



Review and Recommendations for Bills 118 and 126 from the Ontario Traffic Conference

Submission to:
Standing Committee on General Government
Legislative Assembly of Ontario

March 11, 2009

The Ontario Traffic Conference (OTC) wishes to thank the members of the Committee on General Government for the opportunity to address the role and impact of Bills 118 and 126 on road safety in our province.

By way of introduction, the OTC was formed in 1950 by a group of municipal officials, who saw the need for a coordinated effort to improve traffic management in Ontario, by drawing together the knowledge and expertise of those in the field of Enforcement, Engineering and Education.

The OTC mission statement is "*To Develop and Promote Expertise Regarding Traffic Matters Affecting Ontario in Keeping with Current and future Transportation, Social and Environmental Goals through Engineering, Enforcement and Education*".

At the outset, the OTC would like to note that we appreciate the amount of focus that the Legislature has placed on road safety issues over the past few years. We agree with many of the changes put forward in Bills 118 and 126. That said, we would like to take a few moments to outline some of the areas of concern that have been expressed by our members as well as highlighting areas where the OTC is pleased to provide its support.

Bill 118, Countering Distracted Driving and Promoting Green Transportation Act, 2008

Charging a distracted driver

The OTC supports the principle of ensuring that drivers on Ontario roads are fully focused on safe driving at all times. We also support strengthening the existing provisions by allowing for a dangerous driving charge to be combined with a distracting driving charge when a driver, because of their inattention is putting others at risk.

The OTC has some questions about the gathering of evidence by police officers when seeking to charge a distracted driver:

- Will police officers be able to search a vehicle for the distracting device to document the item being held at the point of observation by the officer?
- Will police officers be required to make a determination if the perceived device is in fact an actual distracting device and not another object?

Public Transit employees

We are concerned that public transit employees were not included in the list of exempted users of handheld devices in the same way that police, fire and ambulance were included. We would request further discussion with municipalities to ensure that if there are employees that may need to use a device while on the road that they may continue to do so, legally.

Public Vehicles Act amendment

The OTC is pleased that the legislation will make it easier for informal carpooling to take place and will allow for varied types of carpools, including those between municipalities and for allowing carpools for purposes outside of home-work journeys.

Bill 126, Road Safety Act, 2008

Power-Assisted Bicycles

The OTC is pleased to see the definition of “power-assisted bicycles” added to the HTA. We were pleased to see a restriction to persons over 16 years of age for operating power-assisted bicycles.

The OTC believes that power-assisted bicycles should be treated the same as motor-assisted bicycles. The vehicle must be insured, registered and have a valid license plate. The operator must wear an approved motorcycle helmet.

We also call for defining power-assisted bicycles as motor vehicles, so that suspended drivers are not able to use a power-assisted bicycle to circumvent their license suspension.

Zero BAC for young and novice drivers

The OTC is supportive of the measures in this section to enforce zero blood alcohol content for both novice and young drivers.

Second breath analysis

The OTC is supportive of clarifying the timeframe within which a driver may request a second breath analysis when the driver registers ‘warn’ or ‘alert’.

We believe that too much time could elapse if a second test is taken on ‘approved instrument’ at the police station. We support authorizing the second test on a second ‘approved screening device’ that can be administered at the scene, if it is requested by the driver forthwith after the first test.

Move Over

The OTC supports the idea of having motorists safely move to an adjacent lane and proceed with caution to improve safety for stopped emergency vehicles. Further, the OTC is concerned that there is a low level of knowledge of the provision among the general driving public. We recommend that a public education campaign precede any increases in fines for Move Over.

Seatbelts

We know that the high use of seatbelts in Ontario was aided by public education over many years of the need to use this lifesaving device. The OTC recognizes that not all Ontarians buckle up and fines should reflect the need for compliance.

That said, we recommend that medical letters which exempt drivers having to use a seatbelts no longer be recognized given that adjusting devices exist to make it possible for any driver to safely use one.