. Linda Jeffrey:** I think a lot of what you have in your letter really would have us legislate a lot of common sense; a lot of good ideas that are here. We would hope that most drivers would have their attention completely on driving. There's nothing more important. You have a very dangerous vehicle in your hands when you're not paying attention. I appreciate the detail that you put into your presentation.

Do you have any opinions on the extension of the G1 licensing? You didn't mention it in your presentation. How do you feel about us extending the time that new and novice drivers would have to prepare for being a fully licensed driver?

**Mr. Lionel Rudd:** Well, yes, it's a good idea, but I think that driving a vehicle is an ongoing practice. During my years at the university, I used to drive a 15-seater bus. I would have to redo my driving test every three years. I would have to have a medical. So I was constantly upgrading my driving skills and my knowledge of current practices.

Tragically, with a regular licence you can have a driving licence go for 40 years without another exam. So really and truly, driving a vehicle is a continual learning process that needs some kind of formal reinforcement. I would go so far as to say they should retest everybody every five years.

**Mrs. Linda Jeffrey:** How do you feel about some of the impounding regulations and some of the penalties

that we've put in place? Do you have any opinion on those issues?

**Mr. Lionel Rudd:** If they work. In one case I encountered, I was giving a young fellow a ride who got nailed for going too fast. I think it's good, but education is also good. If you have encouragement to drive safely and you're given a good environment to drive, which means that you have to have well-designed highways and not the frustration that you see created on our highways—

**The Vice-Chair (Mr. Jim Brownell):** Thank you very much. We'll have to stop there. We'll move over to the official opposition.

**Mr. Frank Klees:** Thank you, Mr. Rudd, for your very thoughtful presentation. I just want to be on record in support of your concern that we did not travel to Sudbury and other towns. We were scheduled, we did advertise, and it was the recommendation of the government that we not make those road trips.

As the representative for the official opposition on the subcommittee, I was asked to agree not to travel. I did not agree to do that. I felt that if there was not enough interest shown, then we should have increased our advertising and put out the call and encouraged people to show up.

Nevertheless, you've had your opportunity here, and I thank you for it. You've made some very positive suggestions.

I have a specific question I want to ask you, and that is with regard to highway management, if I can put it that way. Actually, it's incident management. Specifically, it goes to the issue of how our police services are managing collisions, and often how they conduct pulling over speeders.

There have been far too many times—even I, just driving along, see an officer having pulled someone over on a highway, and the next thing you know, we've got lights backing up all over the place. We also have examples of police officers being killed in service, having pulled someone over and a collision resulted.

Do you have some recommendations in terms, perhaps, of how we can better manage that, and perhaps how police services should be conducting themselves on the roadside to better manage the roadside stops that are being conducted? Do you have examples of other jurisdictions where perhaps there are some guidelines in place for this?

**Mr. Lionel Rudd:** I served in the British police many years ago. The practice was that if you were following someone and had to pull them over, you followed them until it was safe to do so and you never got involved in a chase. It seems that here the police will pull people over anywhere. I've seen it in the city of Sudbury, bunging up a lane of traffic.

I would say that the police have two options: Follow the offender until they can pull them over safely, where they can get right off the road or on to a side road, or radio ahead and have a colleague pull them over.

But it seems to me that—I've noticed they don't pull off onto the shoulder as far as they need to. It's nice



when you see the red lights flashing ahead, you get to slow down. Unfortunately, not enough people heed that.

**1530**

It's a tough one because not all highways are the same. Up north here, we have very narrow roads by comparison to some of the roads you have in southern Ontario; nevertheless, they do seem to—I would make the blanket statement that our police officers see more about police training on television than they do at police school, and they probably tend to feel as though they're a little bit immune, unfortunately with tragic results.

**Mr. Frank Klees:** Would you recommend that the government consider a specific protocol that police services would be required to follow with regard to roadside stops and so on?

**Mr. Lionel Rudd:** I think this goes back—

**The Vice-Chair (Mr. Jim Brownell):** We have about 20 seconds, so it will have to be quick.

**Mr. Lionel Rudd:** Yes. The British police drivers go through very extensive driver training, far more than they do here. So that goes back to training and practice.

**The Vice-Chair (Mr. Jim Brownell):** Thank you very much for your long-distance deputation, and thank you for your presentation.

Next, we will have a call for the Ontario Community Council on Impaired Driving. Anyone from the organization here?

#### MADD CANADA

**The Vice-Chair (Mr. Jim Brownell):** So we'll move to MADD Canada. We have Andrew Murie, the chief executive officer. I just stepped into the chair here, so I have to figure out what—

*Interjection.*

**The Vice-Chair (Mr. Jim Brownell):** You have 10 minutes for the presentation, and we'll have five minutes for questions.

**Mr. Andrew Murie:** Thank you, Mr. Chair.

Members of the committee, it's a privilege to be here to give you MADD Canada's perspective on Bill 126. When you look at impaired driving, there's been significant progress since 1980, but starting in 1999, the progress has stalled. One of the things that we need to remind ourselves about impaired driving is that it's the leading cause of criminal death in Canada and has a rate of causing criminal death twice that of homicides.

If you can see in my presentation on the red chart, it shows where we were in 1999 and where we are today with the last statistics that we have in 2006, and if you compare 1999 to 2006, there's a slight increase in the number of deaths. In fact, in one study done last year, the incidence of Canadians driving after drinking is actually reported increasing as well. So there are alarming numbers out there to show us that things need to be done about impaired driving.

Traffic crashes remain the single most common cause of death for young people. Approximately 45% of those deaths involving 15- to 24-year-olds involve alcohol.

One of the things is that 15- to 24-year-olds who are licensed to drive had the highest rate of death per kilometre of any age group under 75. For example, 16- to 19-year-olds are approximately nine times more likely to die per kilometre driven than their parents. So when it comes to using impaired driving and youth and driving, there need to be greater things done in restrictions. Further, 80% of fatally injured teenage passengers are killed when travelling with a teenage driver. Again, the risk of teens in cars with teens is really high.

Why do we have these elevated deaths and injuries for our youth? It really comes down to three primary reasons.

**Lack of driving experience:** Beginning drivers are immature and lack both driving experience and the skills necessary to avoid potentially hazardous situations.

**They're risk takers, especially young males.** They're willing to drive at high rates of speed, with aggressive driving and lower rates of seat belt use.

**Alcohol and drugs:** Even though young people represent 13% of the population, they represent 33% of the fatalities when it comes to alcohol, drugs and driving.

Turning to look at impaired driving in Ontario: Despite those gloomy numbers that I've just presented, I think Ontario has done a really good job making progress on impaired driving. In fact, in our Rating the Provinces report card, of which we've had three since 2000, Ontario placed first in 2000 and second in 2003 and 2006. Ontario has one of the lowest rates of impaired driving in Canada. Certainly the province has provided leadership in pursuing legislative reforms to reduce the number of impaired driving deaths and injuries. There's a chart there which gives you some relationship with how Ontario is doing in comparison to the other provinces and territories.

I think what we're down to is three things: Progress is stalled, the status quo is no longer acceptable, and it's time for progressive solutions. In Bill 126, we're very happy to see a number of things that were in our Rating the Provinces report card and our youth and road crash study. Two of the things that have already been done in Bill 203 the are mandatory alcohol interlock program for all convicted impaired drivers, and increased sanctions for 0.05 administrative licence sanctions. Those things have already been done, and we thank you for that. They're not completely implemented yet, but they are about to be implemented over the next three months. So we look forward to that.

The other things are the comprehensive graduated licensing programs, mandatory supervised driving, restrictions on teenage passengers, restrictions on night-time driving, restrictions on high-speed roads, and increased sanctions for violations of the graduated licensing program. Bill 126, again, contains a lot of these aspects. The most important thing that Bill 126 contains is the zero BAC limit for age 22 and under. That one piece of legislation will save more young peoples' lives than anything else you can do as parliamentarians. So thank you for that. It's very, very important.

I also think Ontario is showing very progressive leadership in your vehicle sanctions. The seven-day vehicle impoundment program, if somebody's driving a vehicle without an alcohol interlock system, is charged with impaired driving or refusing to provide a sample or is driving with a suspended licence: These things are absolutely crucial. We know that the impoundment program has worked with speeding and it will also work with impaired driving and those who drive with a suspended licence. Again, these are very progressive. You are the first province to do those things. It will make a difference once those are implemented.

I would like to say, on behalf of MADD Canada, our board of directors and the victims of impaired driving, that Bill 126 represents a significant opportunity to reduce deaths and injuries caused by alcohol and drugs in Ontario. With that, I'd like to say thank you.

**The Vice-Chair (Mr. Jim Brownell):** Thank you very much. We have about four minutes for each party. We'll start with the official opposition.

**Mr. Frank Klees:** Thank you very much for your presentation and for the good work of your organization. I know that you've constantly provided input to the government of the day and been on the leading edge of developing reforms.

I have a question for you with regard to vehicle sanctions. We had a presentation earlier today urging the government to increase the length of the impoundment significantly. I'd be interested in your views of this. Do you feel that the seven-day impoundment program is sufficient or do you feel that that is something the government should consider amending?

**Mr. Andrew Murie:** All I have to go on is the seven days for the speed racing program, which I understand, through the OPP and the statistics provided to me, have made a significant contribution to reducing deaths and injuries. It appears to be the right length. I don't think there have been any kinds of comprehensive studies done to figure out what that right period of time is. I think it's a good starting point. I think things that we have looked at in the past—for example, for the administrative licence suspension, the model that we developed was seven days, because it's enough to make a significant difference in a person's life.

1540

I think that's a good starting point, but I also think, let's look at it, and if it needs to be longer to get the message across, we certainly wouldn't be opposed to it.

**Mr. Frank Klees:** With regard to the zero tolerance, certainly I'm a strong supporter of that, as are the other colleagues in the official opposition.

There are those who feel that if it's going to be zero per cent and zero tolerance for young people up to the age of 22, why not extend that? If you're going to drive, you shouldn't be drinking at all. What's your view?

**Mr. Andrew Murie:** Again, I think that we're starting with Bill 203. We have three days in there for a 0.05 licence suspension. Forensic science is very clear that 0.05 and above is clearly not a blood alcohol level with

which you should be operating a motorized vehicle. Clearly, after any kind of alcohol consumption, there's a deterioration of motor skills to operate a motorized vehicle.

I think we go there. I would wish that in Bill 203 it was seven days, which the model called for. I think that's a great starting point, and then we basically move it from there.

Certainly, that model called for seven days, 30 days, and 90. Ontario came up a little bit short, but again, we'll see if the shortened periods make a difference.

**Mr. Frank Klees:** My last question: When the minister made the announcement of this bill, he mentioned another measure, and that was the restriction on the number of passengers in a vehicle for a young driver. I understand that MADD supported that original proposal. As you know, the minister has withdrawn that. Could you comment on the wisdom, in your opinion, of withdrawing that? And is it still something that MADD would like to see happen?

**The Vice-Chair (Mr. Jim Brownell):** A short comment. You have about 20 seconds.

**Mr. Andrew Murie:** Sure. I gave the comment that 80% of people are killed when a teen occupies the car—so, absolutely crucial. Maybe it went too far, but it shouldn't have been cut out completely. There should have been greater passenger restrictions in the legislation.

**The Vice-Chair (Mr. Jim Brownell):** Thank you. Moving to the government side, Ms. Jeffrey.

**Mrs. Linda Jeffrey:** I want to thank you for being here. I think MADD is one of the highest-profile anti-drinking-and-driving organizations in North America, and the credibility that you bring to any consultation that you do, based on the research that you bring, certainly helps. Certainly, you've been part of a lot of consultations, and it's shown, so thank you for your persistence. When you're consistently on message, it really helps us as a government to know what we should be doing.

**Mr. Andrew Murie:** Thank you.

**Mrs. Linda Jeffrey:** I guess I wanted to ask a little bit about your report card that you did on all the provinces. I'm hoping we'll do better the next time. I'd like to see us with a higher grade. The alcohol ignition interlock program was a big focus of your program. What other areas were you focusing on that you thought, besides the blood alcohol and the ignition—were those the top two issues you focused on?

**Mr. Andrew Murie:** There were three things. There was zero BAC for young drivers. There was the mandatory alcohol ignition interlock program. The third thing was to fully implement the administrative licence suspensions for 0.05.

**Mrs. Linda Jeffrey:** How does MADD feel about some of the penalties with regard to the fines? Do you feel that that's an impediment to—do you think the increased fines that are being placed in this legislation, or proposed, will have an impact? Or is it the impoundment that you feel is the real deterrent?

**Mr. Andrew Murie:** The fines are good. It's a denunciation of the activity. At some point, draconian measures don't work; we know that. So it's not about being tough; it's about being smart.

I think that there are two main things that you do. You have to create the perception that the chance of being caught, if you choose to drink and drink, is very high. The second thing is, for those who persist in doing it, you have to deal with the vehicle sanctions. The licence suspension and fines at that point make very little difference on that type of individual.

**Mrs. Linda Jeffrey:** I would agree with you about the blood alcohol level. When you look at the statistics in the US and you look at them here, it's clear that we're going to see, I believe, a dramatic reduction in fatalities if the blood alcohol level is zero. So thank you for bringing that forward. Thank you for your persistence and we hope you'll continue to keep us focused on our report card and doing better. Thank you very much.

**The Vice-Chair (Mr. Jim Brownell):** Thank you for your deputation this afternoon.

#### ONTARIO COMMUNITY COUNCIL ON IMPAIRED DRIVING

**The Vice-Chair (Mr. Jim Brownell):** Next, we have the Ontario Community Council on Impaired Driving, Anne Leonard, executive director. Welcome. You have 10 minutes for your deputation. Any time that remains, we'll be add it on to the five minutes, because there will be five minutes after your 10. You can begin.

**Ms. Anne Leonard:** Thank you for that. I haven't actually had a chance to practise what I'm going to present to you, so I'm not sure if I'm going to be under 10 minutes or not.

I want to take a minute just to tell you about our organization. The Ontario Community Council on Impaired Driving has been around for just over 20 years. Our purpose is to provide a meeting space for fighting impaired driving in Ontario. We have a membership of about 70 to 75 right now, and those members will be groups as big as the Traffic Injury Research Foundation, Ontario Students Against Impaired Driving, the Student Life Education Co. Inc. Your own Ministry of Transportation and several other government people attend our meetings as stakeholders. They don't vote on our issues, but they do like to come to meetings and apprise us of things and get our feedback.

I should say we have groups as small as the Wawa Healthy Lifestyles Coalition. No disrespect to any of our smaller groups; they're very effective in their own communities, but Wawa Healthy Lifestyles, for example, closes down in the summer months because of budget constraints. So we have the big, and the small but mighty.

Our charity runs several programs. We run the Arrive Alive, Drive Sober campaign, which just celebrated 20 years last year. We operate a large fundraiser for our organization called Drive Straight, and we also offer Drive Straight as a program for golf courses, if they want

to do something interactive at golf tournaments to educate their members or their tournament players.

We host Ontario's Countermeasures Conference. Last year, we hosted the 17th Countermeasures Conference, with about 137 delegates. Minister Bradley spoke at the conference and so did Commissioner Fantino.

OCCID is now home to Operation Lookout. Operation Lookout is a road safety program that asks all road users to call and report an impaired driver as a crime in progress, and that program has operated since prior to 1992. I would say it probably started around 1989.

We manage our operations with a number of committees. We have a communications committee, a conference planning committee, a Drive Straight committee, a marketing committee and a policy and legislative review committee. Our committees and myself, our executive director, report to a board of directors of 10. That board is elected by our members annually. OCCID meets about four times a year. Our last meeting was November 2. We had 32 members and stakeholders in attendance.

With that in mind, you'll know that we've had a chance to look at the two bills, and I have made note of some of the things that our members and stakeholders support and do not support, keeping in mind that we are not all of one view. Our members are allowed to have their own views on different issues, and that's not against any of our constitutional bylaws. Typically, what you'll see is that we will move forward with areas where we have good consensus.

With regard to the G1 length and extending the period of time that it would take for a young driver to obtain a G1 or a G2 licence or become a fully licensed driver, there were no members or stakeholders within our group who had any objection to that.

Regarding the G1 and G2 BAC level and also the zero blood alcohol level for drivers up to and including the age of 21, there were no members or stakeholders who had any opposition to that—and for all the reasons that Mr. Murie cited in his deputation.

Sanctions for violating GLS restrictions: We're a little bit tough. We're big on sanctions for people who fail to obey the laws. We would be very supportive of greater sanctions—demerit points, 30-day suspensions, everything that was cited in there was fine.

#### 1550

The G2 passenger restrictions—and I know that this is an area of contention—basically, what was proposed was an extension of the midnight to 5 a.m. We understand that this proposed restriction was removed on December 8, 2008. We note that some of our member groups do object to this. They did not want to see the restriction extended. That was primarily from our groups that work with youth, not surprisingly. I will say also, though, that from groups who operate in more rural areas, they saw that as a real impediment to youth getting around, getting to work, wherever.

Not all of our groups objected. One or two of our member groups were in agreement with that restriction, but for those who did object, I made a list of the issues

that they cited. I want to note, because I know this is very meaningful for MTO and I know they really believed in this change, that we would have liked to have supported it more fully. For the groups who didn't support it, they cited these reasons:

It could mean more young drivers on the road anyway, so instead of having one driver with four passengers, you might have two drivers with one or two passengers. They thought that it was bad for the environment.

They felt that most youth make good choices. They felt that you were taking something away from youth that you had given them, that they have now. They felt that maybe there was enough other legislation that's coming in—the zero BAC, the escalating sanctions, the longer entry process—that there were layers of legislation.

They felt that it would be hard to enforce, that youth may just lie about who their passengers are, "It's my step brother," that kind of thing, and that it would be hard to enforce. Also, they felt that it was urban-based, and it would be difficult for some areas of Ontario.

Regarding new measures for suspended drivers, we strongly support measures for offenders who fail to comply. So people who don't get back into the legal licensing system properly, don't do their Back on Track, don't get an II device, drive when they're suspended, whether it's their 12-hour, their 90-day, whether it's at the end of their one-year suspension, we'd like to see those drivers dealt with in a more significant way. We strongly support a seven-day vehicle impoundment for drivers with an II device not properly installed. We support a seven-day vehicle impoundment for drivers charged with over 0.08, and we support a seven-day vehicle impoundment for vehicles operated by a driver who just otherwise hasn't come back into the system.

To answer one of the questions Mr. Klees posed earlier around why seven days and should it be longer, I think what the ministry has found—and I'm not speaking for the ministry; I'm sure they can speak for themselves. But I do know that in some jurisdictions, if it's a 45-day impoundment, for example, sometimes people don't pick their cars up, so the seven-day impoundment is meaningful.

The OPP reported 43% fewer deaths on the roads that they patrol in the first year of your government's speed enforcement—the "50K over" legislation. I think they impound 23 vehicles a day. So you want to see all those vehicles being picked up after a week; you don't want them all sitting around in an impound lot.

We also believe that the costs for bad drivers should be borne by those bad drivers. We don't think that the people, the government or the taxpayers should pay for those bad drivers. So fees, fines, administrative monetary penalties—whatever you call it—vehicle impound costs—I know that sometimes finances are tight for people, I understand that, but if you commit these offences, you have to be willing and expecting that there will be consequences.

The really dicey one though, I think, is the second test. I'm not an expert on it, I'll tell you that straight up, but I

will offer some thoughts around the second test for the "Warn" range; that was passed in Bill 203, almost two years ago. There's an amendment in section 48 to provide that the second breath test could be done on a second roadside screening device or an approved instrument. We support changing that amendment to provide that the second breath test could be taken on a second roadside screening device or simply a device, which I assume is going to be too vague. Because if a police service has to take someone back to a station and do a second test on an Intoxilyzer, you're really going to have a lot of challenges. Some of the discussion I've had with some colleagues also has suggested that we need to be really careful. Ultimately, some of the comments are that we should have no second test at all and not allow for a second test at all. The second-test concept, we believe, is based on a more historic time when our equipment was not as accurate. Today we don't need to apologize for the accuracy of our equipment, and chances are, I believe, that our equipment could do an adequate first test.

We do suggest an attempt at establishing an exact tracking point. Today we're not quite certain how many roadside suspensions we have. We have a guesstimate, I read somewhere, of 40,000 to 50,000. That's a big gap. It would be nice to know a closer number on that so that, going forward, we'll know if we have more or fewer roadside suspensions being issued. This may already have been dealt with even within Bill 126, but we do need to be sure about the whole concept of a second test. Are we obliged to tell someone that they are entitled to a second test, or do they have to request the second test? And they have to request it, then, forthwith, i.e. immediately, not you give me one test and I come back in an hour and a half and say, "Well, I want my second test." We need to make sure that that can't go on.

I will only comment in one regard on Bill 118. Distracted driving is not at all our area of expertise, but one of our member groups did ask that I add our voice to a comment about carpooling, which I believe is covered somewhere in Bill 118, carpooling and the ability of my daughter to ask her passengers for funds towards gasoline. She did a lot of that going to university in Maine, driving back and forth to Ottawa and Toronto two years ago, so getting some money for gas is really helpful.

How did I do?

**The Vice-Chair (Mr. Jim Brownell):** Thank you very much for your deputation. We do have about four minutes for each party. We'll start with the official opposition.

**Mr. Frank Klees:** Anne, welcome. Thank you for the good work of your organization over the years, and especially for the education programs that you do with young people across the province. They're very effective.

I just wanted to ask you about the issue of cellphone use. I know that you indicate it's not your direct area, but the fact that there are no demerit points goes to what you were talking about in terms of consequences for infraction. As it stands now, there would be no demerit points for a conviction under that legislation, and we question

why. If in fact the government is serious and really does believe that these distractions cause accidents and are a serious issue, then why would there not be an appropriate consequence? Your opinion?

**Ms. Anne Leonard:** I honestly can't offer you a valuable opinion on it, because it's not an area that we've studied. I have to say I'm not really thrilled with some of the comparisons, not that anyone in this room has made them, but over the years people have made comparisons to cellphone use being as bad as drunk driving. We don't agree with that 100%. We understand the risk that people pose when they're operating a vehicle and not paying close attention, but a drunk driver is a greater risk than someone operating a cellphone. I don't mean to—I know people do die while driving and operating their cellphones. I know there have been one or two cases where there has been some injury, whatever cause, but I wouldn't be able to really offer a valuable opinion. Sorry.

1600

**Mr. Frank Klees:** Okay.

Public awareness is so important, and education is so important, especially amongst young people. Your organization does that. I'm just interested: In terms of the government's funding—I know that historically there have been funds available to you through the Ministry of Transportation—how is that funding level? Has it been increasing over the years?

**Ms. Anne Leonard:** I don't think we have any complaints about funding from the ministry.

**Mr. Frank Klees:** Would you like more money from the Ministry of Transportation?

**Ms. Anne Leonard:** Who doesn't want more money? I will tell you something, though. Of course, we do a lot of radio and television public service announcements, and we do a lot of other printed materials. Recently we're a little nervous to print anything because the legislation is changing.

I'm glad you raised public awareness, because I passed around this package with my presentation, and these are some of the materials we share to raise awareness. You'll see that we took the time to turn your booklet inside out to say, ".05 and you don't drive," because our studies have found that only 51% of the people we surveyed are aware of the existing 0.05 legislation. A lot of them aren't even aware of the existing 0.05 legislation, and they think it might be demerit points, it might be a fine or it might be nothing. So we're keen to help the government get that message out there.

**Mr. Frank Klees:** I think what you should do is make a specific proposal to the Ministry of Transportation on how you can help increase awareness through this kind of printed material. Let them know exactly how much money you need. We'll put the pressure on them to make sure that they get the money through to you. Better you than the Ministry of Transportation doing it, because you do a better job.

**Ms. Anne Leonard:** Well, thank you for your kind words.

**The Vice-Chair (Mr. Jim Brownell):** Thank you very much. Next we'll have the government side.

**Mrs. Carol Mitchell:** Thank you, Chair. Thank you very much for your presentation today. Just a quick question, Anne, With regard to your comment here on the written report, which says, "At least one of our members supports the allowance of carpooling and the reimbursement of gasoline costs...." Then you went on to talk about your daughter. Was there no more support—I mean in your presentation, your verbal—from within the committee other than one member? And if so, what were their concerns?

**Ms. Anne Leonard:** Yes. Understanding that our membership includes the public health units in Belleville and Kingston and Ottawa, they just didn't share it through us. They may have sent a letter. We have 70-plus groups and members, so they may have sent their own letter in support of, or not, and I wouldn't necessarily be aware of that today.

**Mrs. Carol Mitchell:** Okay, so it's not whether or not there was support or no support. It's just that it was not raised as an issue to come forward today on your behalf.

**Ms. Anne Leonard:** Right.

**Mrs. Carol Mitchell:** Thank you for the clarification.

**The Vice-Chair (Mr. Jim Brownell):** Ms. Jeffrey.

**Mrs. Linda Jeffrey:** A quick question: Clearly, you know how to get through to people to get your message across. Certainly we're going to be working really hard, should this legislation pass, to get a public education campaign working, trying YouTube and cinema ads, I'm thinking. Do you find that radio works? Do you have any suggestions as to how we should proceed? What do you find is the most effective way to get through to the audience that we likely would want to target?

**Ms. Anne Leonard:** I have to start by saying kudos to your Ministry of Transportation staff right now. You've got a wonderful road safety marketing office. They work very closely with their members. They listen, they ask, they explore. So we're already having dialogues with some of the staff there about PSAs and radio. At least one of your staff there is looking at viral media and trying to sort out what you do with that.

It is a new age out there, right? So we're seeing television—we're getting more and more time because other people aren't buying that time. That's part of why we get more time. That's not lost on me. Obviously, there are other ways to get the message out there. Blogging and viral media are what we're looking at as well.

We have a couple of events planned. We've got a radio PSA planned and I think almost ready to go. We've got two television PSAs almost ready to go, maybe for May 1. They should be out there.

Then we're doing a print piece to include in our Passport to Safety that would say what the consequences are at 0.05, just because we do find that that's a big deal, that people don't know that already exists. That's a problem. Be aware, if they think it doesn't exist and now it's three days, seven days, 30 days, you might see some outcry there once they connect and realize that this is the

new day for roadside suspensions. But yes, we are working, and we could always use more money—right, Frank?

*Interjection.*

**Ms. Anne Leonard:** He's lost now. Anyway, we're working with your ministry. We'll get Mr. Klees to record a news spot.

Anyway, your people are right on top of it and very aware of the challenges and opportunities out there.

**Mrs. Linda Jeffrey:** Thank you for all the good work you do.

**The Vice-Chair (Mr. Jim Brownell):** Thank you very much for your deputation.

#### CANADIAN COURIER AND LOGISTICS ASSOCIATION

**The Vice-Chair (Mr. Jim Brownell):** Next we have the Canadian Courier and Logistics Association.

**Mr. David Turnbull:** Good afternoon, everybody. For those of you who don't know me, I'm David Turnbull. I'm the president and CEO of the Canadian Courier and Logistics Association. I have to tell you, since I last sat in those seats, they're much more comfortable, the ones that you've got nowadays. It's good to see you all.

I'm accompanied today by Howard Ipp, who is the CEO of United Messengers, and he's a director of our association; Rick King from UPS; and he hasn't arrived yet, but Kirk Serjeantson from Purolator, if he comes in a little later.

The Canadian Courier and Logistics Association is the trade association representing time-sensitive delivery service company operations of all types and sizes across Canada. In today's just-in-time environment, courier and messenger companies are an absolutely vital component of the economy. StatsCan reports total revenues for couriers and messengers in Canada is in excess of \$7.8 billion annually, and this translates to the movement of approximately two million packages per day, of which approximately 45% are in Ontario. CCLA member companies employ close to 35,000 people and utilize more than 12,000 delivery vehicles, numerous aircraft and over 500 operational centres across the country.

The Canadian Courier and Logistics Association, let me say, is in support of the proposed aims of Bill 118 to improve safety on Ontario roads. I know that Mr. O'Toole has worked very hard on this issue for a lot of years. I congratulate him and I congratulate the government in coming forward with this.

The Canadian Courier and Logistics Association is behind Bill 118 in its efforts to improve safety on Ontario roads. It is, however, essential that exemptions are made for hand-held wireless communications devices used for logistical purposes to dispatch, track and monitor commercial drivers. Such exemptions need to be incorporated in the supporting regulations.

The courier and messenger industry depends on communications with personnel operating their vehicles at all times. Safety concerns are always paramount for our

industry and our industry has a good safety record, as drivers are professionals and used to operating in varying driving conditions.

The industry consists of two main components: One is the same-day or local messenger service, and the other is the next-day or later delivery. Both segments use hand-held devices of various types.

Let's start with the same-day messengers: These are dispatched throughout the day and often provide a direct, point-A-to-point-B service. Monitoring the location of a messenger at all times is an essential component of this to determine the nearest vehicle to a requested pickup, much like you might ask the taxi to pick up something on the way. This segment utilizes a mix of voice and GPS-enabled communications. Many use hand-held two-way radios, some of which are combined—

*Interruption.*

**Mr. David Turnbull:** I do apologize. I'm going to switch this off.

**Interjection:** Mr. O'Toole was attempting a demonstration earlier.

**Mr. David Turnbull:** I didn't use it. It's a set-up, I know.

The same-day segment utilizes a mix of voice and GPS-enabled communications equipment. Many use hand-held two-way radios, some of which are combined with a cellular phone function, some of which are marketed under the brand name—you might know the brand name—Mike. Most require a button to be depressed to respond to dispatch calls. As much as possible, dispatch is done while parked. However, the ability to locate and/or dispatch on the move is essential both from a competitive and an environmental point of view.

#### 1610

Response time is of the essence to our customers. When I speak of environmental responsibility, it dictates that the messenger who is closest to a requested pickup be contacted on the move, eliminating the need for two vehicles to be dispatched. I would compare this very much with the taxi industry that sometimes makes pickups of this nature. From time to time, a direction to a difficult-to-locate address is requested from dispatch or the customer while you're unable to stop due to parking restrictions. Particularly in some of the downtown locations, there's nowhere that you can park. You have to—and you're trying to find out where it is. Some addresses are very obvious, others are not.

The next-day component of the industry is represented normally by the large national and global companies and they typically operate on a predetermined route for deliveries but receive requests for non-scheduled pickups. Many of these companies utilize hand-held tablets which dispatch in text form. Employees are instructed not to respond while moving but are permitted to respond at traffic lights. This ensures that a second vehicle is not required to be dispatched. Many of these situations described as "same day" apply to the next-day operation as well.

Canada has very efficient and safe courier companies which operate in a highly competitive and low-margin business. At this time, the industry is experiencing significant reductions in volume. I want to stress that this means that expenditure on new hands-free equipment at this time would be a significant burden that most companies simply could not afford.

The CCLA has received assurances from MTO that exemptions for logistics purposes to dispatch, track and monitor commercial drivers would be addressed in supporting regulation. I'd like to take this opportunity to thank Minister Bradley and the MTO staff for very good consultations prior to the introduction of Bill 118 and the recognition of the need for such exemptions in the regulations.

I do want to, however, emphasize that the wording of such exemptions is critical to the maintenance of a strong and competitive courier sector. CCLA and its members are committed to working with the ministry to arrive at clear regulation that recognizes the broad spectrum of communications equipment employed in the courier and messenger industry.

The CCLA members are committed to working with all levels of government to create safe, efficient and environmentally responsible solutions to time-sensitive delivery of packages to its customers.

Thank you very much to the committee for hearing me, and I'm happy to respond to any questions.

**The Chair (Mr. David Oraziotti):** Thank you very much, Mr. Turnbull, for your comments and for sharing the group's views. We'll go to the members of the government. Mrs. Jeffrey, you can start off; you have about three minutes.

**Mrs. Linda Jeffrey:** Thank you, Mr. Turnbull. I have two quick questions; I hope I can get through both of them. I don't know anything about a hand-held tablet. Can you tell me why that should have an exemption? It sounds like it's a distracting, bigger BlackBerry. Although your driver has been told to stop at a traffic light to do it, is it a distraction to your driver? Why would you need an exemption?

**Mr. David Turnbull:** First of all, no, it's not like a BlackBerry. They need it to be hand-held so that they can take it to the door and get somebody to sign for the delivery, but I'll turn that over to Rick King from UPS, whose company utilizes this equipment.

**Mr. Rick King:** I'm happy to answer that. When a package delivery driver is on his route, from time to time an on-call pickup will take place, which will flash on the screen of his DIAD, as we call them at UPS, and other companies have different names for the same type of equipment. Essentially it permits the driver to take a look and see where the next pickup may be. If that's restricted to only standing still and off the road itself, it may require a driver to overshoot a pickup quite significantly in terms of distance and time, leading to customer dissatisfaction, excessive fuel usage and perhaps the necessity to street another vehicle in order to effect pickup on that one day. Does that answer your question?

**Mrs. Linda Jeffrey:** Would it be as big as a piece of paper? Would it sit right beside him?

**Mr. Rick King:** In hindsight, I should have brought one for you.

**Mrs. Linda Jeffrey:** I'm just wondering: Does it sit beside him? I'm just thinking of the distractibility of the driver. If they're listening to radios and mikes, is this flashing beside them? I don't know how it works, so I'm trying to understand how physically—I understand why it would be easier to have it, but it is still a distraction for the driver.

**Mr. Rick King:** It's not actually a distraction so much as the driver needs to look at it while in motion. If you picture the dashboard of a package delivery vehicle, there is what we call a DVA, a DIAD vehicle adapter. You take the DIAD that you have in your hand like this, and you sheet a package, and when you get back to the car, you slide it in. If a call comes out to the driver, a little light will flash on the DVA indicating that there may be a message there that would require him to deliver a package or take some other action.

Our training routines call for the driver to wait for a safe opportunity to look at his DIAD, which may be at a red light or at the next stop. If you can envision a rural driver who is 10 kilometres between roads, the spirit of the legislation, I think, is such that it's meant to stop people from talking on the phone while driving, but we want to make sure that when he approaches the red light, he has those five seconds to say, "Okay, I need to stop there," as opposed to being 10 kilometres up the road and then having to swing back.

**Mrs. Linda Jeffrey:** Mr. Chair, could I ask one quick question?

**The Chair (Mr. David Oraziotti):** Your time is pretty much up, so we're going to have to move on.

**Mr. David Turnbull:** I'm happy to field it afterwards if you want.

**The Chair (Mr. David Oraziotti):** Members of the opposition? Mr. Klees.

**Mr. Frank Klees:** Welcome, Mr. Turnbull, a former Minister of Transportation. It's nice to hear your voice. When I hear it, it actually makes me want to go and vote. Mr. Turnbull was also a former chief government whip.

**Mr. David Turnbull:** I was usually saying, "Get into that committee."

**Mr. Frank Klees:** "Get into that House."

Your presentation is very helpful, and I see that you actually do have a commitment, I understand, from the ministry that your industry would, in fact, get an appropriate exemption for the kind of technology that you're proposing. We've had the discussion about this, and I can confirm for you that the official opposition will certainly be supporting those amendments. I assume that perhaps you have some wording that you would like to see, and if you would get that to us, we'll certainly work with the government to ensure that that is put in place.

As for the tablet itself, I'm sure the parliamentary assistant would probably be open to spending an afternoon with one of your drivers so that she can personally

report back to us that she's comfortable with that exemption.

*Interjection.*

**Mr. Frank Klees:** I won't look for a response from her, Mr. Chair.

Thank you for helping us understand. What we certainly don't want to see, in this economic environment, is regulation that kills jobs and businesses. We have enough of those coming down through various pieces of legislation by this government. We don't want to see any more, so thank you for your presentation.

**Mr. David Turnbull:** Thank you. We see this as a good piece of legislation aimed at safety, and we're very supportive, as an industry, of that.

I do want to just mention that I only became aware today that apparently you're also covering—I believe it's Bill 126—handling the suspension of drivers' licences and the seizure of vehicles. It is of concern to our industry, and I haven't prepared anything on this. Essentially, when it's express delivery, people get a little bit annoyed if you tell them that the delivery is blocked up somewhere in a seized vehicle.

**1620**

Obviously we're concerned and we want to be able to do due diligence, but on a day-to-day basis it is important that the word of the driver who's employed or is a contractor to our industry is good enough. We'd be prepared to say that if you wanted us to do due diligence by checking that licence, say, twice a year, that the company undertake it, that's something you could consider. But the idea of seizing a vehicle full of packages is something which is just abhorrent to our industry. I hope you understand that there has to be some adjustment of that.

We want to do our part in making sure that people are keeping their licence up, but I believe there are aspects of it—that the licence can be seized for all kinds of non-criminal activities, and that obviously is a concern because we just have to take the word of the driver.

**The Chair (Mr. David Oraziotti):** Thank you very much, gentlemen, for your presentation. That concludes the time.

**Mr. David Turnbull:** Thank you very much. Cheers.

#### STUDENT LIFE EDUCATION CO. INC.

**The Chair (Mr. David Oraziotti):** The next presentation, the Student Life Education Co. Inc., are they here? Good afternoon and thanks for being here today. You have 15 minutes for your presentation. Just please state your name for Hansard purposes, for our recording secretary, and you can start when you like.

**Ms. Frances Wdowczyk:** Great. Thank you very much. My name is Fran Wdowczyk, and I'm the executive director of the Student Life Education Co. Thank you very much for the opportunity to come and speak with you today. It is in fact a privilege to have an opportunity to have my voice be heard on behalf of the college, university and high school students that our organization has worked with for the past 23 years.

I'm here today to speak in favour of legislation regarding the amendments to the Highway Traffic Act prohibiting the use of devices with display screens and handheld communication. Quite frankly, the Student Life Education Co. works with high school students to empower them to make healthy choices when it comes to issues around safety with alcohol, safety with distraction, preventing injuries and making a difference so they can continue to be vibrant members of our community and then go on to in fact make a difference when they leave school.

The legislation around distracted driving is exactly what we've been hoping for. It talks to young people about something that is preventable. The stats are the stats. I'm not here to tell you about them. I'm trying to tell you today about what we know to be true about their behaviours. With a strong education campaign, these changes can make a difference.

Young people are novice drivers. They want to have fun. They're here for a good time. They don't think that they themselves will be injured, will die or will harm someone else. It's clear; their hearts are open; that's who they are. So we must take preventive steps by legislating, enforcing and educating in this area.

The Student Life Education Co. believes that with a strong program put on by the Ministry of Transportation to educate people and partnering with our enforcement, we can get the message across to young people now, make a difference now, so that in the future they will take that message forward everywhere they go: to college and university, and then out into the community where they themselves may one day become parents. This will just make our roads safer for everyone.

We know that young people are hungry for it. We run a day called the National Students Against Impaired and Distracted Driving Day; we've been running that for over 10 years. In fact, we have support from many, many MPPs right now in their communities on finding ways to educate young people around the issues of distracted driving.

When I look further to the legislation, I'd like to talk about the carpooling part of the legislation. We represent colleges and universities across the country and, in fact, most of those are located in this province. Students love this change. They carpool; let's be very frank about this. This is how they get along. They look to support each other with rides home, they're environmentally savvy, they want to be able to do this legitimately, and it's important change that we're pleased to say our members feel will support them and generations of students to come as they enjoy their life and go away to school. It's important to recognize that no one really even recognized that perhaps they were not supposed to do what they were doing, and so when we put the question out it was a bit of a confusion and some delight that perhaps now they could go ahead and do it and they didn't know they were doing something wrong. So from this point of view, we do feel that the changes here are important to make, but it's also important to recognize that perhaps they



weren't obvious to those people who they're most directed towards.

The last bit of information I would like to say we're very pleased to talk about is the under-21 BAC issue. For many years we've been watching young people injure themselves or take their lives or the lives of others unnecessarily—novice drivers, perhaps a little bit unsure of their consumption patterns and level. We've watched communities just be torn apart as a result—university and college communities, towns, municipalities—and we know from our interaction with our youth through List-Serve, Facebook, Twitter and so forth that this particular issue being addressed this way is proactive and positive. This is a generation of people who do believe that you should not drink and drive. Unfortunately, they are still young and sometimes make poor decisions. So this, coupled with a comprehensive education campaign that we know the Ministry of Transportation has been successful with in the past, we believe will in fact save lives, not only of those high school students we focus on, but of our college and university people who are just about to enter into the workforce and into communities.

We're very pleased to have been able to speak to you today on these issues, albeit briefly. I'm happy to answer any questions that you may have. More importantly, it's really important to acknowledge that these changes are changes that have been discussed for many years and it really is a privilege to see them moving through the system. Thank you so much for your time today.

**The Chair (Mr. David Orazietti):** Thank you very much for your presentation. Mr Klees, questions?

**Mr. Frank Klees:** I appreciate the work that you do with young people and we agree with you that the earlier we start the education program, obviously, the better. I want to just follow up with you on the carpooling issue—

**Ms. Frances Wdowczyk:** Please.

**Mr. Frank Klees:** You're overjoyed by that, of course. We don't want to be negative about it, but there are some important issues that we're going to be looking to the government to clarify for us, because there's the issue of liability here. It's a function that we're not sure has been dealt with by the government. We're not sure, now that this has really formalized as a carpool, what insurance companies will do with this and what young people who are taking on the responsibility of being the driver of a carpool and accepting money in exchange—what the implications may well be if in fact there's an accident, there are personal injuries and so on. In that something that has come up in discussions at all?

**Ms. Frances Wdowczyk:** Yes. In fact, it has come up, and predominantly it has come up because they didn't know that they were issues. So I do believe that young people are perhaps naive in the realm of what may be required of them legally. I think everyone appreciates that if this goes through, there will now be public and publicized guidelines that they would be expected to follow in order to do it. So it's no longer, "I don't know, we all jumped in the car. I gave Joe some money for gas. He dropped me off in Kingston and then he went on to

Toronto, picked up Susie, they went to Windsor and then Josephine's brother was there," etc. This is sort of how their life works. I think they're not concerned, but I suggest that perhaps their parents may be.

1630

**Mr. Frank Klees:** If not their parents, then perhaps their insurance company will be.

**Ms. Frances Wdowczyk:** At the very least.

**Mr. Frank Klees:** We're just simply saying that we understand the intent but, as with many of these things, there are unintended consequences. We are asking and will be asking the question of the government, just how much have you thought this through? And what is the potential fallout, the potential impact, the potential cost of this measure? To this point, we haven't had any responses. I'm sure the parliamentary assistant will have some answers for us. I know she won't respond now and I won't ask her to.

But with regard to the education that you're doing, could you just take back that, as MPPs, we appreciate the initiative. We want to be involved in any way that we can, and if we could get some more lead time from your organization, I think you'd have the participation, perhaps, of many more of us on that initiative.

**Ms. Frances Wdowczyk:** Thank you, Mr. Klees. We agree 100%.

If I could just finish one thought about the insurance companies, too, with the young people: I think the challenge really will be around that carpooling issue, that they may continue to do it regardless. Enforcement becomes kind of like residence hall rules for some of them. Underage drinking is illegal, but if you close the door, don't make any noise and don't get caught, then who's really going to—I think that's the reality of how they think. It would be an important education campaign. It would be in their best interests—and again, I'm not talking about standard education but really dialogue, so that they appreciate this—because if it does go through, it is in their best interests, of course, and if it doesn't, then they'll need some understanding, because they are doing it.

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

**The Chair (Mr. David Orazietti):** Ms. Mitchell?

**Mrs. Carol Mitchell:** Thank you very much for your presentation.

Just to continue further with some of the things that Frank was saying, I would think that would be a conversation that you would want to have with the students as well. It's important for them to understand the risks when they say, "Let's pick up Bobby and Joe and Sue and Anne." So, quite frankly, I think it is a conversation, but certainly in the area where I'm from, carpooling is something that we look at with very favourable eyes.

I'm just curious: Did you talk about extending the G1 length? Did you talk about that with the students?

**Ms. Frances Wdowczyk:** We've talked about several elements of the bill on an ongoing basis on various networks that we have. The extending of the G1 length got caught a little bit in the earlier kaffuffle of passengers

and that type of thing. Once that subsided and we reissued our questions, we found that there wasn't a lot of feedback about the length of the licensing, oddly enough. It wasn't seen as a big change for many of our folks. We do speak predominantly to many young leaders in communities, though, so I have to acknowledge that perhaps we weren't talking—they were asked to look at their own high schools, in their own groups, and go with the trickle-down theory in that respect. It wasn't seen to be an issue; it wasn't a problem. They felt that as long as they could practise and could get out there in those times, that was important to them.

**Mrs. Carol Mitchell:** So the young leaders supported that part but not so much the passenger—

**Ms. Frances Wdowczyk:** The passengers turned out to be a large discussion.

**Mrs. Carol Mitchell:** Okay. Thank you.

**Mrs. Linda Jeffrey:** A quick question: You're talking with high school and post-secondary students. Do you have any suggestions on how we can approach our public education campaign? What do you find to be the most effective way to get through to your audience?

**Ms. Frances Wdowczyk:** Oh, my gosh. Don't I wish I knew that.

We use a variety of mechanisms, because the cohort is a bit of a moving target. So as much as we enjoy things like Facebook and Twitter and all the social networking, for a general education we do find that there is still a place within the school system, especially for high schools, right within courses there, to educate people through awareness campaigns. Guidance counsellors are very open to having you come in to do that, whether it's through peer education or through coming in.

The college and university market, though, is a little bit different, and we do have great support from the residence people, the people who do the parent orientations. That's where I think this would be very well suited, to put something in a mailing or onto a website. Those partnerships can be established very quickly. Especially around the carpooling and other things, that kind of information is very helpful. Parents like to be able to tell their young people that. So we can make sure that that gets out. At orientation week you could put a lot of that type of thing out.

But we also see that you have to go ongoingly, so almost every five or six weeks you're issuing something new in an education forum that goes out there. Posters still get an 80% recall rate on message for us in the post-secondary market, so we put them up, colourfully. They might stay four or five weeks, then we put another one out; two or three months later, another one out, the same message with maybe a slightly different twist.

The other thing that we know is that they love being engaged in that as smart, young adults. We never use the words "don't" or "can't." We believe in empowering them, because if we raise the bar, they'll step up. They're just waiting for someone to ask them to step into it. So framing it in a way that's useful and valuable: a lot of "Did you know?" facts—especially, if something does

come from the carpooling thing, we want to get that out—the zero BAC.

I've personally spent 18 years of my life talking about this type of work and I do believe that the message is changing. The demographic is getting it. But wow, it's just too easy sometimes to get your bunch of friends together and say, "Let's just go."

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

**Ms. Frances Wdowczyk:** Thank you.

#### HAMISH WILSON

**The Chair (Mr. David Oraziotti):** The next presenter is Hamish Wilson. Good afternoon, Mr. Wilson. I understand you're speaking to Bill 118. You have 10 minutes for your presentation, and we'll have five minutes for questions following that. Please state your name for the purposes of Hansard, for our recording secretary, and you can begin when you like.

**Mr. Hamish Wilson:** Hamish Wilson. I may actually spread myself over into both bills. I like pushing the limit to expand your thinking, and I hope you'll bear with me.

Certainly, the whole question of road safety is very important and very thorny, and it's very difficult to actually change our behaviours, because we've certainly gone in a certain direction in a certain way for many, many decades. But let's be clear that many of our problems derive not so much from the softer and greener modes, but actually more from the higher-speed vehicles, the cars and the trucks. They're on our public spaces. It's not really the bikes that are destructive of life and limb and the environment, our property and the roads; it's the cars and the trucks. Again, I'd like to bring a lot of suggestions forward, because in Toronto and Ontario—and Canada, in fact—we're very much behind many other jurisdictions in terms of providing safety for cyclists, providing safe infrastructure and truly encouraging green transportation.

In the broader policy context, we've got to be looking very seriously at adjusting all of our transport far more to deal with the climate change issues. I'd recommend some reading of James Howard Kunstler's *The Long Emergency*. It's a solid book. I don't know if I can show it here to you but I was very pleased to read in the *Saturday Star* that Mr. Kunstler actually gave the keynote address to the Canadian Home Builders' Association. Can you imagine this being on campaign literature, from Mr. Kunstler's book?

"The future is now here for a living arrangement that had no future. We spent all our wealth acquired in the 20th century building an infrastructure of daily life that will not work very long into the 21st century. It's worth repeating that suburbia is best understood as the greatest misallocation of resources in the history of the world."

Bicycles and bike lanes are like the compact fluorescents and solar panels of the 21st century, except the compact fluorescents and solar panels aren't really running the risk of being run over and killed or injured on

a daily basis. I believe both Toronto cyclist fatalities this last year were just doing the right thing, were well equipped, including one who was wearing a helmet. I'm not so sure about the other one, but oops, they didn't survive an encounter.

#### 1640

I've got a top-10 list of things that I'd recommend to you:

(1) Adherence to and enforcement of existing laws, including the municipal class environmental assessment in a Toronto example.

(2) The use of a solid yellow line beside the painted white line of a bike lane on all rightward curves of legal bike lanes that are 1.5 metres wide.

(3) Increasing the legal status and protection of cyclists while biking on roadways through: adjustments to the no-fault insurance; reversing or assigning the onus of responsibility for crashes automatically towards motor vehicles—Europe does that; and ensuring a degree of safe passage of a cyclist ahead of the current overtaking and turning out to the right, subsection 148(6), this new measure to include signs legitimizing full use of curb lanes by bicycles. I've put an image in the text.

(4) Increased fines of up to \$5,000 and impounding a vehicle and subsequent sale of the vehicle for funeral expenses in case of a cyclist's death.

(5) Avoiding mandatory helmet usage. It's not such a good idea; I understand why.

(6) Increased bike usage for all urban police forces.

(7) Allowing a narrowing of vehicle lane widths—curb lanes, usually—by 5% to 10% on roads in urban areas when bike lanes are being installed.

(8) The Rob Ford, Michael Walker and Case Ootes annual one-week removal of driving privileges for all urban politicians and senior civil servants in May or June. The province actually issues driving licences. It's a privilege. To really walk the talk and bike the talk, pull it for a week. You can all lead and help the municipal politicians lead, as well. I know it would be terribly inconvenient for some of you, but it's one way of getting different mobility in place.

(9) Leading on a very local and cheaper project.

(10) Better bike infrastructure.

There's a whole list of smaller things, of course, but yes, let's get on—I'm not sure how my time is doing, but I'm sure it's scudding.

**The Chair (Mr. David Oraziotti):** You've got six minutes.

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

Better enforcement of existing laws: There are an awful lot of laws already on the books. Sometimes we need more; sometimes we just need much better enforcement of it. The cell yakking, for instance, really is a terrible distraction. We could see an awful lot more charges, I think, just on the distracted and dangerous driving, although having something very specifically targeted would be good.

Certainly, the culture of speed that we have—the design speed of highways and roads often tends to be far

higher than the legal limit so, consequently, everybody drives above the limit. When everybody breaks the laws—and most of the police seem to be drivers—then there doesn't seem to be that much interest to enforce the speed limits. That would go a long way, just simple enforcement.

One thing that I'm really bothered about, though, is provincial jurisdiction in the municipal class environmental assessment situation. It's local here, as well, and it's nearby on Bloor Street, where it's being all ripped up for a big transformation project, and yet somehow it doesn't seem to have gone through a proper environmental assessment. It feels as if the city of Toronto is either lowballing it or kind of thumbing their nose at the Environmental Assessment Act and evading it. That's not okay.

There's another transgression of provincial laws, and that's in the Places to Grow Act of 2006, one of your good bills. To quote from that, "Municipalities will ensure that pedestrian and bicycle networks are integrated into transportation to:

"(a) provide safe, comfortable travel for pedestrian and bicyclists within existing communities and new development;

"(b) provide linkages between intensification areas, adjacent neighbourhoods, and transit stations, including dedicated space for bicyclists on the major street network where feasible."

"Where feasible" is, of course, debatable, but at the same time, Bloor was the first spot that the city of Toronto, back in 1992, I guess—when they were looking at the transportation sector to really help lead climate change reductions, they had Marshall Macklin Monaghan do an assessment of the roads in the core of the city to find out what was the best. Lo and behold, they suggested that Bloor Street was actually the recommended east-west for phase 1 implementation, the wide section, so it has clearly been targeted already once for bike lanes, yet somehow we're not managing to provide bike lanes.

It's very curious because if you get into the details of the provincial legislation, the municipal class EA, and it's described back to me by Ms. Agatha Garcia-Wright of the MOE, dated April 10, 2008: "It is the understanding of the Ministry of the Environment that the project is comprised of boulevard improvements and streetscaping on Bloor Street from Avenue Road to Church Street." Yet, if you want to get into the details, and it's in the text, you look at the cost divisions that tweak it to an A, A+, or a B or C, things that are over \$2.2 million should fall in category B, according to the way that I see it. So somehow the city has designated it as an A+ project, a normal, mundane transformation, and yet it's got a \$25-million budget, so it does not compute. I'd red-flag that one as being a really serious transgression of a provincial law that would do an awful lot for improving the condition of many urban cyclists.

The second thing: Protecting cyclists on rightwards curves, if I could show a picture. We have a real issue sometimes with all vehicles, I suppose. When you have a

rightwards curve, everybody tends to cut into it. Here we have a clear example of the cars and trucks really cutting through into the new bike lane, which actually is at the narrowest spot, at 1.2, here. So exactly where we need the protection from the incursion of the motor vehicles, it's not there. This is really a sad thing to see in 2009, that the city of Toronto can't provide a safe bike lane. They've known about these problems of right-hand curves in years before, so it would be a good thing to add to your bill somehow, to add a yellow line along this curve just to add that extra layer—"Motorists stay out." It slows them down because you're not supposed to cross over a yellow line. Perhaps negative rumble strips would work as well, but we need to do something on that.

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

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

The helmet legislation: I know that you want to put helmets on people, but please don't. The British Medical Association says in this particular book that I've highlighted, "Really, don't do it." It is therefore questionable why cyclists are being singled out to wear helmets rather than other, non-helmeted road users who have higher risks that also result in a high cost to society.

If I'm out of time, thank you. I appreciate being here.

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

**Mr. Bill Mauro:** Mr. Wilson, thank you for your presentation. I only had one question, but at the end you've prompted another one from me. The non-helmeted road users who are at greater risk than cyclists: What groups are you referring to?

**Mr. Hamish Wilson:** It could be pedestrians, it could be rollerbladers and it could be motorists as well. There's an awful lot of head injury in motor vehicles sometimes as well. I've photocopied excerpts from this book and I'm pretty sure that staff have been diligent in their sharing of it.

**Mr. Bill Mauro:** Your focus on the cyclists, thank you for that. I think that it's coming. It's going to be a greater part of the road mix as we move forward. I think that nobody denies that. You mentioned in your presentation that there is one or there are several European countries that have gone to reverse onus already when it comes to a collision involving a cyclist and a motor vehicle. I'm wondering if you could elaborate on that for me a little bit: What countries, how many countries, what the results of that have been, if there's more coming online.

**Mr. Hamish Wilson:** It's an area that I haven't fully delved into, but my understanding is that it's actually a broad European Union directive that I believe originated in Holland after about 10 schoolkids were killed maybe a decade or two—15 years ago—by motor vehicles running into them. Certainly Europe has provided far better cycling infrastructure for cyclists—Denmark, Holland and Sweden. If you actually look at some of the pictures and images via the Internet or other resources—there's an excellent video, Copenhagen: City of Cyclists, put out by the city of Copenhagen, available on YouTube. The

striking thing about seeing those images from Europe and those videos is that very, very few people are wearing helmets. They've provided that safe infrastructure because there's the reverse onus where the motorist knows that if they bump into someone or if they hurt someone, they're at fault automatically. Plus, they don't have the same degree of automobility, between better transit support and the better bike facilities in more compact urban form.

**1650**

**Mr. Bill Mauro:** You feel that the reverse onus has prompted improvements in cycling safety, or is it the infrastructure?

**Mr. Hamish Wilson:** I would imagine, like many things, that it's a combination of both. But certainly if the motorist knows that they're going to be dinged—legally, as opposed to having a scratch, although scratches on paint jobs are deterrents as well. But if they know that they're going to be automatically at fault, they really pay more attention, I believe, to avoiding cyclists. I believe there are studies that show that when a bicyclist is wearing a helmet, the motorists actually pass closer to them. I can't swear to that, but I believe I caught a reference somewhere that someone actually hooked their video camera up to their bike and went out biking with a helmet and without a helmet. When the cyclist-researcher was wearing a helmet, the motorists came closer to them.

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

**Mr. Frank Klees:** How much time do I have?

**The Chair (Mr. David Oraziotti):** You've got about two and a half minutes.

**Mr. Frank Klees:** There's a lot of material in here. Do you have anything else that you forgot that you want to use my two and a half minutes for?

**Mr. Hamish Wilson:** Thank you, sir. That's appreciated.

Well, the door prize incident. I know cyclists sometimes aren't well lit, and it's very difficult sometimes, when you're in a hurry and in a rush, to think, "Oh, I've got to check the mirrors and look before I open the door." But it's one of the major deterrents to a lot of urban cyclists and it's a real source of crash, harm and even death to people. So tightening up the fines on the door prizes—and that's a vernacular cyclist term for when you open up a door into oncoming bicycle traffic, which is not supposed to be done under the Highway Traffic Act. It's called a door prize. You can get paralyzed. You can get killed. That's what happened to one of the cyclists who got killed this past year up on Eglinton: He got a door prize, or swerved to avoid one, and didn't make it through it. So that's one major thing that I'd urge that you really look at: upping the fines for the door prizes, with special consideration for cyclists.

I cannot defend all cyclists, by the way. There are some absolute pejoratives around sometimes. It's hard to advocate all the time for some cyclists; there's no doubt about it.

Other things—yes. Thank you for your time, sir; it's very much appreciated. Having a bit of flexibility in the

motor vehicle lane widths: It may not be possible to do, but if we could just squeeze the car lane widths. With most cars, the bulk of the traffic is actually not occupying the full three-metre minimum width, and if they are, it's a function of having a higher speed. So the narrower lanes, and I think that tends to be done more in Europe, actually slow down the traffic. That increases road capacity, because the faster the vehicles go, the more road space they consume. So slightly narrower traffic lanes with bike lanes actually could help reduce the congestion a little bit and improve the flow—just squeezing a little bit, not a lot, because sometimes we run into real issues with, “Oh, we don't have enough space,” and it's true. Sometimes it's just really tight. But if we could just squeeze a little bit, that would help, because there's already a bit of flex in bike lanes.

The local project: We need bike lanes here around Queen's Park Crescent. It's very easy to do with paint, and just to add a new sidewalk. So again I suggest it would be a quick make-work project. If you guys led and asked the city, “Hey, we want to have a bike lane all around Queen's Park, and a sidewalk,” you could help to calm the traffic here, provide safety for cyclists and improve the situation for pedestrians.

**The Chair (Mr. David Oraziotti):** Got it all in. Great. Thank you very much for your presentation.

Our next presenter is Richard Austin. I don't know if Mr. Austin is here. Louis Fliss, the last presenter?

It looks like we'll have a short recess until the next presenter shows up, so please don't go too far from here. Thanks.

*The committee recessed from 1655 to 1707.*

#### LOUIS FLISS

**The Chair (Mr. David Oraziotti):** Good afternoon, Mr. Fliss. Thank you for being here today. I'd just like to call the meeting back to order.

If you want to state your name for the purposes of Hansard, you have 10 minutes for your presentation. Please proceed when you're ready.

**Mr. Louis Fliss:** Good afternoon. Thank you for hearing me. My name is Louis Fliss. I live in Flemingdon Park in the city of Toronto. I'm here to help you with the amendments for Bill 126. My interest is with e-bicycles. I've been a resident of Toronto my entire life. I now live in Flemingdon Park, above where I work as a chiropodist foot care specialist at the Flemingdon Health Centre. My interest is for my clients and for myself. I'm eager to open up the community to get my patients walking, riding—any means possible. I'm working on an initiative with the community health centre in the health promotion department to work on the Gateway greenbelt.

So to get to the point at hand, at one time, I had a wonderful ride with my wife. We rode to Rochester and took the ferry. She has since developed rheumatoid arthritis, so she's limited now in joining me on these wonderful occasions. We purchased an e-bike last spring. We've had lots of rounds together. We enjoyed events through the ravines through the Toronto Bicycling Net-

work; we took a ride to Centre Island, with a little resistance from the ferry employees. They eventually allowed us on the ferry, and the other riders seemed to accept us fairly well.

What I'd like you to consider is that we really don't see too many people in the ravines. We really don't see people taking advantage of the greenery in the city. The electric bicycle is a zero emitter. The bike that we purchased—you have an illustration—is restricted to 32 kilometres per hour. It's a little bit wider and a little bit longer. It has wonderful brakes and horns; it pretty well follows the Highway Traffic Act definition presently of a bicycle.

In my recent excursions, tourism has improved with bicycling. You see railway lines converted to bike routes from one small town to another. This would be wonderful to be used by bicycles and e-bikes, and there's the potential for tourism. Right now you have a limited number.

I suspect that this might be the first time you've seen an illustration of this form of bike. It does have pedals. It has a one-gear system. Theoretically, yes, you can use the pedals, but mostly the individual would travel using the electric power. We've had instances where, if we try to get up a hill—one hill I'm thinking of particularly is behind the Ontario Science Centre—then my wife needs to use the pedals to get up.

I'm here to answer any questions, if you have any. What brought me here was a group in the city of Toronto, the Toronto committee for active transport. They said they were against these vehicles, and I think they're shooting themselves in the foot. What we need to do is find collaboration with other park users to engage in activities that don't pollute, that promote health.

I'll sum up now. Sorry, I'm a little rushed. I want you to get out on time as well.

If you look at the highlights, this particular bike is something like what we have. It's called a Sinatra. They have to make it sound attractive for those who are interested in purchasing. The details are listed here: speed up to 32K, as per the regulations. There is some mass to them. I work above the health centre, so I basically take the elevator. She uses it by utilitarian means to get to work. She works at the Daily Break Food Bank. So from Flemingdon Park, which is near the science centre, it takes her less time to get to Lakeshore and Islington than it would with public transit.

These vehicles need to be able to use the bike lanes. They won't get far behind other vehicles. Consider the fact it's a zero emitter and it would have to travel behind automobiles, so a bike lane is appropriate, in my opinion. Of course, there's a wonderful ravine system here in Toronto. It should be exploited by all users.

You must consider that there are also electric wheelchairs. They travel at quite a click as well. They're a wider vehicle, and from what I understand, they're allowed to use the ravine systems as well.

**The Chair (Mr. David Oraziotti):** Thank you for your presentation. Mr. Klees has comments and questions, I think.

**Mr. Frank Klees:** Sure. How much time do I have?

**The Chair (Mr. David Oraziotti):** Two and a half minutes.

**Mr. Frank Klees:** So how much is one of these Sinatras?

**Mr. Louis Fliss:** I'm not too sure on that vehicle, but the one we purchased took us back \$2,200.

**Mr. Frank Klees:** And you're saying they're not currently allowed to use the bike lanes?

**Mr. Louis Fliss:** Oh, no. Under the probation, up to October this year these vehicles can use the bike lanes and the park paths.

**Mr. Frank Klees:** So what you're advocating is a continuation of that?

**Mr. Louis Fliss:** Yes.

**Mr. Frank Klees:** Of course, the ministry will be monitoring to see how all of this is working out, right? Do you have a field day when you could perhaps take the parliamentary assistant on a ride on one of these?

**Mr. Louis Fliss:** I actually asked the assistant if I could bring the bicycle in, and they thought it wasn't a good idea, but I'm willing to come back.

**Mr. Frank Klees:** I think it's the parliamentary assistant's responsibility to report back on some of these various means of transportation. So we would certainly volunteer to have her go out on a ride with you and report back. Would you be willing to do that?

**Mr. Louis Fliss:** Sure, if she has a helmet. She requires a helmet.

**Mr. Frank Klees:** We can probably arrange for the helmet. Thank you very much. Very interesting presentation.

**Mr. Louis Fliss:** Thank you.

**The Chair (Mr. David Oraziotti):** Questions? Mrs. Jeffrey.

**Mrs. Linda Jeffrey:** I'm flattered by Mr. Klees's interest in my opportunity to go on field trips.

Thank you for coming and talking about your e-bike. I've learned more about e-bikes probably in the last hour than I ever knew before, so it's very helpful to read about them, but to have somebody who's actually used one—is this your only mode of transportation? You have a car as well?

**Mr. Louis Fliss:** We do have an automobile, which we use through the wintertime.

**Mrs. Linda Jeffrey:** So can you tell me what your feeling is about helmets and the age restrictions, what kind of helmets? We've had some people come in today who've given us an opinion on it and had very strong feelings. What are your feelings on helmets and who should use them and age restrictions, now that you've had some experience on the roads?

**Mr. Louis Fliss:** I'm a former Can-Bike instructor. I used to teach bicycle safety for the city of Toronto. There was a movement at the time to have bike helmets mandatory for all. The Mike Harris government decided to just make it for those 18 and older. I'm all in favour of having permanent helmet use. You're saving lives and, if not lives, you're saving traumatic injury.

**Mrs. Linda Jeffrey:** Do you recommend motorcycle helmets for people riding e-bikes, or bicycle helmets?

**Mr. Louis Fliss:** Bicycle helmets will do the trick. Just going up to 32 kilometres per hour, that should be fine. We have cyclists in the park just tearing past us on the regular bicycles.

**Mrs. Linda Jeffrey:** What about age restrictions? Do you have any suggestions about age restrictions? You're saying there are some people who are riding very quickly, but this is a motorized vehicle. Do you have any sense of what you would believe? Over 16, or can any age ride these?

**Mr. Louis Fliss:** I think leaving it at 16 is—

**Mrs. Linda Jeffrey:** That would be your recommendation?

**Mr. Louis Fliss:** For sure.

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

**Mr. Louis Fliss:** All right.

**The Chair (Mr. David Oraziotti):** Is Richard Austin here? We had Richard Austin down for 5:10. I don't see Mr. Austin here, so seeing that we're well past that time, we're going to adjourn until Wednesday at 4 p.m. Adjourned.

*The committee adjourned at 1717.*

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## CONTENTS

Monday 9 March 2009

|                                                                                                                                                                                                                                                           |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <b>Election of Chair</b> .....                                                                                                                                                                                                                            | G-291 |
| <b>Election of Vice-Chair</b> .....                                                                                                                                                                                                                       | G-291 |
| <b>Subcommittee report</b> .....                                                                                                                                                                                                                          | G-291 |
| <b>Countering Distracted Driving and Promoting Green Transportation Act, 2009, Bill 118,<br/>Mr. Bradley / Loi de 2009 visant à combattre la conduite inattentive et à promouvoir<br/>les transports écologiques, projet de loi 118, M. Bradley</b> ..... | G-292 |
| <b>Road Safety Act, 2009, Bill 126, Mr. Bradley / Loi de 2009 sur la sécurité routière,<br/>projet de loi 126, M. Bradley</b> .....                                                                                                                       | G-292 |
| <b>Share the Road Cycling Coalition</b> .....                                                                                                                                                                                                             | G-292 |
| Ms. Eleanor McMahon                                                                                                                                                                                                                                       |       |
| Ms. Debbie Virgoe                                                                                                                                                                                                                                         |       |
| <b>Teamsters Canada</b> .....                                                                                                                                                                                                                             | G-295 |
| Mr. Robert McAulay                                                                                                                                                                                                                                        |       |
| Mr. Phil Benson                                                                                                                                                                                                                                           |       |
| <b>Ontario Federation of Agriculture</b> .....                                                                                                                                                                                                            | G-297 |
| Mr. Peter Jeffery                                                                                                                                                                                                                                         |       |
| Ms. Wendy Omvlee                                                                                                                                                                                                                                          |       |
| <b>Mr. Charles Diltz</b> .....                                                                                                                                                                                                                            | G-298 |
| <b>Mr. Anthony Humphreys</b> .....                                                                                                                                                                                                                        | G-300 |
| <b>Mr. Lionel Rudd</b> .....                                                                                                                                                                                                                              | G-302 |
| <b>MADD Canada</b> .....                                                                                                                                                                                                                                  | G-305 |
| Mr. Andrew Murie                                                                                                                                                                                                                                          |       |
| <b>Ontario Community Council on Impaired Driving</b> .....                                                                                                                                                                                                | G-307 |
| Ms. Anne Leonard                                                                                                                                                                                                                                          |       |
| <b>Canadian Courier and Logistics Association</b> .....                                                                                                                                                                                                   | G-310 |
| Mr. David Turnbull                                                                                                                                                                                                                                        |       |
| Mr. Rick King                                                                                                                                                                                                                                             |       |
| <b>Student Life Education Co. Inc.</b> .....                                                                                                                                                                                                              | G-312 |
| Ms. Frances Wdowczyk                                                                                                                                                                                                                                      |       |
| <b>Mr. Hamish Wilson</b> .....                                                                                                                                                                                                                            | G-314 |
| <b>Mr. Louis Fliss</b> .....                                                                                                                                                                                                                              | G-317 |