



ISSN 1180-5218

**Legislative Assembly
of Ontario**

First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 14 September 2005

**Journal
des débats
(Hansard)**

Mercredi 14 septembre 2005

**Standing committee on
general government**

Transportation Statute Law
Amendment Act, 2005

**Comité permanent des
affaires gouvernementales**

Loi de 2005 modifiant des lois
en ce qui concerne le transport

Chair: Linda Jeffrey
Clerk: Tonia Grannum

Présidente : Linda Jeffrey
Greffière : Tonia Grannum

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Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
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Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Wednesday 14 September 2005

Mercredi 14 septembre 2005

The committee met at 1000 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mrs. Linda Jeffrey): Good morning. The standing committee on general government is called to order. We're here today for the purpose of commencing public hearings on Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters.

The first item of business on our agenda is the report of the subcommittee on committee business. May I ask that someone move the report of the subcommittee and read it into the record?

Mr. Lou Rinaldi (Northumberland): I'll so move.

Your subcommittee met on Tuesday, July 12, 2005, to consider the method of proceeding on Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters, and recommends the following:

(1) That the committee meet for the purpose of public hearings on Bill 169 on September 14 and 15, 2005, in Toronto at Queen's Park.

(2) That the committee meet from 10 a.m. to 4 p.m., subject to change and witness demand.

(3) That an advertisement be placed in all English dailies and one French daily for one day, August 30, 2005, and that an advertisement also be placed on the OntParl channel and the Legislative Assembly Web site.

(4) That the deadline for those who wish to make oral presentations on Bill 169 be 3 p.m. on September 8, 2005.

(5) That the clerk provide the subcommittee members with a list of those who have requested to appear on an ongoing basis.

(6) That all organizations be offered 15 minutes in which to make their presentations and individuals be offered 10 minutes in which to make their presentations.

(7) That the clerk, in consultation with the Chair, be authorized to schedule all witnesses.

(8) That the Minister of Transportation be invited to make a 20-minute presentation before the committee on September 14, 2005, followed by a five-minute question/comment period from each of the opposition critics, followed by a 20-minute technical briefing by ministry staff, followed by a further five-minute question/comment period from each of the opposition critics.

(9) That the deadline for written submissions on Bill 169 be 5 p.m. on September 15, 2005.

(10) That, in order to facilitate the committee's work during clause-by-clause consideration of the bill, when time permits, proposed amendments shall be filed with the clerk of the committee by 2 p.m. on September 21, 2005.

(11) That the committee meet for the purpose of clause-by-clause consideration of Bill 169 on September 28, 2005, in Toronto at Queen's Park.

(12) That the research officer provide the committee with background information on Bill 169 prior to the start of public hearings, and that the research officer also provide the committee with a summary of witness presentations prior to clause-by-clause consideration of the bill.

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

That's the report, Madam Chair.

The Chair: Thank you, Mr. Rinaldi.

Are there any questions? If none, all in favour? The report of the subcommittee is carried.

TRANSPORTATION STATUTE LAW
AMENDMENT ACT, 2005LOI DE 2005 MODIFIANT DES LOIS
EN CE QUI CONCERNE LE TRANSPORT

Consideration of Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters / Projet de loi 169, Loi modifiant le Code de la route et modifiant et abrogeant diverses autres lois à l'égard de questions relatives au transport.

MINISTRY OF TRANSPORTATION

The Chair: Good morning, Minister. Thank you very much for coming. You were asked to come here to make a presentation. You have up to 20 minutes. We are here to listen to your deputation. Thank you for coming.

Hon. Harinder S. Takhar (Minister of Transportation): Thank you very much. Good morning, everyone. Let me start by saying that Ontario has the safest roads in

North America, and I'm very proud of that fact. I'm proud of our efforts to make Ontario's roads even safer. Ontario's prosperity depends on a transportation system that is safe, efficient and reliable, and that is why our transit and road safety bill is so important.

Bill 169 includes a series of wide-ranging measures to improve safety, ease congestion, promote public transit and protect consumers. These issues have real meaning for people. My staff and I will be very happy to hear your comments and/or answer questions afterward.

Let me start by saying that it is a simple fact that speed kills. Almost half of all deadly collisions on our roads are tied to speeding or loss of control. Drivers who go 30 kilometres an hour over the speed limit on city streets are nearly six times more likely to kill or seriously injure someone. The risk is greater on our highways. Those who drive 50 kilometres an hour over the limit are nearly 10 times more likely to kill or seriously injure someone.

Bill 169 would increase fines for some of the worst speeders. For example, someone traveling 30 kilometres an hour over the posted limit now faces a maximum fine of \$135. Under the proposed legislation, this would increase to \$210. We are also proposing a court-imposed licence suspension of up to one year for those convicted of repeatedly driving 50 kilometres an hour over the speed limit.

Our transit and road safety bill would double fines for speeding in construction zones when workers are present. For example, anyone caught driving more than 30 kilometres an hour over the posted limit in a construction zone would face a fine of \$420, and drivers who ignore the stop/slow signs held by workers would face fines of up to \$500.

I'm sad to say that children are more than five times more likely than adults to be killed walking or running out on to city streets. That's exactly why we are proposing to increase fines for drivers who fail to stop for pedestrians at crossovers, crosswalks and school crossings. The minimum fine would more than double, from \$60 to \$150.

I have spent a lot of time talking to you about safety. Let me tell you about another priority for our government: congestion. Every year almost \$1.2 trillion worth of goods are carried on Ontario highways. Highway closures can cost up to \$600,000 an hour. Bill 169 would allow police to clear and reopen highways faster after a collision or spill. It would clarify powers, protecting police and the province from liability. Sometimes trucking companies or their insurers insist on bringing in a clean-up crew from hundreds of kilometres away, and this can take hours.

Here is what OPP Sergeant Cam Woolley told the Toronto Sun about Bill 169: "The police have been waiting for this legislation for a long time. It's going to save lives, improve the quality of life and the economy." Those were the exact words of Sergeant Cam Woolley. I couldn't have said it better myself.

One of the best ways to tackle congestion on our highways is to encourage people to carpool or take public

transit. That is why we're calling Bill 169 the transit and road safety bill.

Right now, most cars on the road during rush hour carry only one person: the driver. It is a waste of highway space. I am proud that we are the first government to build high-occupancy vehicle lanes on Ontario highways. We are adding new lanes to sections of Highways 403 and 404 and we're proposing to limit them to transit vehicles or cars with two or more people. By the end of the first year, as many as 650 vehicles an hour will use the HOV lanes on Highway 403, and that means shaving up to 11 minutes from the trip. Bill 169 would allow for HOV lanes to be enforced.

1010

Bill 169 would allow transit vehicles across the province to use devices that control stop lights. So-called go boxes are already being used in Toronto. Buses and streetcars save time by making a green light last a little longer or shortening a red light.

This bill would also allow police to ticket motorists who try to use bus bypass shoulders. As the name implies, bus bypass shoulders allow certain local transit vehicles to get by traffic jams.

HOV lanes, bus bypass shoulders and go boxes would give transit riders an advantage and make public transit a better choice.

Speaking of choices, Bill 169 would make good on our government's commitment to give northern Ontario drivers more winter driving options. We are proposing to give northern residents permission to use studded tires.

I have a letter from the Insurance Bureau of Canada, a long-time safety partner, expressing its strong support for another part of the bill, the driver education provision. Bill 169 would give my ministry the authority to ensure full compliance with driver education standards. A letter from the IBC states, "Insurers have been seeking these enforcement measures for some time. We're delighted you've brought forward these essential provisions."

The Certified Transportation Instructor Association agrees. President Keith Black writes, "We feel that professional driving instructors will applaud the government in their efforts to create an environment that will continue to encourage and upgrade safety in the province of Ontario."

Finally, I would like to touch on one more important safety and consumer protection aspect of the bill; that is, taxi scoopers.

Unlicensed operators hang around airports and tourist destinations waiting to take advantage of unsuspecting travellers. One of them tried it on me. Passengers can be hit with fares of \$180 for a trip from an airport to the downtown area. They have been harassed and they have feared for their own safety. It's just not safe.

Taxis or cars operating without the proper licences in Toronto and other municipalities can be sanctioned under this legislation too. I can see and I know that some of those in the industry are here today from Toronto to speak to this very important issue. However, this is not just a Toronto issue. This is a province-wide issue.

The bill takes into account the advice of officials at the Greater Toronto Airports Authority, municipal leaders and law enforcement agencies from a number of communities such as Ottawa and Niagara.

Bill 169 is not about changing the existing municipal licensing regime; it's about going after shady operators who have no licence at all. It is about making sure that when people arrive at an Ontario airport or travel in one of our cities, they get into a safe and licensed cab.

Let me read from a letter I received from the Niagara Regional Police Services Board: "The board is extremely pleased to support your ... bill," and, "The unlicensed taxi issue is a huge problem in Niagara."

The Ottawa Taxi Advisory Committee endorses the intent of the bill. Chair Michael McDermott writes, "Unlicensed taxi operations involve untrained and undocumented drivers, as well as substandard and inadequately insured vehicles."

Bill 169 would make it illegal to carry passengers for compensation without a proper licence or permit. It would allow for charges against the driver, the owner of the vehicle and anyone who arranges the ride. Convictions could mean fines of up to \$20,000.

Bill 169 would protect our visitors. It would protect our children and other pedestrians. It would protect drivers and passengers. It would make public transit a more convenient choice. It would ease congestion. It would help keep our economy moving and our air clean.

I look forward to hearing from all stakeholders today. Among our presenters, we will hear from representatives of the fire marshal's office and the Association of Fire Chiefs. I look forward to hearing their views on access to closed roads for volunteer firefighters attending an incident and other issues. After hearing their presentation and views, I will bring forward a motion to amend Bill 169 to address this important issue.

Madam Chair, I want to thank this committee for allowing me to express my views about this important bill. We would be glad to hear your comments now and answer any questions you may have.

The Chair: Thank you, Minister Takhar. We appreciate you being here and presenting. As agreed to by the subcommittee, we have some time allotted for questions from the opposition critics of the committee. It's five minutes for each member of the opposition. Mr. Ouellette, you have five minutes.

Mr. Jerry J. Ouellette (Oshawa): Thank you very much for your presentation. A couple of things: First of all, we didn't receive this until just now, but in the technical briefing it specifically states, as you stated, Minister, to "make public transit more attractive." I certainly hope that gas pricing and insurance pricing is not one of the methods of achieving that result.

Some of the things that you mentioned, for example, clearing up spills, as mentioned by Cam Woolley in the process—I'm wondering if you've looked at this process. I've met with police departments who claim that there is a new technology that uses a camera technology, a computerized technology, that will identify one million points

during an accident scene. What takes place, so you understand, Minister, is that an accident will take place on the highway—what we're trying to do is speed up those highways—and then they shut down that area in order to do all the measurements. There is a new camera technology that will identify up to one million points, simply by taking the picture. The difficulty is that, through the court process, it's not being identified as an acceptable process to be used, so they have to use the old technology, by measuring with tape sticks and things like that in order to verify the distance of the skid lines and things like that. Have you looked at that technology to try to help out? They need the training as well as the equipment in order for it to be used by the various forces.

Hon. Mr. Takhar: Let me just address the issue of making public transit more accessible first. Our government is the first government that has doubled funding for public transit, and we are very proud of the fact that we are making public transit more accessible, more affordable and a better service for the people so that people can take it. I have the same concerns as the member with regard to the gas prices. In that event, I think making public transit even more affordable and more attractive is one of the things that we want to do.

People will only take public transit if we can make it more attractive and we can improve the service, and our government is very much committed to doing that. We have made huge strides toward it in the last two years. We were in York region, we are working with Ottawa region, we are looking forward to seeing proposals from the Mississauga and Brampton municipalities as well, and we have given \$1 billion to GO Transit and \$1 billion to TTC to make these services more affordable.

Let me talk about the other issue. I think that the suggestion the member made is a good one, but I feel that is only one aspect to doing faster cleanups on our highways. We will look into that suggestion.

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Mr. Ouellette: Thank you, Minister.

In your statement, page 5, it specifically states, "Bill 169 would make it illegal to carry passengers for compensation without a proper licence or permit." I've had a number of calls from a number of, particularly, private schools. They do individual busing services for the kids to take them to events. How is that going to apply to things such as that? It's not licensed busing that they're providing. Is this going to be one where they're paid only to provide this service or is it something that these schools should be concerned with as well?

Hon. Mr. Takhar: The buses that are used to transport kids, already most of these school buses have the licences to do that and they are very legal in whatever they do. I think this legislation only applies to passengers up to 10, and only when people do it for compensation.

Mr. Ouellette: I see. So if a private school wants to pay parents for their gas to take the kids to Queen's Park—the main reason they come in, I know they're going to be discussing this now, is the booster seat impact on their schools. If they're compensated for paying for gas

to bring a vanload of kids to Queen's Park to do a tour, would that fall under that category?

Hon. Mr. Takhar: My personal feeling is this only applies to the people who actually rely on this as a means of income. Any other services, like transporting kids to Queen's Park or any other place, would not be subject to this legislation.

The Chair: You have 30 seconds.

Mr. Ouellette: OK. Maybe just a bit of expansion on how the studded tires would work for those individuals from the north who are travelling to the south.

Hon. Mr. Takhar: We are allowing studded tires because it is for safety reasons in northern Ontario. We want to make sure that people in very severe conditions can get from one place to another, and they can do so safely. What we are recommending is very low-impact, high-quality studded tires which are being used in the European Community—

Mr. Ouellette: What happens when they drive to southern Ontario?

Hon. Mr. Takhar: If the tires are on the cars, they should be able to drive into southern Ontario as well. But mostly it is being targeted to northern Ontario.

Mr. Rosario Marchese (Trinity-Spadina): Thank you, Minister, for your presentation. Just a couple of things. Gilles Bisson is the critic for your portfolio; I'm a substitute, so I'm not likely to have the expertise that he would have.

Having said that, we support a number of areas that you have presented here in this bill—I suspect that even Raminder Gill would have supported this bill if he were here—including the whole notion of high-occupancy vehicle lanes. This is useful, allowing municipalities to lower the speed limit to 30 kilometres in traffic-calming areas, improving daily commercial vehicle inspection standards by requiring drivers to check over 70 itemized defects daily. The speeding fines that you spoke to, the new police powers to remove and store vehicles involved in highway traffic accidents and so on: These initiatives, I think, are acceptable to us, and we have no problem with that.

I just want to ask you a couple of questions, since you're here and we're asking questions. With respect to achieving safety for pedestrians, higher fines is one of the ways in which you're trying to achieve that. Do you think it's sufficient?

Hon. Mr. Takhar: Let me say, I think there have been about 55 to 60 pedestrian accidents every year in Ontario, so we want to make sure that people's lives are saved. One way of doing that is to make sure that our laws get enforced and then it becomes enforceable.

Mr. Marchese: I understand that. I was just asking a different question. What level of fine do you think is a deterrent? Do you or your staff have any evidence to speak to that?

Hon. Mr. Takhar: I think the fines that we are recommending are being used in other jurisdictions. Those fines are in line with the other jurisdictions and they were effective.

Mr. Marchese: Does your staff have any evidence—they're right beside you—to show that these fines that you're proposing work? If you could identify yourself and just tell us.

Mr. Frank D'Onofrio: Sure. Frank D'Onofrio, acting deputy minister, Ministry of Transportation.

Part of the proposal that the minister has put forward involves not only increasing modestly the fines for pedestrian-related offences, but also demerit points, ensuring that there's an equal number of demerit points applied, at three, whether you're crossing at a school crossing, whether it's at a pedestrian crossover, or whether it's at a stopping signal. We know that demerit points have an influence on driver behaviour.

Mr. Marchese: Frank, do you or the minister have a comment with respect to the issue of enforcement? Obviously, in my time here—as we understand, if people know they're going to get caught, they're likely not to commit the crime. That's the way it works. Not getting caught means you're going to have to enforce it. So the fine in and of itself is insufficient. That's what I'm arguing, because I understand that the fine is good, the demerit points are good, and in and of themselves, you probably argue it should do it to deter people. But it's enforcement that is the key. Do you agree?

Hon. Mr. Takhar: I think it's the combination of things. It's the fines, it's the enforcement, but it's also the education of the people. So we need to do all of them, and I think we are committed to doing all of them.

Mr. Marchese: OK. With respect to enforcement, you made a promise two years ago to get 1,000 more new policemen and women on the streets. How far are you with that?

Hon. Mr. Takhar: We are working very closely with the police forces, and I think we are making quite good progress.

Mr. Marchese: How many have we hired since?

Hon. Mr. Takhar: I don't have the exact number, because that's not my area.

Mr. Marchese: So we're not doing too well in that regard.

Hon. Mr. Takhar: No, we're doing pretty well in that regard.

Mr. Marchese: We're doing great with the promise; I understand that. I was just thinking, in terms of reality, how far we are with keeping that promise, because that's part of the enforcement, right?

All of your fellow people are very disturbed by my comment. But you agree that—

Hon. Mr. Takhar: I think we are absolutely committed to putting 1,000 police officers on the road, and we are working very closely with the municipalities to do it. I have recently seen that the Toronto police force is going ahead with this and the other police forces are going ahead with this, so—

Mr. Marchese: I just have another question. Part IV is a serious problem—because I only have a few minutes.

The Chair: Mr. Marchese, you have about 40 seconds.

Mr. Marchese: Forty seconds.

Part IV is a serious problem to taxi drivers in Toronto. I know you're telling them, "Listen, this is not a problem that we should fix in this bill; this is something else." Section 4 encrusts and entrenches the difficulties Toronto taxis have vis-à-vis going to the airport, and limousines coming to Toronto being able to scoop up people here. They can't scoop there very easily, but limos can scoop here very easily, and there's a good arrangement that makes that happen.

You're telling the taxis, as I understand, behind the scenes, that you're going to fix that possibly or that, through talking, you might be able to solve that. How are you going to deal with this entrenched injustice?

Hon. Mr. Takhar: My answer to your question is, first, this is not a Toronto airport issue. This is a province-wide issue, and we are absolutely committed to making scooping illegal in this province. This is hurting our tourism. It's a public safety concern. So this bill is—

Mr. Marchese: So we're going to prevent limousines from—

The Chair: Mr. Marchese, please, could you stick to the schedule? That was your question. Your time is up. Let the minister answer. Thank you.

Hon. Mr. Takhar: —making scooping illegal in this province.

Mr. Marchese: When we have time to ask questions, the speaker can go on forever. If I don't intervene to be able to get another question, I can't do it. You understand that.

The Chair: Your question filled your time. I gave you a warning. You asked your question. Let the minister answer the question. I'm trying to stay on schedule. Minister?

Hon. Mr. Takhar: So from my point of view, Bill 169 is a bill that will move forward to make scooping illegal in this province. When we say it will make scooping illegal, anybody who doesn't have a valid licence shouldn't be able to pick up passengers from where they're supposed to operate. That's the intent of this bill, and we intend to enforce it.

I know the Toronto drivers have some other valid concerns, and we are looking into it and we'll see how we can address some of those issues.

The Chair: Thank you very much, Minister. We appreciate you being here today.

We're now at the point in our agenda of the ministry briefing. Is it the existing ministry staff who are at the table who are—is anybody else going to be joining you? No? OK. If for the purposes of Hansard you could both identify yourselves before you begin, and you have up to 20 minutes.

Mr. Bruce McCuaig: My name is Bruce McCuaig, and I'm assistant deputy minister with the policy, planning and standards division of the Ministry of Transportation. I'm joined by Frank D'Onofrio, acting deputy minister of the Ministry of Transportation. I'll spend a few minutes talking about the first half of the proposed changes, and then I'll be passing it over to Mr. D'Onofrio to deal with the remainder.

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As you will see, and as the minister has spoken to, the package includes a variety of measures that are intended to make public transit more attractive by helping to reduce journey times, improving service reliability and improving the commute experience. It delivers on an integrated transit network, and it's also intended to help make our journeys safer.

The bill contains approximately 22 initiatives that are grouped into three categories. I'll deal with the first two. The first category deals with a transit system for the 21st century, and the second category deals with improving the efficiency of our transportation system. The third category, a safer transportation network, will be dealt with by Mr. D'Onofrio.

The first item I'll speak to is permitting traffic signal priority for transit vehicles at signalized intersections. Currently, the TTC is the only transit organization in the province which uses traffic signal pre-emption devices to basically reduce commuting times and keep the system running efficiently. York region, Ottawa, and other transit properties are investigating the use of this technology.

Essentially, what the technology will do is have an on-board device on buses that will shorten the red time for a traffic signal, or lengthen the green time, to allow a transit bus or streetcar to travel through an intersection more quickly. This will be done through regulation. The purpose of this is to promote transit as a faster alternative and to support the government's desire to increase transit ridership.

The second initiative I'll speak to is designating high-occupancy vehicle lanes for vehicles with two or more occupants on 400 series highways. Essentially, what this initiative is intended to do is to increase the capacity of the highways by increasing the number of people who are carried in each and every vehicle. Lanes would be designated along 400 series highways, and these would be available for the use of vehicles with two or more people in the car, as well as transit buses. It would allow us to make better use of planned highway infrastructure. This will promote the idea of carpooling across the system. It will increase the use of transit, reduce gridlock and reduce air pollution.

The third initiative I will quickly speak to is designating bus bypass shoulders to allow buses to bypass areas of high congestion. On many parts of the highway system, if there is a choke point in the system, this provision will allow buses to move on to the paved shoulder to bypass that short area of congestion, and then merge safely back into traffic. We have a pilot that has been using this application on Highway 403 in Mississauga in the past, and the city of Ottawa also has a variety of buses using shoulders on both provincial highways and municipal roads. The shoulders will still be available for use for emergency purposes. The primary function will continue to be for disabled cars to pull off the highway and for enforcement. But where that paved shoulder is free, specially trained and identified bus drivers will have the ability to move off and use that

shoulder and then move back on to the highway in designated locations.

The next initiative I'd like to speak to deals with improving transportation data collection. This is to be done by clarifying the Ministry of Transportation's authority to gather data through outside surveys to support transportation planning activities. We use this information to determine how people are using the transportation system. Then we can use that in our forecasting methodologies to determine what transportation demands would be like in the future, thus making it a more efficient system as we plan for improvements and expansion or new corridors.

This would involve an amendment to the Public Transportation and Highway Improvement Act to clarify the ability of the minister to authorize persons to stop vehicles to conduct roadside surveys in order to collect travel pattern information. I'd like to emphasize that this is not opinion information; this is factual information around where people are coming from, where they're going to and the purpose of their travel. It's voluntary on the part of the individuals who are stopped. We do this in concert with local police services so that we make sure we have a traffic safety plan to ensure there are no concerns about impeding the flow of traffic.

The next initiative I'd like to speak to is facilitating faster incident clearance on highways. As we all know, collisions and other incidents can take several hours to clear and cause long periods of congestion on the roadway. In fact, incidents can actually take up about half of the amount of congestion that we face each and every day on our highways and road systems. What we are proposing is supporting faster incident clearance on highways through amendments to the Highway Traffic Act by clarifying the police powers to remove vehicles and debris from the highway and protecting police in the province from legal liability as they do this. Again, clearing incidents will help us to reduce commute times and keep goods movement flowing.

The last item I'll speak to in this grouping is allowing variable speed limit systems on freeways using specialized, changeable speed signs that are synchronized with real-time information that's captured electronically from the freeway through a variety of different sensing technology. This is used in a variety of jurisdictions around the world. Basically what we will try to do is match speeds with the prevailing road conditions based upon weather conditions, the amount of traffic on it and whether or not there is an incident or event somewhere downstream in the transportation system. We are proposing to pursue trials to test out this kind of system in the province of Ontario to see how it can work in our province to improve the efficiency and effectiveness of the highway system. It would improve road safety by allowing a variable speed limit to match those existing traffic, road and weather conditions.

At that point I'll ask Mr. D'Onofrio to go over the road safety initiatives.

Mr. D'Onofrio: Thank you, Bruce.

The first item in the safety aspect relates to authority to pilot test new technologies by establishing specific authority under the Highway Traffic Act for the making of regulations to allow the ministry to conduct pilot tests of new and emerging technologies—for example, vehicle equipment or signage—where such testing would otherwise not be authorized by the Highway Traffic Act. This testing will be limited to the ministry or its agents and conducted under controlled conditions. So really, we're proposing to permit some flexibility for carrying out controlled pilot tests of new and emerging technologies. The legislative authority would be in place to enable the Lieutenant Governor in Council to make regulations for the testing of these new technologies.

The bill also proposes two items specific to truck and bus safety. The first of these is improving daily commercial vehicle inspections conducted by the driver. There is an opportunity here to harmonize legislation and regulations with those of other Canadian jurisdictions and to improve commercial vehicle safety through an improved inspection program. We're proposing to introduce new legislation and to rewrite the existing daily vehicle inspection regulation to incorporate rules and an inspection regime of an amended National Safety Code standard, which applies across the country. It will establish very clearly what the driver and carrier responsibilities are and the penalties for non-compliance. This responds to public and industry expectations to implement measures to improve road safety and promotes national harmonization, as I mentioned.

We expect that there will be improved commercial vehicle awareness of their roles in overall commercial vehicle safety and it supports a carrier's vehicle maintenance efforts by providing a daily fail-safe check of the vehicle condition: whether the vehicle should actually continue or whether it should be parked before repairs are made.

The second proposal relating specifically to truck and bus safety involves dealing with vehicle-related road debris or flying vehicle parts. The proposal is to create a new offence in the Highway Traffic Act to address parts or components that become detached from vehicles and may cause injury to road users. This would be a new offence—a strict liability as opposed to absolute liability—and applicable to all vehicles, I should mention, not just commercial vehicles, and to third parties—namely, mechanics who repair vehicles—as well as to commercial vehicle owners, operators, carriers and drivers.

We propose to establish a differential fine schedule for non-commercial versus commercial vehicles, with a fine ranging between \$100 and \$2,000 for non-commercial vehicles, and between \$400 and \$20,000 for commercial vehicles. That's consistent with what is already done in terms of load security, for example, having commercial vehicles to a higher standard.

1040

There is also in the bill provision for enhancing construction zone safety, as the minister mentioned. This is proposed in three specific ways: first, to double the

current fines for speeding in provincial and municipal construction zones when workers are present; second, to allow municipalities to delegate authority to their technical staff to designate and set the legal speed limits in construction and maintenance zones; and third, to create a new offence for disobeying the traffic control stop or slow sign that is displayed by a traffic control person, with associated penalties. Controlling speeds in construction zones is a major safety issue that needs to be addressed and which has been the topic of coroners' inquests over several years.

Another provision addressing a specialized road environment would allow all municipalities across Ontario to set a lower speed limit in traffic-calming areas. Currently, only the city of Toronto has the ability to reduce speed limits to 30 kilometres per hour. This would allow all municipalities across the province to do so. It would give municipalities more flexibility to respond at the community level to road safety issues on residential streets. Drivers will be reminded that it is necessary and appropriate to slow down on roads where traffic-calming measures are in place.

The bill proposes two specific measures to help counter excessive speeding. The first of these would increase fines for motorists who speed between 30 and 34 kilometres over the posted speed limit. In 2002, there were 402 people killed in Ontario in collisions where speed and loss of control were contributing factors. That's about 46% of the total number of fatalities in that year. We're proposing that fines for speeding between 30 and 34 kilometres over the posted limit would increase to \$7 per kilometre from the \$4.50 per kilometre currently. Other fines would remain the same and the assessment of demerit points would remain the same as it is now.

Speeding at 30 kilometres or more above the posted limit is viewed as unacceptable by the majority of the driving population. The risk of an involved person being killed or seriously injured in a collision is almost doubled for vehicles travelling at more than 30 kilometres per hour above the limit than for those travelling between 21 and 30 kilometres above the posted limit.

The second item focusing on the excessive speed issue proposes an introduction of longer licence suspensions, court imposed, for repeat offenders who speed 50 kilometres or more above the posted speed limit. We are proposing to amend the Highway Traffic Act to permit a court-ordered suspension of up to 60 days for a second offence within a five-year period and a court-ordered suspension of up to one year for the third or subsequent offence within a five-year period. The HTA currently allows the courts to impose up to a 30-day licence suspension for this offence but does not provide for longer suspensions for repeat offenders.

The bill also provides an opportunity to do some housekeeping to increase consistency and remove any ambiguity by replacing the term "maximum speed limit" with the term "speed limit." Currently, the act refers to both of these terms to describe the same thing.

Bill 169 also addresses pedestrian safety, including young people. The issue is that there is a high proportion

of pedestrian fatalities in some urban areas, especially in cities like Toronto, where pedestrians have made up an average of 50% of the city's vehicle fatalities. So in support of pedestrian safety, we're proposing to amend the act so that fines are applied if a motorist does not follow the prescribed rules about stopping for pedestrians, whether it's at crossovers, school crossings or crosswalks at traffic control signals. There will be consistency in moving the fine to the \$150 minimum and consistency in the three demerit points that would be applied.

The second proposal specific to promoting pedestrian safety pertains to enhancing the safety of school crossings. What we're proposing here is to amend the act to require that a driver of a vehicle that stops at a school crossing remain stopped until the school crossing guard and all persons in the crossing have left the half of the roadway on which the vehicle is travelling and it is safe to proceed, and to require that the school crossing guard display the stop sign until all persons, including the guard, have left the crossing. This provides some extra protection to Ontario's most vulnerable road users, pedestrians. It builds on the child safety theme introduced by the minister as part of the child and youth act of last year.

The bill also tackles driver licence fraud. It is a large issue across North America and around the world. We're proposing to amend the Highway Traffic Act to create an offence for possessing or displaying an imitation driver's licence, and we're proposing to increase the penalties for possessing or displaying a fictitious, imitation, altered or fraudulently obtained driver's licence to a minimum of \$400 and a maximum of \$50,000. The current fine is a minimum of \$60, with a maximum of \$500—woefully inadequate, especially when compared to other similar offences.

Also, we've proposed to expand the scope of the act to include a prohibition against making false statements in electronic forms to the ministry. Currently, that protection is only afforded us for written documents.

This bill also tackles illegal taxi operators, as the minister discussed. We are proposing to amend the act to make it an offence for drivers, arrangers and owners to transport passengers for compensation in vehicles that carry less than 10 passengers without a municipal taxi licence, if that's required, or permit for an airport authority or public vehicle operating licence.

The bill also proposes enabling legislation to provide the means to facilitate the delivery of high-quality driver education in Ontario. We feel that we require additional authority to establish the standards of driver training and driver trainers to address poor driver-training practices.

The bill also proposes to introduce a \$50 fee for drivers required to attend demerit point interviews. At present, there is no fee for that interview, and this is a cost-recovery measure.

Finally, the bill would allow studded tires in the north, thereby enhancing winter safety and mobility, as described by the minister. We're proposing to amend the legislation to allow studded tires for vehicles only in northern Ontario, for residents of northern Ontario, and to adopt the Scandinavian standard for lightweight studs.

The Chair: Thank you, gentlemen, for your briefing.

As agreed to by the subcommittee, the time allotted for questions by the opposition critics was 10 minutes total, five minutes for each party. Mr. Ouellette, you get the first five minutes.

Mr. Ouellette: Thank you very much for your presentation. Bruce, a couple of things. You mentioned the ability of the busing community to control the traffic lights. I know a lot of communities time their traffic lights so that if you're doing the speed limit, you'll go right through. For example, in Oshawa, you'll go right through Simcoe Street if you're doing 50 kilometres an hour. When you give the busing community the ability to control those lights, do you not enhance gridlock for the drivers who then have to stop at each of the lights? Is that not going to be a problem?

Mr. McCuaig: The transit property will need to implement such a system in conjunction with the municipality. If there is a traffic system in place in that community that attempts to synchronize traffic signals, that will have to factor into the way in which that system adjusts its traffic signalling so that there is a minimal impact upon the overall system. There would be a close connection between the municipal transit system and the municipal road operator.

Mr. Ouellette: By the same token, Frank, you mentioned the crossing guards and providing additional safety there. We're having a bit of a problem right now in my own community whereby the crossing guards don't have enough time with the traffic lights there. Is there some way to look at giving crossing guards the ability to extend those lights to see if they can provide additional safety as well?

Mr. D'Onofrio: We haven't looked into that. We can certainly look into it.

Mr. Ouellette: Bruce, on the bus passing lanes, how are you going to be able to identify where—is there some study that says, “This is a high accident area and we need bus passing lanes there”? Is it on the left side or the right side? How is that going to play out?

Mr. McCuaig: It will be on the right-hand side, on the right paved shoulder. The way in which we identify these locations is through working with the transit provider in the area, whether there's a choke point in the system and then whether or not the geometrics and the design and the engineering of the highway would accommodate the use of a shoulder. So it wouldn't necessarily happen everywhere in the system; it would be in very selected spots.

Mr. Ouellette: I would assume those transit lanes would be on the right side, then, to compensate for the bus passing lanes. Because if we have the transit lanes carrying the people and the buses that will be allowed to go on those are on the left side, and the bus passing lanes are on the right side, it would complicate matters.

1050

Mr. McCuaig: What we would expect to see on Highway 403, for example, where there will be a proposed HOV lane as well as a bus bypass shoulder, would be that the buses travelling longer distances would go over into the HOV lane, and buses that are travelling just from

one interchange to another interchange, for example, would likely be in the right lane and would be more prone to use the shoulder to pass a point of congestion.

Mr. Ouellette: The variable speed limits, Bruce: How are you going to enforce that, and when are you going to notify? Are these just on the 400 series highways that have visual identification, with somebody who is trained watching and saying, “We've got low flow. We can increase the speed limit here”? How are you going to get that message out to the police officers who may be doing enforcement at that time?

Mr. McCuaig: The way it has worked in other jurisdictions is that they embed sensors in the road and they measure weather conditions by roadside devices. Then they automatically adjust the speed limit, and they have variable speed limit signs, so that at one point the sign would say, “100 kilometres an hour,” or it could be reduced depending upon the weather conditions in that section. Of course, that lower speed limit becomes the regulated speed limit, and the police service then has the ability to enforce that speed limit.

Mr. Ouellette: OK. Frank, on the vehicle inspections, you mentioned the commercial and non-commercial. I'm very interested in the non-commercial inspections. Are you moving forward with the potential of having regular safety checks for vehicles, or how is that to play out? What kind of inspections are you referring to there, for non-commercial specifically?

Mr. D'Onofrio: I think that was the vehicle-related road debris that I was referring to. We expect that all vehicle owners maintain their vehicles, so we're not only targeting commercial vehicles. You know, if you're hauling a boat up to the cottage, we expect that pieces won't be flying out of your trailer, for example.

Mr. Ouellette: Yes, but you specifically mentioned inspections for non-commercial, so I'm just wondering how that's going to play out or what the intent is there. This doesn't change what currently goes on. There's due diligence.

Mr. D'Onofrio: It does not.

Mr. Ouellette: OK, so there's no change in there.

How are the fines and demerit points going to apply to out-of-province, Frank?

Mr. D'Onofrio: Fines are provided by police to anyone who drives on our roads.

Mr. Ouellette: For out-of-province visitors?

Mr. D'Onofrio: Yes, they would be applied.

Mr. Ouellette: The demerit point aspect, though: How does that apply for somebody out—

Mr. D'Onofrio: Well, where we have reciprocity agreements, for example, with other jurisdictions across the country, we send information regarding charges laid in this province. Each jurisdiction has an equivalency table, where they assess what the charge was in the visiting jurisdiction and then they apply their penalties to the individual in their home jurisdiction.

Mr. Ouellette: Does that go to insurance companies as well?

The Chair: That's your last question.

Mr. D'Onofrio: If that information ends up on driver abstracts that are provided in those jurisdictions, then the insurance industry would have access to it, yes.

The Chair: Thank you. Mr. Marchese, you have five minutes.

Mr. Marchese: Thank you both, Deputy Ministers, for your presentation. A question: Is it a fair assumption to make that trucks have increased on the road in the last five, 10, 15 years?

Mr. D'Onofrio: Yes.

Mr. Marchese: And have we as a ministry kept up with that increase of trucks on the road by way of inspections? Is there an amount of inspectors commensurate to the growth of trucks?

Mr. D'Onofrio: Yes, I believe so.

Mr. Marchese: When, in your knowledge and experience, have we hired more inspectors in the last 10 or 15 years? Is it steady?

Mr. D'Onofrio: A whole series of truck-and-bus-related safety provisions have been implemented. Over that period, we have increased the complement of inspectors, say, over the last 10 years or so.

Mr. Marchese: By how many inspectors, do you think?

Mr. D'Onofrio: I'd have to get specific numbers, but at one point, when various initiatives were implemented, when we had issues with flying truck wheels, for example, and others, there were 80 new inspectors who were hired.

Mr. Marchese: And was that in 1990, or 1991 or 1992?

Mr. D'Onofrio: After 1995, 1996.

Mr. Marchese: After 1995?

Mr. D'Onofrio: It was.

Mr. Marchese: That's not my recollection, but you might be able to help me out by sending me a note saying, "It was in 1995," or 1996.

Mr. D'Onofrio: In fact, it was probably 1997.

Mr. Marchese: OK. There is some talk of not replacing truck inspectors, in the order of possibly 70 people, by way of attrition. Is that true?

Mr. D'Onofrio: There is always a flux in terms of how many people are on the ground versus the complement we have at any particular time. We're looking at ways of improving the way we deliver the truck inspection complement. We're looking at what other jurisdictions are doing. There's no real concerted effort—if that's what you're getting at—to reduce the number of inspectors on the ground.

Mr. Marchese: That's a claim that was made by an article I read on August 24, that 70 positions have not been replaced, through attrition, which suggests that this job has been downloaded to the municipalities by way of police inspections. We don't have enough police on the road to do the kind of work we want them to do. I understand, as a response to this claim, that you're doing a review, and that your review is to make this service more efficient. I know what that usually means. Is that happening, not happening? Do we have it wrong? Are these claims incorrect? What's going on?

Mr. D'Onofrio: I don't know where the number 70 comes from. I've seen it as well, and I don't believe it to be correct. In terms of police, we need as many partners in road safety and truck and bus safety as we can get, so we align ourselves with police services so that we work together on blitzes and so forth.

Mr. Marchese: Of course you would work together with the police. That's what I would expect you to do. But do you think it would be better to have more inspectors on the road, or do you think we should hire more police, or both? What do you think?

Mr. D'Onofrio: I think we should utilize the resources we have and we should leverage new technologies. We should work at focusing on chronic offenders. Those are all things we're looking at as part of the review you mentioned.

Mr. Marchese: In terms of this efficiency review, do you think we need more inspectors, or less, or do you think you can make the system more efficient with fewer workers?

Mr. D'Onofrio: The intent isn't to use fewer workers. We're looking at ways to improve the efficiency of the program. That includes technology and partnerships and the rest of it.

Mr. Marchese: I talked about enforcement as a key deterrent in terms of bad behaviour, and I made the point earlier that we're not hiring the police as fast as the promise was to do. In my view, that's a problem. You talked about education as being the other key. What does the minister or you ministry people have in mind by way of education to convince the public that they're doing something terribly wrong? Is there some money being put aside for education? Will you be doing that? How often? Where? When is the money coming? Will you be making such a promise?

The Chair: That's your last question.

Mr. D'Onofrio: We work with over 100 groups, large and small, community-based, large national organizations and otherwise. We've really been fortunate in being able to leverage their efforts—groups like the Canadian Automobile Association, the Ontario Trucking Association—to get the word out. We do have a presence in terms of resources on the education side, but we can't do it alone. We rely on all our partners to get the word out, and the media has been very good. For example, if you look at the child and youth act from last year around booster seats, the illegal passing of school buses and graduated licensing, they've been very good at getting the word out.

The Chair: Thank you, gentlemen. We appreciate your being here. Thank you for your presentation and your time. Thank you, Minister, for coming.

ONTARIO TRUCKING ASSOCIATION

The Chair: Committee, we've come to the point in our agenda where we have public hearings.

Our first deputation is from the Ontario Trucking Association. We have two deputants, Mr. David Bradley, president, and Mr. Doug Switzer, manager of government

relations, if they could come forward. Good morning, gentlemen. Please identify yourselves for Hansard before you begin speaking, and then, when you do begin speaking, you will have 15 minutes. Should you use all of your time, there will be no opportunity for questions or comments. Should you leave a little bit of time, there will be an ability for all the parties to ask you questions about your deputation.

1100

Mr. David Bradley: Thank you very much, Madam Chair. I'm David Bradley, president of the Ontario Trucking Association. Committee members, we're pleased to have this opportunity. I hope I don't take up all 15 minutes, but I tend to get quite passionate about safety, and passionate about my industry as well. The reason for that is that safety is the top priority in our business. We share our workplace with the public, and with that comes an added responsibility that most other industries do not have to bear. But the important point I want to underline here is that safety is also good business, and anyone who's in our industry who doesn't believe that, we just as soon as work with the ministry, work with the police force, to get them off the highways.

You asked the question, Mr. Marchese, earlier about the growth of trucks in the province. In fact, we've seen quite spectacular growth since 1990. We've seen increases in registrations of large trucks in the province by 37%. What's interesting is, during that period, while we've had that massive increase in the number of trucks on the highway, the number of heavy trucks involved in accidents is actually down. It's down 5%.

While we represent 15% of all the vehicles on the highway, we only represent 1.6% of all vehicles involved in accidents. There's been a 36% reduction in the fatality rate during the period since 1990, and absolute fatalities are down 13%. It's also important to recognize that as a class, not only are truck drivers the safest drivers on the highways, and the vehicles are the safest, but they're also not at fault in the vast majority of those accidents that we are involved in. So of that 1.6%, you can probably point the finger in about 30% of those cases where the truck driver bore the main responsibility.

Notwithstanding that, safety is a continuous, evolving process. Conditions change, our markets change, and with that, we always have to be working to improve safety further, and the public demands nothing less than that from us. So we welcome Bill 169. We agree with its intent and with most of its content, but there are still some issues that we believe need to be resolved in seven areas, and I'll quickly go through them:

First, with regard to speeding, we support the introduction of variable speeds. We support the increased fines and penalties for chronic speeders. We approve of and support increasing fines in construction zones. All of those are good measures. The difference in terms of whether they will be symbolic measures or whether they will be effective, in our view, has to do with enforcement, and the level of enforcement of speeds on the 400 series of highways is inadequate, in our view, and has

been for some considerable period of time. These measures will only be effective to the extent that people feel a risk of getting caught. We think something needs to be done there. We, in fact, even though trucks are not prevalent speeders, will be coming out this fall with a comprehensive truck speed policy initiative that we're hopeful that the government will partner with us on.

Flying vehicle parts is another major part of the bill. There will now be an HTA offence for any part or thing to become detached from a vehicle. Again, we do not dispute the intent. We have some questions in terms of how that's going to be enforced when a part is lying on the highway. It's not at all clear whose vehicle it became detached from, but we're pleased that the proposed legislation addresses some of our basic concerns. One was that this should be a matter of strict liability. In other words, the public and the trucking industry, where there's no charge, would be able to launch a due-diligence defence. That's natural justice. We're also pleased that it applies to both cars and trucks, not just singling out the trucking industry.

I'd be remiss if I didn't mention the flying truck wheels, which are part of our history now, and we still are concerned about the fact that the government did not take the opportunity in implementing the new flying vehicle parts laws, that they didn't change the wheel-off law from a matter of absolute liability, where we have no defence, to a strict liability situation. No one has worked harder than the Ontario Trucking Association to eradicate flying truck wheels. We still, however, believe that this particular law is a violation of natural justice.

With regard to the removal of debris and vehicles blocking highways, again, this is laudable. The cost to not only our industry but to society of not being able to clean up crash scenes quickly is a huge problem, particularly in the more populated areas. In principle, we're not opposed to giving the police more empowerment to deal with these situations. One of the problems that we've historically faced is that it was never clear who was in charge at an accident scene. At least now this is clear, and that's good.

However, we have some concerns with some other aspects of the proposed law. We understand that making the owner responsible for a vehicle is at least in part, if not in large part, being introduced because the towing companies, the recovery companies, have a concern about being paid and how long it takes to be paid.

We're concerned that the measures in the bill fall short of really being able to provide that sort of protection in the absence of any insurance. It's one thing to say that the owner is responsible, but if the owner doesn't have any money, the towing company is not going to get paid. But from our industry perspective, the concern that we have, and I think with reasonable cause, is that the decision in terms of who will pay will not necessarily rest with who is at fault but with who it is determined has the deepest pockets.

I can tell you, when it comes to a choice between John Q. Public in his four-wheeler and the trucking company,

the trucking company will be viewed as the one with the deepest pockets. We don't think that's fair. We think there should be mandatory cleanup insurance for all motorists and all truckers across the country.

The cost of cleanup is also a concern for us in a situation where a recovery company has been empowered by the police to do cleanup. Most towing companies, I think, are reputable and try to do the right thing, but there is a risk—and we have incidences of this, where the charges are excessive. We believe that in a situation where that towing company has the authority of the police to move those vehicles, there has to be some sort of regulation to ensure that our members are not going to be gouged for this service—our members or the public, for that matter.

Trip inspections are another important part. This is where a truck driver is compelled by regulation to do a circle check of his vehicle before leaving on a trip. The HTA proposes to facilitate adoption of the new National Safety Code standard on trip inspections. This really started back in 1997 during the Target '97 joint OTA-government task force on truck safety, so it has been a long time coming, eight years, but we're glad to see the enabling legislation there. However, again, it's powerless without the regulation. A number of years ago now, OTA and MTO jointly piloted the new standard. It was developed here in Ontario. We simply urge the government, with haste, to move forward with the regulations to actually bring some effect to this proposed law.

HOV lanes are a concern here. Again, we're willing to give anything a try, to try to maximize the capacity of our existing highways. We think there needs to be some sort of process in advance to monitor, in fact, that we have some improvement in congestion as a result of the HOV lanes.

We also have concerns—when this idea was initially talked about, we were talking about new lanes only. Now, under the proposed legislation, we're talking about existing or new lanes. We're concerned about taking away existing capacity.

We also think it behooves the government to take a close look at other jurisdictions in North America like Texas, where without concrete barriers separating the HOV lanes from the regular lanes, there has been, from our understanding, an increase in collisions.

Driver education and training: The minister will now have significant powers to license and regulate driving schools, both non-commercial and commercial. We think this is long overdue. Current regulation is ineffective in terms of getting rid of the licence mills in our industry, and they are out there. We want to see that stopped. We can't afford, as an industry, the kind of poor training that's being conducted by supposedly regulated schools out there right now. We will be coming forward to the ministry, once this proposal becomes law, with a comprehensive plan to improve training and the regulation of training in our sector.

Finally, pilot projects: The fact that MTO will now be allowed to pilot vehicles or operations presently inconsis-

tent with the HTA we think is a good idea and should provide for better transportation solutions in the future.

Thanks very much.

The Chair: You did pretty good. You left about a minute and a half for each party to ask you a question, beginning with Mr. Ouellette.

1110

Mr. Ouellette: Thanks very much for your presentation. The OTA has always worked very closely and very well with the government. You mentioned about the high-occupancy vehicle lanes. Do you have any data that indicates that it could possibly increase the number of collisions? Is there anything you can submit to the committee that we can look at?

Mr. Bradley: Yes. In our submission, there are a few references to studies that have been conducted where these are used in the United States that will point you in that direction.

Mr. Ouellette: OK. The vehicle cleanup insurance: Are there other jurisdictions that have this in place and do you have any examples of what's the average cost for a vehicle? Do you have any of that sort of information?

Mr. Bradley: No. I'm not aware that it exists elsewhere.

Mr. Ouellette: Oh, OK. I know that there are driver abstract problems with the listing of accident reports. I constantly hear about that from a number of drivers. Has there been anything to address any of those problems in reporting and that sort of information? I know driver abstracts are one of the key concerns throughout the industry.

Mr. Bradley: There are some issues right now in terms of the information that's going on driver abstracts. In our view, it's not complete enough. Companies are compelled to hire safe drivers and if we don't have complete information on the abstracts, it makes it difficult to do that. So there are some outstanding issues presently that we're working with the government to try and resolve.

Mr. Ouellette: Do you think there's a chance in this bill—

The Chair: Thank you. Mr. Marchese, you have the floor for a minute and a half.

Mr. Marchese: Thank you, Mr. Bradley. I want to tell you, I'm a pretty aggressive driver; not fearless, but fairly aggressive, and some of the truck drivers—I tell you, they scare me.

Mr. Bradley: Well, you scare them too.

Mr. Marchese: I'm glad to hear tiny little me scares a big, big truck. I just thought I'd let you know that sometimes there are serious problems on the road with trucks.

On the issue of enforcement, do you have any politically safe comments you want to make around increased OPP presence?

Mr. Bradley: I don't think it's any secret that the presence of the OPP in terms of speed enforcement is lacking. I think the OPP would be the first to say that they are not able to keep up with it and that the enforcement against trucks is really particularly an area where they do not concentrate their efforts, for whatever reason.

Mr. Marchese: I agree. Mr. Takhar makes me feel very safe, however, because the police are coming and everything will be OK, so don't worry.

On the other matter around the issue of capping, in the event of an accident, you suggest that there should be a maximum amount that can be charged. But how did you determine—

Mr. Bradley: Not necessarily. I'm saying that it should be regulated and I think that it's a complex issue—different regions of the province and that sort of thing—but I think that's something that should be addressed.

Mr. Marchese: But you say setting the maximum—

The Chair: Mr. Marchese, could you summarize, please?

Mr. Marchese: How would you do that? How would you determine the maximum?

Mr. Bradley: I think there's a market out there and I think we know when people are charging beyond the market, so I don't think it would be that difficult, actually, to come up with something fair and reasonable.

Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell): Thank you very much. We appreciate the passion that you have about safety on Ontario highways and we are also pleased about the fact that you have passion about your industry. I've met with your association on quite a few occasions.

You are concerned about tow truck operators at the present time. We would greatly appreciate it if you could submit or propose an amendment which could be discussed when we meet for clause-by-clause on this bill. Did you say that at the present time, trucking companies don't always have insurance for tow truck costs?

Mr. Bradley: The vast majority of trucking companies would. Certainly, my members would. There will be those who don't. The other issue, of course, is that the cost of trying to get that sort of liability insurance these days has skyrocketed. In the province of Ontario, there are presently only three companies prepared to even underwrite liability insurance for our industry.

Mr. Lalonde: So what you would probably like in there is a maximum per hour that a towing service would cost the company?

Mr. Bradley: That would be the ultimate. Whether you ended up with it that prescriptive, or whether you had a range, depending on various factors—where you are, the type of vehicle, the type of freight, those sorts of things. The thing you've got to remember here is that the recovery company often has your truck and has your freight, once they've recovered. So they've really got you caught and they can name their price. If you don't pay, you don't get your freight back and you don't get your truck back, and that's not fair. That's something that really needs to be looked at.

Again, we understand what's trying to be accomplished here. Nobody more than us wants to see vehicles at an accident scene moved away so we can get moving again, but there has to be some protection here as well.

The Chair: Mr. Lalonde, you're out of time. I'm sorry. Thank you, gentlemen. I appreciate your coming here today. Thank you for your deputation.

GERALD MANLEY

The Chair: Our next delegation is the Toronto taxi industry. Could I ask Mr. Gerald Manley to come forward? Good morning.

Mr. Gerald Manley: Good morning, Madam Chair.

The Chair: When you get yourself settled, if you could identify yourself and the organization you speak for, for Hansard. When you begin, you have 15 minutes. Should you use all the time, we won't have an opportunity to ask you questions, but if you leave some time, we'll get a chance to ask you about your deputation.

Mr. Manley: Thank you for the opportunity to talk to the committee. I think it's important for you to realize that the Toronto taxi industry is not against the main body of Bill 169. The part that we are against and that we challenge is schedule A amendments to the Highway Traffic Act, part IV, section 39.1, subsections (1) through (11), which deals with legally picking up transportation clients; to wit, scooping.

What is scooping? Scooping is the picking up of passengers for compensation in a territory or area that you are not licensed in. Who are the main scoopers? The main scoopers are Greater Toronto Airports Authority vehicles and vehicles and limousines that take fares back to the airport. Why are they scooping? Because you allow it. Subsection 155(2) of the Municipal Act gives them this right. Why is that? Why was it brought in? There are no answers for this. It has cost the Toronto taxi industry almost three quarters of a billion dollars in revenue over those years and it's creating unbearable financial hardships on our drivers. Transversely, when we pick up at the airport, we have to prearrange the trip and pay a \$10-per-fare pickup fee. Where is the fairness in this? Where is the level playing field of this legislation?

Now you're bringing in Bill 169 under the Highway Traffic Act. Municipal licensing fees have always been under the Ministry of Municipal Affairs and Housing. Part of that act is pretty well, for all intents and purposes, going to close off the airport completely for pickups by Toronto taxis because it says you must be licensed by the airport. Most Toronto taxis are not licensed by the airport.

It's bizarre to me that the Ontario government is getting into an area where you have no authority. You have no authority at the airport. If there's a scooping problem at the airport, why isn't it done under the auspices of the federal government? That's where it should be done. Why is the provincial government getting involved in this?

I've given you quite a bit of documentation. I have time restraints so I can't possibly deal with it all, but I have faith in this committee and staff that if you take 15 or 20 minutes to read this, the message will be clear. I am going to key on something I received last week from the Minister of Transportation, Mr. Harinder S. Takhar, of which I have provided a copy to this committee.

I focus on the second paragraph, and it says, "It is important to clarify that these amendments are not intended to change the municipal licensing process currently in place." If you're mandating licences, how are

you not interfering with that licensing position? If you look at the Municipal Act, under "General Municipal Powers," clauses 9(1)(a) and (b), it gives the municipalities a wide and broad authority to deal with these issues. This is, for the most part, repetitive information. Why do we need to have secondary laws that state the same thing? Why are we going into a different ministry to deal with things that are already dealt with by another ministry?

When you also take a look at one of the minister's main concerns, health and safety, that is also dealt with under the Municipal Act already. Take a look at part IV, "Licensing and Registration," subsection 150(2), "Purposes," paragraphs 1 to 3, and they clearly state that a municipality can exercise its licensing powers for the purpose of health and safety, nuisance controls and consumer protection. This is exactly where he said it here. Again, repetitive legislation.

The municipality already has the right to deal with airports. That is also in the Municipal Act. Section 70, under "Airports," states that a municipality may, for its own purpose, "exercise its powers under the 'transportation systems, other than highways' sphere of jurisdiction in relation to airports in the municipality, in another municipality or in unorganized territory." So why are we interfering with airports? Really, what you need to do is make sure that the cities enforce existing legislation. We don't need any more.

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Who benefits from this? The only one who benefits from this is the Greater Toronto Airports Authority, because that's the only place it could possibly be enforced. Logistics in a city make it impossible. Every corner is a prospective scooping place. How can a city with a lack of manpower and resources enforce this? But Peel regional, in a matter of a few thousand yards on an airport terminal, very easily could enforce it, and again advantage Greater Toronto Airports Authority vehicles.

The minister makes it appear that this is a provincial problem. That is far from the truth. What does he mention? Three jurisdictions: Niagara region, Ottawa and Toronto. Ottawa and Toronto: Where is the problem? At the airports, not in the cities, so it's not a wide-reaching provincial problem. It's mainly a problem in Toronto, and the main problem is GTAA versus Toronto taxis. It's totally unfair. This section, at the very least, should be removed, or perhaps you might consider deferring it to the review of the Municipal Act that is presently in place. This is where this issue belongs. Thank you.

The Chair: Mr. Manley, you've left a lot of time for everybody to ask you questions: up to three minutes for each party, beginning with Mr. Marchese.

Mr. Marchese: Thank you, Mr. Manley, for raising these issues. The minister also says that that section is only intended to deal with shady operators, the unlicensed operators, presumably. Your point, however, is quite a different one.

Mr. Manley: Yes, because most of the people who are doing the scooping at the Toronto airport are in actual fact licensed vehicles. They are licensed by different jurisdictions around the airport, and the only reason that

they do the scooping there is because they're getting the business taken away from their own cities by the province allowing the GTAA vehicles to come in without paying any licensing fees and taking the cream of their business.

Mr. Marchese: Mr. Manley, what discussions have you had with the minister and/or his staff around the issues that you've raised?

Mr. Manley: We had a meeting with the minister on June 30. He certainly gave us assurances that he would facilitate a meeting with the Minister of Municipal Affairs and Housing. That has yet to arise.

Mr. Marchese: So you're basically left with an understanding that what he would try to do is to facilitate a meeting.

Mr. Manley: That's what he left us to believe, that he would facilitate that meeting.

Mr. Marchese: Have you had discussions with the Minister of Municipal Affairs?

Mr. Manley: Not personally, but we've met with a number of his staff, including Mr. Duguid, and we've given him our observations on these issues. We've had meetings with many members of provincial government, from all parties, and we have found them very supportive on our issues.

Mr. Marchese: Very supportive versus action, of course, is what you're looking at.

Mr. Manley: Correct.

Mr. Marchese: You've had meetings with Mr. Duguid and he was a good listener?

Mr. Manley: Absolutely.

Mr. Marchese: Did he propose any suggestions in terms of how he would proceed to help out with this problem?

Mr. Manley: Not as far as bringing it to the floor for an amendment or a law change, but hopefully that is in the works.

Mr. Marchese: So you're hopeful.

Mr. Manley: We're hopeful.

Mr. Marchese: In 1982 there was a hope as well, where the government indicated they were going to try to help, and that hope never materialized for years.

Mr. Manley: Absolutely. There was a hope in 1978 when they brought in 155(2), but they totally turned their back on the representatives from the city of Toronto.

Mr. Marchese: You've had two successful demonstrations out there. Do you think that's had any effect on the government?

Mr. Manley: I hope it has. I hope it has made you aware so you at least take a look into this issue. We're not asking for preferential treatment here. We're just asking for a fair, level playing field.

Mr. Marchese: By the way, I suggest to you the reason why they're not changing the Municipal Act is because they're trying to avoid the issue. I recommend to you and suggest to you that we're not going to get any changes. Part of the lobbying you're doing here is to force them to do something before the bill gets passed. Once the bill gets passed, I can guarantee this issue will

not come forward. So I recommend to you that you continue lobbying Mr. Duguid and other Liberal members. Get a meeting with the minister soon, before this bill gets passed, and get some clear commitment; otherwise, it's sayonara, right?

The Chair: We have 30 seconds if you want to respond to that.

Mr. Manley: We are in that process. We are always trying to meet with members of the government to get a fair and level playing field. We're in the process of trying to get a meeting with the Toronto caucus also, who would be more likely to facilitate—

Mr. Marchese: I suggest you do that before this bill is passed.

The Chair: Thank you, Mr. Marchese. I appreciate it.

To the government side: Mr. Duguid. You have three minutes. I understand there are two questioners.

Mr. Brad Duguid (Scarborough Centre): OK. I'll try to be quick.

I want to begin by thanking Mr. Manley for his leadership within the industry. I've known him for many, many years, as a city of Toronto councillor, and he's been at the forefront all the time in speaking on behalf of the Toronto taxi industry. So I thank you for that and the time you've spent with me in trying to bring me up to speed on what is an incredibly complex issue.

I guess I'll begin by giving you an assurance from the perspective of the Minister of Municipal Affairs and Housing, to whom I spoke on this issue as of yesterday. We are absolutely committed to ensuring that you're involved in the Municipal Act reforms. The Municipal Act reforms are coming forward this year, very shortly. We expect them to be before the Legislature during this session, probably, if not later this fall, then early in the spring. We're absolutely committed to ensuring that you're involved in those discussions with us.

Mr. Manley: I appreciate that.

Mr. Duguid: I think it's very, very important. You've raised some very valid concerns. The Minister of Transportation acknowledged that today when he spoke, and certainly in my meetings with you as well we recognize that you've raised some very valid concerns. So I thank you for bringing that forward.

The only thing I ask you to clarify for me is, you indicated that Toronto taxis would not be able to go into the airport under this legislation. Does that include with the \$10 charge and the pre-arranged visits? Does that include that?

Mr. Manley: There is potential for it to include that, because it does state that for you to pick up at an airport, you would require an airport licence. So there is that potential that they could close the door. Would they? I don't know.

Mr. Duguid: OK. We'll have to take a look at that. Thank you.

The Chair: Mr. Dhillon, you have a minute.

Mr. Vic Dhillon (Brampton West–Mississauga): First of all, thank you very much for your presentation.

You mentioned that your members suffer a considerable amount of financial loss as a result of illegal pickups by GTAA vehicles. Have you done any studies that point to the specific fact that it's the GTAA vehicles that steal your business?

Mr. Manley: Well, they're allowed to steal the business. We did a grid, which I thought was very fair, of taking one lost airport fair per vehicle twice a week. When we went back and looked at the runs we used to do back many years ago, most cabs would do six or seven airport shots in a week, both shifts. When you extrapolate those figures for 27 years, and it's not an unreasonable grid—

Mr. Vic Dhillon: You didn't take anything else, like the economy or ups and downs in—

The Chair: Can we have a quick answer, because your time has expired.

Mr. Manley: Yes, that was all brought into it. This is why they're suffering the economic hardships that they are suffering today.

Mr. Vic Dhillon: Would you have that available for us?

The Chair: Thank you very much.

Mr. Ouellette, you have three minutes.

Mr. Ouellette: Thank you for your presentation. Where is most of the enforcement currently: under the HTA or the Municipal Act?

Mr. Manley: That's the whole problem, Mr. Ouellette: enforcement. The laws are there but they're not being enforced. We have municipal inspectors; we have the Toronto police department. We're not a high priority here, and unless you mandate a sweep under that, there's very little legislation—and it doesn't matter whether it's under the Ontario Highway Traffic Act or a municipal bylaw. If it's not being enforced, it's not being enforced.

Mr. Ouellette: So you're not getting enforcement on either side?

Mr. Manley: There's very little enforcement.

Mr. Ouellette: So we wouldn't expect any change in that, then?

Mr. Manley: No, none.

Mr. Ouellette: You mentioned no authority at the airport, but who would be responsible, then, for enforcement at the airport?

Mr. Manley: The federal government has reciprocal agreements with different area and municipal police departments which give them the right to enforce provincial statutes on their property. But I mentioned in my brief a couple of federal acts, that this could be done on airport property.

Mr. Ouellette: So who do you think the net benefactor would be: your industry, because these individuals from—I see that later on this afternoon we have the airport limo drivers presenting. Or is the GTAA going to be the major benefactor from this?

Mr. Manley: The major benefactor would be the GTAA, and you also have to include anybody else who runs a limousine service that takes people to the airport.

Mr. Ouellette: I'll give you an opportunity as well to respond to the minister's statement. I think he specifically stated that people have been charged \$180 to go from the airport to downtown Toronto and that's the reason it's being brought forward. In situations like this, my first question is, "How much is it to go where I'm going?"

Mr. Manley: Common sense.

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Mr. Ouellette: As a frequent flyer, in the business we're in, we get that. If you want to respond to that, I'll give you an opportunity.

Mr. Manley: It's certainly very easy to stop. All you have to do is post large signs as the people are coming out of the terminal: "The price to downtown Toronto is X," end of story. That stops that.

Mr. Ouellette: I see. How would you go about getting that process in? Would you have to go through the GTAA in that particular case?

Mr. Manley: Yes, you'd have to go through the GTAA, because that is their jurisdiction, that's their property.

Mr. Ouellette: OK. That answers my questions. Thank you.

The Chair: Thank you, Mr. Manley. We appreciate you coming today.

DRIVING SCHOOL ASSOCIATION OF ONTARIO

The Chair: Our next delegation is from the Driving School Association of Ontario, Mr. John Svensson, president. Have I pronounced that right?

Mr. John Svensson: Yes, you did, very well.

The Chair: Good morning. Thank you for coming. We appreciate your being here. When you start, if you could say your name and the organization you speak for. You will have 15 minutes. Should you use all of your time, we will be unable to ask questions or make comments on your deputation. If you leave time, it will go through all three parties.

Mr. Svensson: Thank you, Madam Chair and committee members. My name is John Svensson. I am president of the Driving School Association of Ontario. Perhaps it's best to start with just a brief two-minute bullet, as Minister Sorbara called them during the pre-budget consultations. I'll say right up front that this is not intended to be combative. We have a long history of being very co-operative and, I think, very innovative in Ontario. But I think you'll understand when you hear the short bullet where our concerns are coming from in regard to Bill 169, specifically as it relates to driving schools, particularly driving schools that provide novice driving instruction. That's where the majority of our members operate, for novice driver training.

The Driving School Association of Ontario is a non-profit trade association. We have members that serve virtually every community in Ontario. About 100,000 graduates go through novice programs from our private, professional driving schools in Ontario every year.

In response to challenges from the government, going back as far as 1985—I won't go back to 1978 when another bill came forward for self-regulation, but in response to challenges the government put to us in 1985—we undertook a path for industry self-regulation. By 1994, 100% of all of the driving schools offering formal driver education programs in their communities were part of the DSAO-approved school system.

From there, we brought in other innovations. We introduced the first inspections of driving schools, the first sanctions for non-compliance. All of these sanctions applied on six levels, just by natural justice: due process, rules of evidence, notice of complaint, notice of discipline hearing, the right to be represented by counsel, the right to appeal—the whole nine yards. We also introduced the first consumer protection plan sponsored by the industry in North America. Between 1994 and 1999, we paid out over \$50,000 to ensure Ontario consumers got what they paid for when they signed up for a driver training program.

Our program was the envy of North America. In fact, we had invitations to speak in Europe, Asia, Australia and throughout North America.

Inexplicably, in 1999, the Ontario government elected to appropriate our system. Thank you for six years of work, \$3 million of private money, mom-and-pop dollars, to put together a system that KPMG—we brought them in for quality assurance. They said, "You have one of the best internal quality assurance systems we have seen." This was on our ISO pre-application. "You need a little work on documentation, but your system is superb."

As I say, it was appropriated, without notice, without compensation. That was April 26, 1999. Since then, we have been virtually locked out. We have had successive ministers promise to correct the problem; commitments from the ministers, in public forums. We have had successive transportation critics, now members of the current government, promise to remedy the situation. We are at a loss to understand how a system so comprehensive, so accountable, that had 100% participation from the industry, could be disassembled and replaced with what we would term a dysfunctional system that has completely chopped legitimate schools off at the knees.

We would argue a number of points. Again, this may sound very combative, and maybe everyone's saying, "Well, this can't happen in Ontario." It happened in Ontario, I can assure you. This is a complex subject, but it's not that complex that you build a system—and I'll be frank with you. Most of our work is now in the United States, because they love our system. I just got back last night from Washington, DC, and they're drooling over the prospects.

This legislation to regulate driving schools will do several things. It will double-tax schools that already operate in municipalities where driving schools and instructors have to be licensed and are very highly regulated. They already have to produce two safety certificates, proof of insurance and other things that

aren't required provincially. More than that, it will add a new layer of bureaucracy.

One of the primary reasons we were told the government got involved in this is because of the four-month credit. The ministry's own data shows that the four-month credit is actually raising the risk of drivers crashing. In my two-minute bullet to Minister Sorbara, I said clearly, "Minister, it has cost our industry \$3 million-plus to build our system. It has cost our industry over \$2 million—\$2.5 million to be precise—to operate under the ministry for services of little or no value," meaning that schools were told they had to pay for inspections by a third party in order to receive ministry certificates.

I don't mean this to be a rant. I want you to understand the frustration and the passion I have, after 35 years in this industry and our association being courted internationally, to have the knees chopped off. With all due regard to the minister, the minister has refused to meet with us—not only with us but with members of caucus and their constituents. We are frustrated. If you sense that, it's because we are frustrated. It cost Ontario taxpayers over \$1 million a year for the five years this system has operated and our industry over \$2.5 million.

There are solutions. We don't believe that one of the solutions is regulation of the driving schools. Fundamentally, Ontario has a Cadillac parked in the garage and we're being told we're going to have to drive a jalopy.

Who's going to tell Ontario parents that the four-month credit that provides the foundation for the Ministry of Transportation getting involved in this in the first place is putting their kids more at risk? Who's going to tell Ontario's motorists that the system we have lived with for the last five years will not be corrected by legislation? If you want to know future behaviour, take a look at past conduct. A year ago almost to the day, Toronto 1 aired a four-and-a-half-minute piece on the sale of driving school certificates, because anybody could get driving school certificates for graduates. That's where tens of millions of dollars a year in insurance fraud is happening. Anybody could get ministry-printed certificates. The ministry's response to that was to give schools blank certificates that they could fill out themselves: "Here. Take as many blank cheques as you want." I've had people come up to me and say to my face, "John, I've got \$250,000 in the bank in cash, tax-free, and a brand new BMW. I'm getting out of this rat race."

We have a system that can be implemented today that's accountable, that has already been rated by KPMG as one of the best they've seen, that has a proven track record, that involves consumer protection, accountability sanctions and course standards. We'd like to work with the ministry, seriously work with the ministry.

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In conclusion here, what I asked Minister Sorbara was, "Please stop trying to help us. We can't afford the help." It's costing us; it has cost us over \$2.5 million. Legitimate schools can't compete with programs that never turn their lights on, that sell certificates out the door as fast as they can order them from the Ministry of Transportation. It's a dysfunctional, broken system. I've never

been one who's sugar-coated things, and I certainly welcome your questions on this.

The Chair: Thank you. Do you have a written submission that you will be submitting to us today?

Mr. Svensson: Yes, it will be here for the committee. It's not with me today, but it will be here by 5 o'clock tomorrow.

The Chair: Because I saw people writing furiously, and they would like to take some notes, so if could you provide that to me—

Mr. Svensson: Yes, there will be a written synopsis. Again, I apologize for the rant issue. Nobody at the ministry has any misconceptions—they're wonderful people at the Ministry of Transportation, but the system is broken.

The Chair: You've left about a minute and a half for each party, beginning with the government side. Mr. Lalonde.

Mr. Lalonde: Thank you very much for making the presentation and taking the time to meet with us this morning. We recognize that this is an unregulated industry at the present time. Not every driving school has to join your association. There are no regulations in place, and the government wants to make sure that young drivers are following the MTO regulations at the present time, whenever they go through a driving school.

At the present time, you say that you have regulations in place, and you also say that it might cost double for the people who are taking training through those driving schools. Let me tell you, it is very important that we look after the safety of all our people in Ontario, and this is why, not having provincial regulation at the present time, it's really time that the government regulate this industry.

Mr. Svensson: Monsieur Lalonde, I certainly appreciate your concern. The problem, quite candidly, is in the GTA. The primary problem is in the GTA, and it's only been the magnitude of the problem since the ministry got their fingers into things officially in 2000.

Further to that, schools do not have to be members to subscribe to standards. In other words, we had 100% of the driving schools offering driver education in Ontario through formal programs sign a contractual agreement. Whether they wanted to join the association as a member was irrelevant; we never forced people to be members.

As a result, schools that train probably 80%-plus of the students joined the association, but there was no obligation. Their obligation was to adhere to the criteria, the standards of operation. Quite candidly, those municipalities that have felt there is some need for regulation have exercised their power under the Municipal Act to require licensing, and those that are quite happy with the status quo have likewise selected laissez-faire, because there is no evidence of any problems.

I guess the biggest frustration is that we didn't get graduated education when graduated licensing came in, and every one of our efforts to implement new standards that reflected—the meetings in Washington dealt with the Transportation Research Board and where we have to go to make driver education effective. Quite candidly, right now, in this current delivery system, it's not effective,

and state and provincial governments are trying to get out of regulating driving schools and into relationships of professional accreditation and trade association involvement. They're trying to get out of it because they don't do it well. There isn't a government that regulates the private industry well in North America.

The Chair: Thank you. Mr. Ouellette, a minute and a half.

Mr. Ouellette: What exactly are the direct impacts of the legislation, should it pass, going to be on the current schools that are there? How is the day-to-day operation going to change?

Mr. Svensson: There are a number of issues that were raised in Hansard in the Legislature during second reading. I won't get into all of those; they're read into the record, and I'll provide those. But in day-to-day operation for a large number of schools it will do two things.

Given the past history of—see, the government already has regulations in place to license driving instructors. All driving instructors have to be licensed. It will create another layer of bureaucracy, it will increase costs to driving schools, it will destroy 20 years of work in industry self-management and self-regulation. Schools that expressed concern or disagreed—and all this is documented, clearly—were removed. There was no phone call, no letter, no notice, just off the lists from the Ministry of Transportation—gone. I didn't even know they were gone until their phones stopped ringing. Competitors aren't going to tell them they're not on the list any more.

The sort of experience that our industry has had, Mr. Ouellette, is that government doesn't enforce its regulations. You've heard that several times here. We don't anticipate, without significant dollars being invested from our industry, that government will enforce them. By the way, of the schools that were featured in the Toronto 1 show a year ago, one of those schools, a year later—on camera, and also using a private investigation firm—is still in business. That's how it's going to affect the business; it's just going to continue. We're not going to see any relief. If this goes into government regulation, it will, as it already has, severely cripple the association because people are afraid to be part of the organization for fear of reprisal, and it will stall all the innovation. We lost consumer protection, we lost sanctions. There have been virtually no sanctions. A school that's selling certificates and goes on provincial television is still in business a year later, and now they have five locations, not one.

The Chair: Thank you. Mr. Marchese, you have a minute and a half.

Mr. Marchese: Mr. Svensson, you're saying that when you had complete control, in terms of self-regulation, you would be able to monitor problems much more effectively than the current system?

Mr. Svensson: We're the only ones that have a track record. We have 67 sanctions on the books. All natural justice, due process, rules of evidence, right to notice of disciplinary hearing; yes, in short.

Mr. Marchese: So those were the changes that were made in the years 1999 and 2000. These changes will

make it even worse, and you're saying, "We're not likely to have better enforcement, and that's a problem." If we had better enforcement, would you feel better, or would that still be a problem?

Mr. Svensson: We've been promised better enforcement for five years; it hasn't happened. I'll tell you why it hasn't happened: because the people who are trying to do the enforcement don't know the industry. If you want the final bombshell, our industry was forced to pay for enforcement for the last five years. We were told there would be annual inspections of every site—\$2.5 million. By the way, that is two and a half times the fees that KPMG would charge—

Mr. Marchese: John, you mentioned—and I apologize. Have you had a chance to meet with ministry people?

Mr. Svensson: I mentioned that earlier. The minister has refused a meeting with us.

Mr. Marchese: The minister. What about ministry staff?

Mr. Svensson: Mr. D'Onofrio and Mr. Rafi, the ADM and deputy minister, I met with in May of last year.

Mr. Marchese: I hope that you do get a meeting. I think that even when we disagree with people, we owe them the courtesy of a public discussion and open disagreement, if that's the case.

Mr. Svensson: Please understand, there's nothing personal in this. It's a dysfunctional system, it's a broken system, and I feel as sympathetic for the bureaucrats as I do for the excellent MPPs that serve in our Legislature. We've got quality people. Frank D'Onofrio and I have had many discussions, and we don't always agree, but we still get invited to serve on a committee if we're doing driver handbook revisions, and we still get invited to speak if it's an AMBA conference. There's not a personal issue here. I just want to keep this focused on the fact that we have a dysfunctional delivery system which is not going to get better unless we actually implement some expertise to fix it. You can't believe how frustrating it is for me to spend so much time in the US because they want our system, and I'll guarantee that within two years they'll take all these ideas and they'll sell them back to us.

We've already lost jobs here in Ontario. We've had legitimate schools fold because they can't compete with people who don't do the program. I don't think this legislation is going to make our job of improving driver education any easier. I'm still excited and passionate that we can make a difference.

The Chair: Thank you for your passion. We appreciate your being here today.

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CANADIAN AUTOMOBILE ASSOCIATION ONTARIO

The Chair: Our last delegation for this morning is from the Canadian Automobile Association, Kris Barnier. Have I pronounced that correctly?

Mr. Kris Barnier: Yes, you did. Thank you.

The Chair: Good morning. Thank you for coming. You have 15 minutes. When you begin, could you say your name and the association that you represent. Should you use all the time, there won't be an opportunity for us to question you, but if you do leave some time, each party will get an opportunity to question you.

Mr. Barnier: Thank you, Madam Chair. My name is Kris Barnier, and I represent the Canadian Automobile Association. We have three clubs across Ontario that comprise two million members.

What I want to point out today is that there are a number of measures in this bill that the CAA does support. We do recognize that there are some measures in this legislation that are going to get traffic moving again, that are going to protect consumers, construction workers and others. Certainly in a lot of regards, we think the government is headed in the right direction.

Given the limited time that we have today, I'd like to focus on some of the concerns that we have with the legislation as it's currently worded. Specifically, we have some concerns around the use of pre-emptive devices; that's in our section on technology, and I'll get into that in a little bit. There are some measures that would allow more vehicles to possibly use the shoulders on provincial highways. There are also some concerns that we have around HOV lanes. Finally, there are measures in the bill that would allow for the expansion of certain pilot projects, and we have some concerns in that area too.

I'd like to start with HOV lanes. I want to point out that Minister Takhar's office has been very helpful with a lot of our concerns, and his staff has put us in touch with ministry officials who have explained to us how certain proposals are going to work. One of those areas, specifically, is the new HOV lanes that actually currently are under construction on Highways 404 and 403.

Right now, based on the designs that are there, we support those current designs. Our feeling is that we recognize the ministry has done its homework and is going to use the safest design standards to construct those new HOV lanes. We certainly are very glad to see that there are going to be policing pockets there, and we understand that there will be adequate policing resources to make sure that people are properly using those HOV lanes. We also understand that the government will be launching an education strategy to let people know how to properly enter and exit the HOV lanes and for those lanes to be used properly. We think that's an absolutely crucial thing that needs to be done. We think that motorists should be informed as to what the penalties are going to be if they don't properly use those lanes. Certainly the police enforcement element is something that needs to come along with that as well.

One of the areas of concern we have is that the legislation, as currently worded, would allow the minister to designate any lane an HOV lane. While we certainly support the HOV lanes that are under current construction, those are net new lanes. Our concern is that if we start taking away capacity in existing lanes, we're going to create more congestion on our roadways, and that's

bad for our environment. We know that congested highways are a safety concern, and we also know that with millions more people coming to the Toronto area in future years, that's going to put additional strain on our existing highway system. While we actively encourage our members to take transit if it's an option for them, or to carpool if possible, there has to be the realization and understanding that that isn't an option for everybody. For that reason, we have a concern with the legislation as is. We would be satisfied if the legislation were amended to note that the minister would have the ability to designate any net new lanes as HOV lanes.

Our second concern is basically around the use of pre-emptive devices at intersections. Currently, my understanding is that some emergency vehicles and some transit vehicles have the ability to use technology in their vehicles that would allow them to change a red light to a green light or do something that would allow them to get through intersections faster. We see this as something that is a good thing for emergency vehicles. Certainly ambulances, police and fire should have the use of that technology to be able to get to incidents faster. We see that as a safety concern, and giving emergency vehicles the use of that technology is something that we support. But our understanding is that this section would basically enable transit buses and other possible transit vehicles to make use of this technology in the future to a greater extent. Certainly we understand that we have to keep transit moving, but nonetheless, if you're going to allow buses and other vehicles to use this at will, there could be future implications for how that's going to delay traffic for motorists. Motorists have a right to get to where they need to go too. If motorists are stuck at intersections, they're idling, and that's bad for the environment, and certainly if goods are stuck in traffic, then that's an economic concern as well.

We don't support this section as it's currently set. We do want to note that we support pre-emptive devices for emergency vehicles, but we have some real concerns about its expanded use for transit vehicles. We couldn't support this section unless we had some more clarity as to what exactly those rules and circumstances would be.

Another section we have some concerns about is section 23. Basically, this section allows certain types of vehicles to use the shoulders on King's highways. Currently, our understanding is that in Mississauga on a section of Highway 403, transit buses are allowed to use the shoulder during—of course, the ministry has put in some regulations governing when buses can use HOV lanes, under what speed limits and times of day and whatnot. But we have some concerns about the use of the shoulder, because our view is that the shoulders are there for motorists who run into trouble. That's a safety net for motorists. The other element is that emergency vehicles also need those shoulders to be able to get through. If a bus is operating on the shoulder, if an accident happens, that bus might have some difficulty getting back into the regular lanes of traffic to let emergency service providers through. Certainly, if a motorist is having a problem—I

actually spoke to a member a couple of weeks ago who was having an asthma attack and needed to pull off to the shoulder. Had that member been having an immediate attack and a bus was coming down, that would create a safety threat. That motorist wouldn't have a place to go.

We recognize that to date there haven't been any incidents related to this policy on Highway 403 in the Mississauga area, but we have some real concerns moving forward if this practice is expanded or continued. For that reason, we don't support this specific proposal.

The last section that I wanted to bring to the attention of this committee is regarding the implementation of pilot projects. We recognize that any government needs to be innovative and needs to look at new ways of removing snow or transporting vehicles or transporting goods and services. But the current legislation talks about the regulatory power extended to the government to just move forward with pilot projects. In a lot of areas it talks about how the pilot project would pre-empt existing legislation. Some of the specific acts it talks about—I'll quote:

“(2) Under a project authorized or established under subsection (1),

“(a) persons or classes of persons may be authorized to do or use a thing that is prohibited or regulated under this act, the Dangerous Goods Transportation Act, the Motorized Snow Vehicles Act, the Off-Road Vehicles Act...” and it goes from there.

One that really throws an alarm bell for us is the Dangerous Goods Transportation Act. While we recognize that the ministry needs to move forward with innovative solutions, and pilot projects are a way of doing that, we think there has to be an element of public consultation built in beforehand. While we recognize that this government and previous governments have had a fairly good record on consulting with stakeholders, we want to see built right into the legislation that public notice be given: We think 180 days is reasonable. It allows the ministry to move forward while still allowing stakeholders the time to get their opinions together and present to ministries. There might be information that stakeholders have about why even a pilot project would be a dangerous or bad idea.

We also think there should be clear guidelines in terms of how long pilot projects last. There also has to be communication to the public to let the public know that these things are happening. Finally, we think that once these pilot projects are completed, the government should be mandated or should be required to report back to the public before a final policy decision is made on whether the pilot project will be expanded into general policy. Thank you.

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The Chair: Thank you. You've left just under two minutes for each party, beginning with Mr. Ouellette.

Mr. Ouellette: Thanks for your presentation. You touched on a lot of the points that I brought up with both the minister and the senior bureaucracy. A couple of

quick questions: Do you have any amendments or will you be presenting any amendments for the HOV lanes?

Mr. Barnier: Yes. They are actually written right into the proposal you have.

Mr. Ouellette: OK, and the same with the pilot projects. What sort of projects do you envision? I wouldn't have thought they would need specific legislation unless we're talking about something rather dramatic that would require legislation to bring a pilot project in. We see painted lines on the highways on a regular basis and other things taking place, whether it's the sensors or the salt changes that the MTO has brought forward. What sort of ones would you envision at the CAA?

Mr. Barnier: The problem here is that the legislation allows so much flexibility and there are no specifics here, so who knows what things could be raised? Dangerous goods transportation—who knows what requirements could be changed in terms of the types of vehicles used or times of day? To take it back to HOV lanes or allowing vehicles to use the shoulder in certain areas of Ontario, those are the sorts of things that could be pilot projects. If there's not a built-in consultation process beforehand, we see some dangers there and it definitely raises some alarm bells for us.

Mr. Ouellette: Thank you very much. Those are all my questions.

Mr. Marchese: Thank you, Kris. Speaking to the issue of high-occupancy vehicle lanes, are you familiar with a number of jurisdictions in the US that are already using this as a practice?

Mr. Barnier: We have looked at that. Specifically, studies have been done in Texas where there are concerns about HOV lanes and the number of accidents that happen when vehicles are moving from one lane to the other. We have met with the ministry and I personally have spent a lot of time talking to the ministry about our concerns in this area. We understand that the design processes they're implementing now are the safest ones that would exist in North America because they are going to have clear on-and-off points, and there will be policing.

Mr. Marchese: In the Texas example, you talked about problems. Is there anything you've looked at that speaks to the positive about this?

Mr. Barnier: The positive is from an environmental perspective.

Mr. Marchese: Of course, but does it work in some jurisdictions?

Mr. Barnier: Our understanding is that in some jurisdictions, it has been successful in getting people moving.

Mr. Marchese: So we should look at that, right?

Mr. Barnier: Absolutely. We agree that as net new lanes, it is a positive thing, and we see a benefit in looking at it.

Mr. Marchese: Your submission only speaks to negatives. It almost says we shouldn't be doing it, rather than saying let's do it with whatever measures need to be put in place to make sure it works well.

Mr. Barnier: No, I think my submission clearly states that we support the existing HOV proposals that are moving forward, and we will support HOV lanes based on these criteria being met, net new lanes being one of those things, proper policing—

Mr. Marchese: So new lanes?

Mr. Barnier: Yes.

Mr. Marchese: And you think creating new lanes is OK environmentally?

Mr. Barnier: If it's going to get traffic moving, yes. The reality is that in the city of Toronto in the 1970s they stopped building expressways. At that time, 69% of trips were taken in cars. Today, with no new highway expansion in the last 30-some-odd years, it's still 69%.

Mr. Marchese: Kris, you say your association actively encourages your members to take transit. How do you do that? I'm not familiar with what you're doing in that regard.

Mr. Barnier: In media interviews or any opportunities like that, we get out and we encourage our members, certainly with gas prices being out of control. I've personally done a number of radio and media interviews where I've said to our members, "If transit works for you, if it's available, if it's going to get you to where you need to go, we recognize it as an environmentally friendly solution and we encourage you to take it, if it works for you." The same thing with carpool lanes.

The Chair: Thank you. Our next questioner is from the government side.

Mr. Lalonde: In answer to your concern about HOV lanes, yes, the HOV lanes will be accessible to buses and emergency vehicles, definitely. Also, when we talk about pollution, we're trying to reduce the pollution and we're trying to reduce the traffic congestion. It would definitely encourage people to get in the car with other people. If they travel from Oshawa, for example, and there is an HOV lane, it would reduce the time to get to work. Those are the main purposes of those HOV lanes.

Mr. Barnier: We recognize those benefits, and that's why we support them as net new lanes. But the reality is, if a car is stuck in bumper-to-bumper traffic, it's nine to 10 times the amount of concentrated pollution as a car that's travelling 90 to 100 kilometres an hour. That's why we support net new lanes of traffic and that's why we support this specific measure, as a positive thing that's going to encourage people to share their vehicle with other people. But if you're talking about taking away existing lanes and turning them into HOV lanes, the problem is that not everybody has the ability to find people to carpool with. People leave at different times of the day; they live in different cities. You have to be realistic about that element of it. So in summary, net new lanes—absolutely support it, provided our safety criteria are met. But if we're talking about taking away existing lanes, we do have a problem with that.

The Chair: Thank you very much for your delegation. We appreciate your being here today.

Committee, we are now at 12:05. We have 23 delegations this afternoon, so if you could be back promptly at 1 o'clock, we'll get through the other people

who want to see us. This committee now stands recessed until 1 o'clock.

The committee recessed from 1206 to 1300.

INSURANCE BUREAU OF CANADA

The Chair: I call this meeting to order. We begin our public session this afternoon with the Insurance Bureau of Canada. Would Mark Yakabuski, vice-president, federal affairs and Ontario division, be here?

Good afternoon. Before you begin, could you identify yourself and the organization you speak for, for Hansard. When you do begin, you will have 15 minutes. Should you use all of your time with your deputation, there will be no opportunity for the three parties to ask questions or make comments about your deputation. When you begin, I'll time you.

Mr. Mark Yakabuski: Thank you very much, Madam Chair. I will not use all of my 15 minutes with remarks; I'll be very brief. I'm Mark Yakabuski. I'm the Ontario and federal affairs vice-president of the Insurance Bureau of Canada. The Insurance Bureau of Canada is the national trade association representing automobile, home and business insurers across Canada, and certainly here in Ontario. As an organization, historically we have been very involved in issues of road safety as the representative of auto insurance companies across Canada. In fact, most recently, we sponsored Injury Prevention Month in North Bay, which proved to be a very great success. We focused on messages in that community enjoining people to spend more time trying to play and drive safely in their homes, cars and businesses. The effort was very well received in North Bay this past February. It was indeed Injury Prevention Month there.

This is a very good bill. I commend the members of the Legislature for having brought this bill so far. I commend the minister for having introduced this legislation. There's no doubt, in our opinion, that this legislation will improve safety on Ontario's roads, and that is to be commended.

I would, at this time, want to salute the efforts of many people who have helped in the drafting of this legislation; in particular, the work of Saäd Rafi, who left last Friday as Deputy Minister of Transportation. I and many people in our organization had the opportunity of working with Saäd over a period of years in transportation and in other ministries, and I want to say that he was an outstanding member of the Ontario public service who provided great strategic direction to the various governments he served. He will be a loss to the Ontario public service. Having said that, there are many other dedicated people in the Ministry of Transportation who have helped with this legislation over the years.

I want to particularly commend some parts of this legislation. That isn't to say I don't commend all parts, but I want to particularly mention, for example, the increasing of fines for people who speed and commit other offences in construction zones. This recommendation was brought forward by a number of groups in the

past, and we are very pleased to see it enshrined in this legislation.

Equally, the increased inspection of transport trucks on our highways is very welcome. With the increased transport truck traffic we are seeing on our highways today, it is absolutely vital that we ensure these very large vehicles are driving safely on our highways.

I want to spend just a few moments on the issue of beginner driver education, which is referenced at considerable length in this legislation. The government is finally giving itself the power to properly regulate the beginner driver education sector in this province. This is tremendously overdue.

The driver training system of this province would effectively not exist were it not for the substantial discounts that automobile insurers give to young drivers—and to new drivers of all ages for that matter—upon completion of a driver training course. The driving schools would go out of business if people did not have that incentive via the insurance system. So we, as the insurance community, have a real responsibility to guarantee that people are receiving proper quality instruction when they sign up for a driving course. Unfortunately, we have to say that hasn't been the case in Ontario for some period of time.

We have worked closely with the Ontario Safety League—and they will be making a representation to you shortly—over a number of years to try to improve the enforcement of standards in the beginner driver education sector in this province. Without the proper regulatory authority to do that, the government has not been able to properly discharge that important task. With the legislation you have in front of you today, you are now going to have the proper dispositions necessary to carry out this task. I am very delighted by that, and we are quite confident that this will improve the quality of driver education in the province of Ontario.

I have one caveat, however, and that is that these legislative dispositions have to be followed up as quickly as possible with the implementing regulations. They of course will be totally without effect unless we have the regulations to back them up, and we need to see those regulations at the earliest possible opportunity. We obviously would like to work with the ministry in that regard.

The last thing I would bring to your attention is the area of the bill that deals with clearing highways after accidents and such. We agree that this is an important thing. We have talked to the ministry and the government for some period of time about the importance of clearing highways after an accident, and we totally share that objective.

My one concern with this legislation is that the way it is worded it's a bit of an open-ended clause. Basically, you're saying that if there is a major disturbance on a highway, the owner of the vehicle and the cargo of that vehicle—for example, if you have a transport trailer overturn—is liable for the cost of cleaning up that area. Effectively what you're saying is that the insurance

system is going to be liable for the cleanup, because most people will have insurance. By law they have to have insurance; we hope they have insurance. Those costs will be borne by the insurance system.

We are asking you, in the representation I'm making here today, to add one word to that clause; that is, that "reasonable" costs for highway clearance will be the responsibility of the owner of the vehicle and cargo. That allows the government and the insurance industry to make sure we are not presented with bills that are totally exorbitant for the efforts involved. I think you would agree with me that that kind of language is necessary, as we all share the objective that we need affordable insurance rates in Ontario.

The last thing I'd simply add to that section is that in order to make the section operable, we believe you need a regulation-making power that would allow the government to set out what reasonable costs are, in some cases, for the clearance of vehicles and cargo. We've suggested a clause here that would give the government regulation-making power.

That's the extent of my remarks, Madam Chair. I certainly appreciate the opportunity to appear before this committee today. If you have any questions, I'd be happy to answer them.

The Chair: Thank you. We have about two and a half minutes for questions, beginning with the official opposition.

Mr. Ouellette: Thank you for your presentation. What percentage decrease in insurance premiums should we see as a result of this legislation?

Mr. Yakabuski: What percentage of premium decrease? Since we've seen a 15% reduction in the average insurance premium since November 2003, we believe that these sorts of measures are necessary to continue the affordability of insurance in the province of Ontario.

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Mr. Ouellette: So you don't have a kind of set figure that would say—

Mr. Yakabuski: We haven't seen any regulations to implement these things. These are what I call preventive maintenance to ensure that we do not have increased collisions, increased injuries, increased deaths on our highways.

Mr. Ouellette: What stats do you have that show that increased fines equate to a decrease in incidents? Do you have anything from other jurisdictions?

Mr. Yakabuski: What I can tell you is that if someone has a major speeding fine on their insurance record, they will be subject to at least, say, a 15% increase in their insurance costs for a three-year period of time. That equates to a fairly significant disincentive. I can assure you that a lot of people have to think twice about paying that kind of money for insurance if they are subject to a doubling of those fines.

Mr. Ouellette: You stated that the regulations are so important to back it up. Isn't enforcement more of a key point to focus on as opposed to the regulations? Without the enforcement, it doesn't matter. As I stated earlier on,

we can do all the things we want. As long as people think they can get away with it, they'll continue on in the actions they do.

Mr. Yakabuski: I totally agree with you that enforcement is absolutely vital, but as you know, in order to take a piece of legislation and make sure that it can be worked out on a daily basis, you need regulations. So you need both regulations and good enforcement. I totally agree with you.

Mr. Ouellette: My time is just about up. Thank you.

Mr. Marchese: Mr. Yakabuski, you mentioned that you're happy that there is increased inspection. That's the terminology you used.

Mr. Yakabuski: Yes.

Mr. Marchese: What does it actually say in this bill that they're going to do?

Mr. Yakabuski: I'm trying to quickly present to you what the bill does. I think you're referring to the inspection list. I was referring to the inspection list of pre-trip items that need to be looked at before a truck is put on the road. That list has been expanded from 23 items to 70 items.

Mr. Marchese: You weren't here this morning, for obvious reasons; you can't be here the whole day. I asked about a problem we have in terms of inspection and inspectors. My fear is that there could be a legitimate claim about not hiring 70 inspectors that some say are not being rehired, so that as they leave, they don't get rehired. The ministry wasn't clear about what it's doing in that regard, and my fear is that it's probably happening. They're saying they are doing a review of that. I don't know what that review is doing, but what I suspect is happening is that we have an increased number of trucks but we don't have an increased number of inspectors as it relates to that.

That worries me a great deal. It worries you, because you mentioned it a number of times. It worries Mr. Svensson from the Driving School Association of Ontario, who said, like you, that in the last five years since the changes were made in the year 2000, very little has happened by way of enforcement as it relates to driver education. You include this as a serious problem as well. Clearly, something is going on.

When we introduce tougher regulations, which I support, my fear is that without proper enforcement, in spite of the government saying, "We're going to do it," it may not happen, in which case it might make the situation worse.

Mr. Yakabuski: Very similar to the response I gave to the other honourable member, the regulations are vital to making this law something useful that we can deal with on a daily basis, and enforcement is very important. I think it's up to this committee, and it's up to key stakeholders, the insurance industry and other industries to work with the government in a collaborative way to ensure that the right kind of resources are put toward enforcement. I can assure you that we are very much committed to ensuring in our work with MTO that once this legislation is put in place, once the regulations are

passed by cabinet, we would like to see the right enforcement resources to make sure that it happens.

Mr. Marchese: So do we.

With respect to the addition that you want to include under the "Reducing congestion" problem, where you want to include "reasonable costs," have you had discussions with other ministry people, civil servants and/or political staff, in terms of what they're thinking about your suggestion?

Mr. Yakabuski: I have not had an opportunity yet to talk to political staff about this issue. I advised certain people that this is the sort of issue that we would normally be concerned about. In any area where you're basically saying that a party is liable for 100% of the costs, you have an obligation to ensure that these costs are reasonable.

Mr. Marchese: Thank you.

Ms. Deborah Matthews (London North Centre): I want to go back to a couple of points you made and refer to an earlier submission we had from the Ontario Trucking Association. David Bradley, the president of that association, made some suggestions, and I just want to understand that you are both making the same suggestions.

He's recommending that there be a fee schedule for towing charges. I think that you're getting at the same point with the inclusion of "reasonable."

The second point is that he suggests that we require accident cleanup insurance, that all truckers have that. I think you said that they are required to have that.

I just wanted to clarify those two issues, if you would, please.

Mr. Yakabuski: We're totally on the same wavelength with respect to a fee schedule. What we have put forward today, at the end of our submission, is a draft clause giving the regulation-making power to the government to set up things like a fee schedule. My concern is that currently this legislation does not have this kind of regulation-making power. From our experience in the past, if a piece of legislation does not have a reasonably specific regulation-making power, you won't be able to do this. I think that by not having this kind of regulation-making power, you could possibly thwart the intentions of this legislation. It is a regulation-making power to set things like fees for towing, storage, removal of cargo etc.

With respect to accident cleanup, our understanding is that in every automobile insurance policy and every trucking insurance policy, you have coverage for what we call third party liability. If you cause damage to another party, you potentially could be sued or liable for certain costs, and that would characteristically pick up those costs. Most people have \$1 million to \$2 million of coverage. I suspect that truckers have more coverage than that. I don't think we need accident cleanup insurance. What we need are regulations that allow a fee schedule for these operations, in my opinion.

Ms. Matthews: Thank you very much. Now I'm going to, if there's time left—

The Chair: Actually, whoever is asking the question has 30 seconds.

Mr. Lalonde: As I can see, you are definitely supportive of provincially regulated driving school standards that we have to put in place. At the present time, could you tell us if the drivers who have taken the course under a provincially regulated driving school get any type of credit when they buy their insurance?

Mr. Yakubski: Absolutely. Today, most insurance companies offer quite a significant discount for new drivers. It might vary from 10% to 15% on the amount of insurance you're paying, which is quite considerable. Our concern, to the parliamentary assistant, is that we cannot continue to offer those sorts of discounts if the quality of the instruction is not being ensured. That's why we really need to work together to make sure that we have standards that this bill now puts in place and that we enforce those standards together.

The Chair: Thank you, Mr. Yakubski. We appreciate you being here today.

ONTARIO SAFETY LEAGUE

The Chair: Our next delegation is the Ontario Safety League, Brian J. Patterson, president and general manager. Welcome, Mr. Patterson. If you could identify the group that you're speaking for and your name. When you begin, you will have 15 minutes. Should you speak for the total time, there won't be an opportunity for questions or comments to your delegation. Should you leave time, we will all get an opportunity to ask you questions.

Mr. Brian Patterson: As a point, Madam Chair, we won't be speaking for the entire time, because we would like this to be an opportunity to exchange with some members on points that we're going to bring up.

I am Brian Patterson. I'm president of the Ontario Safety League. It's my pleasure to speak to the committee today on what we believe is a significant and very much-needed refocusing of issues surrounding highway safety and public safety in the province of Ontario.

Since its founding in 1913, the Ontario Safety League has always played a significant role in promoting, advocating and educating the public to create a culture of safety within our community. As outlined in the mandate of our organization, we are dedicated to reducing preventable deaths, injuries and destruction on Ontario roads through public education and safety awareness. Through our motto, "Safety through education," we have always strived to be an active partner in Ontario's coalition of safety organizations.

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I guess we are probably best known for Elmer the Safety Elephant in schools. As I mentioned to one of the members, in 1913 the big issue for the Ontario Safety League was motor vehicles and horses on the streets of Toronto. I can assure the committee that that has not been a problem during my mandate.

We firstly would like to consider Bill 169 as a step forward. It has many useful elements which we support

in the mutual mandate of public safety, and that you've heard from partners that we sit with on a regular basis: the Ontario Trucking Association, the Ontario insurance bureau and the Canadian Automobile Association.

Firstly, as other speakers have said, we commend the inclusion of safety zones around schools in our province. Although it's not the only method of educating the public, specifically the issue of doubling fines, it is within these zones that we can highlight the significance of driver misconduct and the risk associated with that type of behaviour. The doubling in the new regulation will empower municipalities to create those zones in those areas.

As it's currently structured under the Municipal Act, it's quite burdensome for a municipality to identify an area as a separate safety zone. There's a whole series of measurements required and traffic flow counts, and many municipalities can't find the resources to do that when, in fact, like for everyone here today, the safety of children in a school area is paramount at all times.

Secondly, we believe that the construction zone also is a proper safety move, the doubling of education around the high risks associated with driver misconduct in construction zones and the carnage that is created through the misconduct of drivers. Construction personnel have been in many cases injured and often killed as a result of reckless behaviour.

However, we don't believe that the document goes far enough with respect to the issue of the enforcement tools required. We believe that the ministry, under the new regulation, must move more quickly to undertake enforcement models that will drive home the fact that this change is not only operational in safety zones and construction zones but much required, and must be implemented to save lives. In fact, we believe that it is inspectors, enforcement, education and re-engineering that will drive the safety model in this province.

Clearly, the issue of inspection comes up regularly. As the president of the Ontario Safety League, I have spent every long weekend this summer on cottage patrol with the Ontario Provincial Police, the Ministry of the Environment and the Ministry of Transportation enforcement units. As anyone who listens to a radio or watches television during that period knows, we have pulled a significant number of junk vehicles off the roadway that place every driver in this province at risk. It is not clear how we simply focus that enforcement during that period when, in fact, those vehicles, if they didn't get caught on the long weekend, would be driving to work the next day, and many of them ought to have been sent to the crusher right on site.

We believe that all motorized vehicle education within the province must be regulated by one body, and that appropriate models currently exist to expand and adopt the best practices in motor vehicle training from across North America, in many cases adopting the highest international standards to best ensure public safety. To simply focus on new driver education and its inclusion into regulations is, in my opinion, not good enough. We

have motorcycle training, we have truck training completely unregulated and potentially addressable within this bill, but that impetus has not come forward at the present moment.

On the safety side, I sit on the Canadian council of safety associations. We have some very significant concerns arising from all-terrain vehicles, snowmobiles and the carnage that that is starting to create in non-urban areas, as well as the absurd position that we're now selling motorized scooters for private-property use. I can assure the members of this panel that those pocket-sized motorcycles are not going to race up and down a small driveway in Scarborough. They are crossing the roadways, they're interfering with traffic, and they're placing pedestrians at risk. We've allowed them to come into the province without ever really addressing them. Bill 169 allows for immediate pilot projects to deal with that. It will allow for an opportunity to address that, and we can go positively in that direction.

There are a number of points previously discussed by organizations related to Bill 169, and we hope that the committee considers some of the issues that we'd like to bring forward. Extreme driving, which includes both aggressive driving at high speed, and the ongoing difficulties related to street-racing enforcement require consideration and also have to be directed through this bill. We propose that one method to address this issue is the immediate administrative suspension of any motorist travelling 50 kilometres above the posted limit and that subsequent incidents result in a 10-day penalty. This would be an administrative suspension, clearly driving home the premise that driving is a privilege in this province.

We believe that we are not addressing the at-the-scene issue in as timely a manner as is required. We know that many drivers who have been correctly charged cannot be dealt with in the volumes currently under the justice system, and many simply slip through the cracks and continue that unsafe practice on an ongoing basis. It is an urban issue, but in many rural areas of this province, street racing is as deadly as it can be on the 400 series highways.

We believe that Bill 169 will start to close some loopholes that are apparent to the stakeholders. It was a surprise to me to find that traffic police officers in the province currently cannot access the digital photograph of a driver at the scene if that driver does not have his licence present. So I can identify myself as someone else and be allowed to leave the scene if I know the date of birth and address etc. and meet the general physical characteristics. We believe that we can address that with Bill 169. It should address that quickly, because at the present moment, it puts both police officers at risk at the time of the stop and allows a significant number of people to travel our highways without fear of being caught by the police. The technology exists within the police departments, and it's an inter-ministerial problem with regard to the privacy and transfer of information between one ministry and the other and to the police. It's not helpful.

We believe that we have to significantly continue to enforce the commercial motor vehicle inspection program. Nothing in the cottage patrol drives home that message more than to see how many unfit vehicles are travelling on 400 series highways on any given day. I can assure the members here present that of the 227 vehicles pulled off the road on a Labour Day weekend, none of them would have left a garage, nor should they have left the driveway. They are not being taken out of service for small, minor incidents.

So I think we really need to look at issues. Safety is the mandate of the Ontario Safety League. We are not a trade organization, a lobby group or speaking specifically for any given organization. We have been the bastion of safety in this province since 1913 and will continue to do so.

Safety is a big issue. Enforcement is significant. During the road check period in the province, one in five vehicles is below the line. That's 20%. You know how many vehicles travel in the urban areas. Some 40% are taken out of service on a daily basis by MTO inspectors. What projects we have need to be upgraded.

I appreciate the time today with the committee, and I hope there's time for questions. Thank you, Madam Chair.

1330

The Chair: There is, just barely. A minute and a half for each party, beginning with Mr. Marchese.

Mr. Marchese: Thank you, Mr. Patterson. How much money do you get from the province for the education you do around the various issues that you mentioned?

Mr. Patterson: We don't receive any funding from the province of Ontario, currently. We have in the past.

Mr. Marchese: But they work with you, in some way.

Mr. Patterson: In fact, last Wednesday we were an active participant in the largest car seat safety clinic in the province, and we worked hand in hand with a number of organizations. But funding doesn't come to us from them.

Mr. Marchese: Do you share my view that the government has to spend more money to educate the public, as they say they should?

Mr. Patterson: I think public education is critical and it shouldn't be left to non-profits and PSAs in the hope that the media will pick up the message. No. I do agree with you.

Mr. Marchese: On the issue of enforcement, you and almost everyone else is talking about how the key to safety is enforcement, to a great extent. If you don't have the right people to inspect or police officers or other people on the road to catch the problem as it happens, the problems will continue, no matter what we're talking about.

Mr. Patterson: I believe it's enforcement, education and re-engineering. That data has to be appropriately collected so we can change the method—

Mr. Marchese: Are the enforcement numbers adequate?

Mr. Patterson: I've only been in this job since January, but I wouldn't like to see any inspectors taken away.

The Chair: For the government side, Mr. Duguid.

Mr. Duguid: Just a quick question. You talked about road racing, which is an issue that, from time to time, especially when there's an occurrence, gets the public's attention, and then when there's nothing for a while, it kind of peters out. Can you just clarify: I didn't quite catch what your suggestion was as to how we should be tackling that.

Mr. Patterson: We've looked at the issue. If someone's travelling 50 kilometres or more over the posted speed limit, we want them immediately administratively suspended at the scene by the officer, as we do with impaired drivers. Take their licence and tow the vehicle. It is not sufficient to have someone pulled over, in some cases at great risk to the officer, and then simply have it dropped into the system. In fact, I'm not confident that individuals will be eventually fined at the level in which they were legitimately found to be—I don't think we have an issue of police officers using it as an opportunity to not enforce it correctly, but on any given weekend, you can—well, during one of the blitzes for the cottage patrol, 37 people of the 1,400 tickets would have had their licence removed under our recommendation. That's someone going 150 kilometres an hour on the 400 series highway during the holiday weekend, when there's significant volume. It's just reckless behaviour that is not being caught by the current judicial system, in our opinion, and it will make the roads safer.

Mr. Ouellette: Thank you. One of your statements causes question, where you mentioned about garages or licensed certification locations. Do you feel that they should have the ability to pull the plates off or hold a vehicle immediately if they find it's, in their eyes, unsafe?

Mr. Patterson: It's an awkward position. I had this occur. As some committee members may know, we've done quite a review of rental vehicles in this province of late. Clearly, a certified mechanic ought to have the ability to not allow someone to come in and leave. At the present moment, if you come in to have a tire changed and they realize you have no front brakes and the brake lines are cracked and your vehicle's not safe to move, you can get in your vehicle and drive home. There's no way of dealing with that. I don't know if we want to give it directly to garages, but certainly the junk I see on these long weekend cottage patrols gives me pause to wonder what people are—

Mr. Ouellette: I think it's regulation 911. I think there should be a lot of concern. There are small things like a broken side mirror, for example, which could give the mechanic legal ability to take a vehicle off the road, and small things like that.

You mentioned ATVs and snowmobiles. Do you think that licensing of those individuals or requiring a certification course before you can partake in those activities would be necessary as well?

Mr. Patterson: Across the province, for the ATV and specifically the snowmobile, it's the public education requirement. It doesn't necessarily issue around plating the vehicles. There have been some really solid partnerships in getting that safety, but in fact it's not mandatory. We've had a number of children killed under the age of 12 driving ATVs. They flip over. Kids under eight, Sick Children's Hospital—they don't have the cognitive skills to decide whether they should be going on a certain angle on the side of a hill. It's really risky, it's really dangerous, and it's all across Canada. So I think we should take the lead.

The Chair: Thank you, Mr. Patterson. We appreciate your being here today.

Mr. Marchese: Madam Chair, can we get his report at some point?

The Chair: Were you going to submit a written—

Mr. Patterson: We will submit written documents tomorrow.

The Chair: Terrific. Thank you very much. We appreciate that.

OFFICE OF THE FIRE MARSHAL

The Chair: Our next delegation has cancelled, which was the Toronto Taxicab Brokers' Association. So we will move on to our next delegation, which is the Office of the Fire Marshal: Carol-Lynn Chambers and Timothy Lee. Welcome. You gave us a handout?

Ms. Carol-Lynn Chambers: Yes, we did.

The Chair: When you begin, if you could identify yourselves, who will be speaking today, the organization you speak for. You have 15 minutes. Should you leave us any time at the end, we will ask questions.

Ms. Chambers: Thank you, Madam Chair. Good afternoon. My name is Carol-Lynn Chambers, and I am operations manager with the Office of the Fire Marshal. I'm very pleased to be here on behalf of Fire Marshal Bernard Moyle to speak on this issue. I'm joined today by Timothy Lee, training officer, also with the Office of the Fire Marshal.

I'd like to thank the committee for allowing us the opportunity to provide comments on Bill 169. Currently, subsection 134(3) of the Highway Traffic Act makes it an offence for firefighters responding to emergencies in their personally owned vehicles to travel on roads that have been closed by a police officer. The act states under subsection 134(2) that "a police officer may close a highway or any part thereof to vehicles..." and under subsection 134(3) that "no person shall drive or operate a vehicle on the closed highway or part thereof in intentional disobedience of the signs or traffic control devices."

Further, subsection 134(4) makes exception to subsection 134(3) for "a road service vehicle or an ambulance, a fire department vehicle, a public utility emergency vehicle or a police vehicle."

The Office of the Fire Marshal is respectfully requesting that an amendment to subsection 134(4) of the Highway Traffic Act be added to Bill 169. This amend-

ment would add personally owned vehicles driven by volunteer, part-time, and/or career firefighters when responding to an emergency to subsection 134(4), thereby exempting firefighters driving these vehicles from subsection 134(3) of the Highway Traffic Act.

We believe there is significant rationale for this request. The Ontario fire service consists of approximately 18,000 volunteer firefighters, 250 part-time firefighters and about 10,000 career firefighters. Many volunteer firefighters, when responding to emergencies, leave from their homes and use their personally owned vehicles. In some cases, career or even part-time firefighters may be on call, and may be required to travel to the fire station in their personally owned vehicles when called to respond to emergencies.

The police department has the statutory obligation to enforce the Highway Traffic Act. Under subsection 134(3), when a road has been closed by a police officer, a firefighter driving a personally owned vehicle would be in violation of the Highway Traffic Act if he or she disobeyed the signs or traffic control devices put in place by the police officer.

When a road has been closed by a police officer, there are a number of possible scenarios that could affect public safety. I provide two examples.

In the first case, a closed road may separate a firefighter from a life-or-death emergency situation, or serious emergency. In this example, a firefighter responding to an emergency in a personally owned vehicle would be required to obey the Highway Traffic Act, or risk being charged by a police officer. This puts the firefighter in a difficult position. He or she would have to make a choice on whether to knowingly disobey the Highway Traffic Act or respond to the emergency. This also puts the police officer in a difficult position. The officer has a statutory obligation to enforce the Highway Traffic Act and could be held liable if he or she allowed the firefighter to travel on the closed road to respond to the emergency. Conversely, if the police officer prevented the firefighter from responding to the emergency, the officer could be subjected to liability, particularly if the emergency resulted in a death or serious injury.

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In the second example I provide, a closed road may separate a firefighter from the fire station. Firefighters may live in an area where a road has been closed. This would pose a problem if they were called to the fire station to respond to an emergency. Currently, under the existing legislation, they would be committing an offence if they used the closed road to get to the fire station. The existing wording of the Highway Traffic Act puts both the police officer and the firefighter in the personally owned vehicle in a very difficult position. Furthermore, this could jeopardize public safety for the residents of Ontario who experience a serious emergency in an area where a road has been closed.

Arguably, it was never the intention of the government, we believe, to enact legislation that would prevent firefighters from attending to an emergency. Given that

this is the potential result, we believe it is important to support adding this amendment in the primary interest of public safety.

By way of background, the Office of the Fire Marshal first became aware of this issue in early 2004 when a volunteer firefighter responded to an emergency in the North Bruce Peninsula in his personally owned vehicle on a road that had been closed by police. The firefighter was involved in an accident and the insurance rate of the volunteer firefighter subsequently quadrupled. The firefighter was not charged with an offence. The incident raised serious concerns for public safety and firefighter safety and the possibility of the resignation of volunteer firefighters unwilling to risk having their insurance rates increase or being charged by the police.

In December 2004, under the authority of the Fire Protection and Prevention Act, the Office of the Fire Marshal issued a communiqué, which we've included in your package, to fire departments that recommended certain procedures be implemented immediately to reduce the risks to firefighters and the public.

In January 2005, a meeting was held to examine long-term solutions to address the closed road issue. Meeting participants included representatives of various stakeholder groups and organizations, such as the Ontario Ministry of Transportation, the Insurance Bureau of Canada, the Ontario Provincial Police, the Ontario Association of Fire Chiefs, and the Fire Fighters Association of Ontario, which represents volunteer firefighters. A number of these representatives are present today. The meeting resulted in the development of a five-point strategy. A second communiqué was sent on March 7, advising the fire service of the five-point strategy. We've included that second communiqué in your package.

Public and firefighter safety was a major concern to all of the stakeholders that were involved in these discussions. Working together, the group developed a series of documents, which have been distributed to all stakeholders for comment. It is anticipated that these will be finalized later this month.

These documents that comprise this five-point strategy include an emergency road closure protocol for police and the fire service. This would provide guidance on establishing local early-notification procedures of fire department personnel when the need for a road closure arises. The second document is a public fire safety guideline titled Firefighter Response in Personally Owned Vehicles. This would provide information to policy-makers and fire officials about the value of developing contingency plans, response protocols, guidelines and policies that stress the importance of safe driving practices in personally owned vehicles. A standard operating guideline entitled Firefighter Response in Personally Owned Vehicles has also been developed. This includes a teaching plan to increase firefighter knowledge about safe driving practices, the responsibilities they have and other issues related to responding in personally owned vehicles. The final document is a communiqué from the Insurance Bureau of Canada that clarifies insurance

issues and supports forgiveness of volunteer firefighters with good driving records who may be involved in an accident while responding to an emergency.

In closing, the Office of the Fire Marshal has worked closely with all relevant stakeholders to address public and fire safety issues for firefighters responding to emergencies in their personally owned vehicles on closed roads. However, to fully resolve the issue, the Office of the Fire Marshal respectfully requests that the standing committee on general government recommend that an amendment to subsection 134(4) of the Highway Traffic Act as requested be added to Bill 169.

The Chair: Thank you. You have left about two minutes for each party to ask questions, beginning with the government side.

Mr. Lalonde: Thank you very, very much for coming down and making this presentation today. Being a rural area representative, I could tell you that this information that you are giving to this committee today—I'm sure there are over 18,000 volunteer firefighters who are watching this presentation today.

I'm going to ask you one question. In the rural areas, whenever there's a fire—and everybody carries a pager—at the present time, do they have to report to the fire hall before they get down to the fire location?

Ms. Chambers: I'm going to ask Tim Lee to answer that question. He has worked on the detailed procedures for this.

Mr. Timothy Lee: Thank you for that question. It's good to be able to provide some clarification and understanding because I think that leads to better legislation, for sure.

Every fire station and every municipality is different in terms of their needs and circumstances. The Office of the Fire Marshal encourages fire chiefs and local municipal officials to develop the very best procedures that work according to those needs and circumstances. It may be that in some cases they do go right to the station. In many other cases, that is not the procedure. It differs in every municipality.

Mr. Lalonde: You're right. We were told just last week that the police are going to enforce it right now and they won't let volunteer firefighters go whenever they block the road.

I will leave the other question to my colleague.

Mr. Rinaldi: Just a quick question. Like Jean-Marc, I come from a rural community where the majority of my firefighters are volunteers. Somewhat related to this, one of the things that municipalities struggled with in having volunteer firefighters get to the scene as quickly as they could, in many cases in their own vehicles, was the liability. So it's somewhat tied in to this. Would that still not play a big role: municipalities assuming a lot of responsibility when they go with their own vehicle, whether it's a closed road or not?

Ms. Chambers: Tim's worked on an earlier issue related to insurance coverage. So again, I'll defer to Tim to answer that detailed question.

Mr. Lee: As you know, Bill 40, which was introduced in 2004, provides insurance rate protections for personal auto insurance rates of volunteer firefighters or professional firefighters when they're driving fire department vehicles. When they're driving a personally owned vehicle, that bill does not apply.

Municipal insurance is provided by municipalities for fire department vehicles. They do not extend it to the personal vehicles of volunteer firefighters. Therefore, it's very important that we look at that aspect as it relates to this issue of the response on a closed road. Certainly, if they're charged with an offence and they accumulate demerit points, it can affect their personal auto insurance rates. So that's why it's very important that they be given this legal ability to travel on a closed road and not be charged.

The Chair: Thank you. Mr. Ouellette.

Mr. Ouellette: I'm just happy to say that I'd be glad to support such an amendment.

Mr. Lee: Thank you very much.

Mr. Marchese: One of the questions I was going to ask you is, who, in your view, would be objecting to the inclusion of this amendment? Clearly, if anyone, it would be the insurance companies, possibly. Who would it be?

Ms. Chambers: We haven't yet identified a strong opponent to this issue. I think everyone is working in the interest of public safety on this particular issue. We believe it's a win-win, from our dealings. We have had, as I mentioned, the Insurance Bureau of Canada involved at every step along the way, working co-operatively on this.

Mr. Marchese: Clearly the volunteer firefighters would not get involved in some of these situations, even though they would like to, because of the liability. Inclusion in this would eliminate the liability problem, obviously.

You've discussed this for quite some time, and the ministry is aware of it, I'm assuming—political staff and civil servants. Haven't you had discussions with them about the inclusion of this amendment?

Ms. Chambers: The Ministry of Transportation has been involved on the working group for this. Yes, we have had staff from the Ministry of Transportation. Tim, did you want to add to that?

Mr. Lee: It's our understanding that there will be something added to this afterwards. So we're just waiting to see how that goes.

Mr. Marchese: OK. I guess we'll be hearing more from the parliamentary assistant or the government members at some point. It seems to me like an eminently good reason to include your amendment. So I guess we'll be supporting it.

The Chair: Thank you very much for your presentation today. We appreciate you being here.

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GREATER TORONTO AIRPORTS AUTHORITY

The Chair: Our next presenters are the Greater Toronto Airports Authority, Mr. Steve Shaw. Good after-

noon. If you'll both be speaking, if you could both identify yourselves and the organization you speak for. When you begin, you'll have 15 minutes. Should you use all of that time, there won't be an opportunity for questions or comments afterwards. Any time you begin, I'll begin the timing.

Mr. Steve Shaw: Thank you, Madam Chair. Good afternoon. My name is Steve Shaw, and I'm vice-president of corporate affairs for the Greater Toronto Airports Authority. With me today is Tim Dougherty, my colleague. He's manager of commercial vehicle operations with the GTAA.

We're very pleased to have this opportunity to provide our view on one important issue. We're here today to convey the strong support of the GTAA for the government's proposed amendments to the Highway Traffic Act contained in Bill 169 that are aimed at eliminating the dangerous practice of illegal taxi operations across Ontario. In particular we refer to section 4, which amends section 39.1 of the Highway Traffic Act, part IV.

As you may know, illegal pickup of passengers by individuals without the requisite licensing continues to be a serious problem throughout Ontario. However, the practice is particularly focused at Toronto Pearson International Airport. The GTAA has gone to great lengths over the years to try to eliminate this illegal practice, but with very limited success. We believe that this new legislation provides the GTAA and Peel Regional Police an effective tool to impede those chronic offenders who continue to transport passengers for compensation without the appropriate licences or permits or controls on fares.

As I said, the GTAA has grappled with the problem of illegal taxi operators at Pearson for many years. We've dedicated numerous resources to try to combat the problem, because our mandate is important: to provide a safe and secure environment for passengers and to protect the business interests of our legitimate and licensed taxicab and limousine operators. Safety and security are the top priorities for the GTAA, yet as much as we have done to tackle this problem, the situation has persisted. We fear that if this problem is not resolved, the safety of passengers could be compromised, more intense conflicts could erupt between illegal operators and legitimate taxi operators, and the GTAA will have exhausted all avenues and resources at our disposal.

As a not-for-profit, private corporation, the GTAA has no choice but to rely on the existing legislative framework to combat illegal taxi operators. The challenge has been that without Bill 169, there is no offence, other than issuing trespass notices—which we've tried and the courts have rejected. Bill 169 will make it an offence to pick up passengers for compensation without the proper licence or permit. As an offence under the Highway Traffic Act, the penalty for non-payment of fines is the inability of the individual to renew his or her driver's licence or vehicle permit.

The GTAA is very supportive of these measures. These illegal operators are determined, resourceful individuals who, to date, have persisted even in the face

of GTAA and police efforts to stop the illegal activity. Bill 169 will give police the tools with the necessary teeth to deter this long-standing illegal activity.

Enforcement will be critical to ensure the effectiveness of these new powers. Since the announcement of this proposed bill, the GTAA, in concert with the Peel Regional Police, has begun the process of preparing the airport community for any potential changes as a result of Bill 169. We have begun to develop strategies to ensure that both the travelling public and the taxi and limo industry are made aware of any changes before the new bill becomes law.

As well, the GTAA believes that it is important to ensure that all drivers, both legitimate and unlicensed, are made aware of the potential legislative changes. Strategies to inform offending drivers of the changes to the HTA would be implemented during the time period between royal assent and proclamation. It is our hope that this will help to ensure the conviction of illegal operators once the bill becomes law.

Let me summarize. As the airport operator, we've been horrified by the stories of individuals who have been unwitting victims of these operators. We believe that we have done everything within our power to try and eliminate that illegal activity. We haven't been successful and have argued since the late 1990s for changes to the Highway Traffic Act. We're therefore very pleased that this matter is finally being addressed and support the changes wholeheartedly. We will work cooperatively with the Ministry of Transportation officials and Peel Regional Police to ensure that when the new provisions of the Highway Traffic Act become law, they are vigorously enforced. For too long, the safety of the travelling public has been at risk.

Thank you very much.

The Chair: Thank you very much. You've left three minutes for each party to ask you questions, beginning with Mr. Ouellette.

Mr. Ouellette: Thank you very much for your presentation. Earlier on, we had another one that—obviously, as with all stories, there are three sides to each story—stated that the Municipal Act, as opposed to the HTA, had a lot more teeth in dealing with this specific issue. How do you respond to the sections of the Municipal Act that currently or supposedly deal with this?

Mr. Shaw: We have had a lot of discussions with the province and with various departments. We believe it has to be the Highway Traffic Act. That deals specifically with giving us the authority to deal with scoopers. The Municipal Act covers off the whole issuance of licences and taxis, and that itself is a regime that we are neutral to. Our concern is with the licences that we issue to people who are properly licensed to operate from Pearson.

Mr. Ouellette: Mr. Manley was the one who presented, and he also stated that there was no authority on the GTAA lands, as relates to the province. I believe you can probably designate a provider for services such as that. Is that how you bring in the Peel Regional Police to deal with that issue?

Mr. Shaw: Peel Regional Police are the police of jurisdiction at Pearson, and we have within our ground lease the appropriate abilities to ensure the HTA is enforced.

Mr. Ouellette: One of the other issues brought forward was a reverse-scooping aspect that's not just what takes place on the airport lands but it's also when an airport vehicle is on the land and comes on to other properties and picks up a person going to the airport. How do you deal with that reverse-scooping issue where by those individuals or drivers are providing the opposite service and taking individuals to the airport as well?

Mr. Shaw: I'm not certain I would characterize that as scoopers. Is that a pre-arranged pickup? Is that what you're talking about?

Mr. Ouellette: No, what was explained, basically, was that an individual will come off a plane, get into a GTAA-licensed vehicle, which leaves to go to its destination and then brings another person back to the airport when they don't have licensing on that. How do you envision enforcement of that aspect of the legislation taking place?

Mr. Shaw: Do you want to comment on that, Tim?

Mr. Tim Dougherty: Thank you for the opportunity. The Municipal Act gives us the authority to pick up in another jurisdiction on a pre-arranged basis. So the taxi or limousine drivers are picking up at the other jurisdictions on a pre-arranged basis. It's the same from the GTAA side. Taxis or limousines from Toronto or Mississauga may pick up under the pre-arranged system at Pearson International Airport. It is reciprocal.

Mr. Ouellette: What sort of statistics do you have on the number of incidents actually taking place out there? I'm a regular user of the facilities, and quite honestly, I don't see very much of any of this taking place at all. Do you have any stats that say how many cases there are and that sort of thing?

Mr. Dougherty: Just for clarification, are you referring to the number of scooper activities at the airport?

Mr. Ouellette: Yes.

Mr. Dougherty: On a daily basis, we have interactions with these illegal operators. We do have stats from our efforts. Prior to December, we had between 2,000 and 3,000 interceptions per month. That has decreased due to financial requirements, but we have other programs, such as communicating to the passengers in our facility through signage, through education. We do have other interceptions from Peel police, who do lay charges under the trespass act. At any time you were to go to the airport, these people are very prevalent. They are in your face, and it's very evident that they are there. We do keep stats of interceptions, I would anticipate in the neighbourhood of about 10% that we actually intercept.

The Chair: Thank you. Mr. Marchese?

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Mr. Marchese: Thank you, Mr. Shaw. I would like to say that I agree with you and the government with respect to the issue of dealing with illegal—

Mr. Shaw: Scoopers.

Mr. Marchese: "Scoopers," you used—illegal pickup of passengers by individuals without requisite licensing. But I want to make the case that the Toronto taxi industry has made and dispute a little bit with you and your colleague or assistant about how this works. They'll have an opportunity to make it themselves, because they're much more articulate than I am on this.

The problem is the following: It is amazing how you dedicate tremendous resources to combating the problem of illegal taxi operators. You do have resources, and you apply them at the airport. You also, in light of this law, are going to be applying a great deal of additional resources, possibly, or you have already talked to the Peel Regional Police, in anticipation of this law, to work together.

Mr. Shaw: Yes.

Mr. Marchese: So you, the authority, and the police are in concert going to be dealing with illegal folks at the airport. The problem that the taxi operators are advancing is the following: If they want to come to your airport, they have to have a pre-arrangement and they have to pay 10 bucks. The reverse is not the same. Your assistant says, "Ah, when limos come to Toronto, it's pre-arranged." What we know, what the taxi drivers and others who have a whole lot to say on this tell us, is that there is no pre-arranged pickup. There is no enforcement there, and while you, the authority, commit a great deal of resources at the airport, there is no commensurate authority outside looking at how to protect the Toronto taxi drivers. They come in through an arrangement that is made with hotel folks who work there with the limo people. As we understand it, this is what happens. That can be called pre-arranged, but as far as we know and as far as they say, it is not. So there's a whole lot of illegal activity.

I'm concerned for them in terms of their livelihood as much as I'm concerned by your arguments that you want safety at the airport as well. Are you neutral to that, or are you willing to work with them to say that fairness is demanded in this regard?

The Chair: Gentlemen, that's a really long question, and you have 30 seconds to answer it.

Mr. Shaw: Thank you for the question. We are focused first on the airport getting rid of the scooper problem; we're dealing with it there. We're obviously prepared to work with the industry or whatever to ensure this fairness, but we are rather neutral. We have to remain neutral, because these are municipal licences, and our licence is given by a system to municipal licences. But we appreciate it, and maybe there is some experience or something that we can work with where—we're obviously committed to a safer taxi industry mechanism, and a fair one.

Mr. Marchese: Can we call you so we can link you up with some of these folks?

Mr. Shaw: I believe we're probably linked up anyhow, sir.

The Chair: Thank you very much. From the government side, Mr. Duguid.

Mr. Duguid: Earlier this morning, Gerald Manley made a deputation to us on behalf of the Toronto taxi industry, and in it expressed concern about the possibility that the GTAA at any time could shut down the airport to Toronto cabs, even through the protocol with the \$10. My question is twofold: Why is there a charge of \$10? What is the reason for that? Secondly, do you have the ability to do that? I believe you probably do under the current regime, and I believe you will after this legislation, but could you confirm that? Thirdly, could you give us a commitment that you would never shut down the airport to Toronto taxis, or any outside taxis, I guess, or can you give us a commitment that you have no intentions of changing that protocol?

Mr. Shaw: First, the \$10 is an appropriate fee. The licences we charge for on a yearly basis—and understand that in fact these do not cover the costs we incur to manage the operation. It's just part of cost recovery; it's not a full cost recovery. So I think the \$10 is fair for an individual.

Secondly, this change will not in any way change the ability to maintain the pre-arranged pickup regime, and I'm advised by our legal people that that is ongoing. Certainly, I can't give you a commitment in that way. But we need taxis. We want to ensure that there is access for taxis that are appropriately arranged, and that will continue. There is no intention to close that down.

Mr. Duguid: You can't give me a commitment. I'd like to have a commitment. I can't get that here, but perhaps I could get a confirmation that there is no contemplation in any way by the GTAA at this point in changing the protocol?

Mr. Shaw: No, certainly not at this stage.

The Chair: Mr. Lalonde, you have 30 seconds.

Mr. Lalonde: Just to clarify, if a pickup is pre-arranged by a doorman at any hotel, that's what we call a "cookie," and that cookie would be charged. The law protects that.

Interjections.

The Chair: Excuse me. Can I stop the cross-chatter? Are you asking a question of the delegation?

Mr. Lalonde: I just wanted to clarify this.

Mr. Shaw: That's outside the regime of the airport, but it's a fair comment.

The Chair: Thank you very much for coming, Mr. Shaw. We appreciate your delegation.

AIRPORT LIMOUSINE DRIVERS

UNITED AIRPORT TAXI DRIVERS ASSOCIATION

VETERAN TAXI LIMOUSINE DRIVERS ASSOCIATION

The Chair: Our next delegation is the Airport Limousine Drivers and the United Airport Taxi Drivers Association, Mr. Singh. Good afternoon. Do you have a handout for us?

Mr. Gurmit Singh: Yes.

The Chair: Once you get yourself comfortable, please identify yourself, say your name and the organization you represent. When you begin, you will have 15 minutes to talk. Should you use all of that time, there won't be an opportunity for us to ask questions or make comments on your delegation, but if you leave time, we will be able to do that.

Mr. Gurmit Singh: Thank you, Chair. My name is Gurmit Singh. I've been working as a limo driver at the airport since 1983-84. I have a submission to make regarding this transit and safety bill, Bill 169.

The Chair: Can you tell me what organization you speak for?

Mr. Gurmit Singh: I'm representing three organizations here today. On the limo side, I am representing the Airport Limousine Drivers, known as the ILODA-Group. That association was formed in 1978. It has gone through various cycles, unions and all these things, to represent the interests of the drivers. The other associations that authorized me to represent them here today are the United Airport Taxi Drivers Association and the Veteran Taxi Limousine Drivers Association.

Respected Chair and other committee members, the United Airport Taxi Drivers Association, the Veteran Taxi Limousine Drivers Association and the Airport Limousine Drivers, known as ILODA-Group, represent participating taxi and limousine drivers operating at Pearson International Airport. The above associations would like to express the full support of our members for the enactment of Bill 169, specifically section 39.1, "Picking up passengers for compensation prohibited without licence."

Current municipal and provincial transportation service regulations and requirements are comprehensive. Drivers and operator requirements can include documented credentials such as criminal background checks, doctor's physical, proof of citizenship or landed immigrant status, provincial driver's licence records, defensive driving, sensitivity and geography training. Vehicle requirements can include class and type of vehicle, vehicle age, mechanical and electronic safety devices, as well as multiple mechanical fitness certification assessments annually. Clearly, the regulatory requirements of a professional commercial vehicle driver and operator are necessary to ensure the public safety and security.

The existing Public Vehicles Act, municipal bylaws and federal regulations unfortunately don't fully address and provide for the specific problem of unlicensed and unauthorized transportation service operators. An enacted transit and safety bill will provide measured consequences and realistic deterrents for illegal operators failing to comply with regulatory provisions from various municipal, provincial and federal agencies, as all legitimate commercial vehicle operators must abide by these laws.

1410

Thank you for consideration of the presentation by these three organizations, which I already mentioned.

The other document I provided is a complaint by a customer, a passenger I was driving yesterday evening. The lady was coming back from Germany and she was harassed by scoopers. She has written this, and I got her permission to share it with the committee, because I told her I was going to appear before the committee. I'm going to mail the complaint and compliment form to the airport authority. It clearly states, if you just allow me to read:

"Scooper was trying to get me to go with him. He was very hard to make me go. He scared me. Luckily, the commissioner (guy with orange vest) saw the incident and chased the guy away. I don't think this is safe and it shouldn't happen."

My submission is that, yes, my industry has a vested interest too, but my emphasis is from the passengers' perspective of safety and the harassment they face daily going through this airport.

I can even verify that one time, when our current Premier, Dalton McGuinty, was Leader of the Opposition, I drove him from the airport. He was very busy, as you guys have busy careers. He was living at 1001 Bay Street, so I drove him there. At the end, he found a few minutes to share with me. I asked him, "Do you know about this private member's bill?" It was the one Raminder Gill was trying to bring in during the last Tory government. He said he was aware of it. I asked him what the process was, how long it would take and whether it would go through or not. He had the patience to explain it to me in detail for a few minutes. I appreciated that. This guy definitely deserved to be our next Premier.

I asked him, "Do you have experience going through this airport with scoopers?" His answer was that he travelled through this airport every week at that time, because he used to live in Ottawa, and on almost every occasion he ran into scoopers. They don't spare anyone. We asked ministers at the federal level and MPs. Everybody has the same experience. Nobody can deny it.

Before, in the beginning, about 10 to 15 years ago, they were a little bit scared, they were operating as thieves, but day by day they are becoming emboldened. They have the nerve now to fight the airport authority and the province of Ontario, up to the Supreme Court. They have the resources. The decision is there that the airport authority has the regulatory regime to enforce it, to ban these people from the airport. But that would be very draconian law.

That's why the airport authority has written to you and we have been approaching all these MPPs for more than 10 years to bring a remedy in this area. During the Tories' time, the ball was being thrown back and forth: "It's federal jurisdiction." "No, it is provincial." We get caught in between. We don't know whose jurisdiction it is. I'm not a legal mind, but we want a remedy. That's my plea to you guys.

You can ask me any questions regarding my industry.

The Chair: Thank you. You've left about a minute and a half for each party to ask a question, beginning with Mr. Marchese.

Mr. Marchese: Mr. Singh, I would have expected all of the organizations you mention here to support this bill. I do too. I look at the example you provide that speaks about a problem with scooping, and I understand that. You're familiar with the problems and the case that Toronto taxis are making. You must be familiar with it.

They're looking for the same justice you are. In the same way that you want people not to scoop illegally at the airport, for safety reasons and for personal reasons, they're saying that when your drivers go to Toronto, they are able to pick up anyone they want. It's not pre-arranged by telephone, as far as we know. Some might; somebody might be calling and saying, "I've got a driver for you." But a lot of it is where people just float around, get clients and take them to Niagara Falls or to Ottawa or to other places where you can make a pretty good buck. Toronto taxis are saying, "We don't have the same rules apply to them. They're enforced at the airport, but in Toronto, when you guys go there and pick up people, there is no enforcement there." Do you think they are right? How would you support them to seek the same justice that you're seeking with this bill?

Mr. Gurmit Singh: I guess you are raising a fact maybe not relevant to this bill, but I would like to go into that too. I've been in this industry for quite a while and I'm familiar with it. The question they are raising comes back again and again. It was raised during the last Liberal government, Peterson's government, back in the late 1980s. At that time, the taxi industry was able to mobilize and lobby the Liberal government that came into power to bring a bill in that area so that our pickup rights could be stopped. They think we are taking away their business.

Mr. Marchese: Is that true?

Mr. Gurmit Singh: Yes. That Liberal government introduced the bill and had a study at that time. Then there was a big hue and cry from the public: "How come you are bringing in this bill without any public consultation?" It was not our self-interest; it is the public's self-interest. The Liberals had to appoint a task force to study this issue, and that task force was named the Bartlett task force. It gave a report. I'm sorry I did not bring a copy; I thought it was not relevant. But that task force clearly concluded that this issue the taxis are raising had some relevance. From the public's point of view, this dedicated fleet serves the public interest and it should stay and they should keep their pickup rights.

As far as their right to pick up at the airport, I know a little history too. Nobody was allowed to pick up at the airport except this dedicated fleet. Then someone told Transport Canada, "We are taking you to court. How can you force me to take this vehicle? I want the vehicle of my choice." At that time, they arranged pre-arranged service, and that pre-arranged service allowed city taxis, anyone who wants, to pick up from the airport. They have special arrangements. You go and discuss with them, "I'm picking up this and this person," and you pay certain fees. In the beginning, the fee was \$1; now it has gone to \$10. Maybe someone can make an issue of that, that \$10 is too high. The airport is making money out of it.

This pre-arranged business: If you look at the stats—I didn't bring them with me—limos used to do more than a 60% share of the market; taxis used to have a 40% share of the market. Now this pre-arranged share of the market has grown more than 20%, and it is growing day by day. The service in some areas, which we cannot provide—maybe they need service, maybe some people find our service is too highly priced, so the pre-arranged service covers that area.

The Chair: Thank you, Mr. Singh.

Mr. Gurmit Singh: Any city taxi, anyone who pre-arranges, can have that privilege.

The Chair: From the government side, Mr. Dhillon.

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Mr. Vic Dhillon: Thank you very much for taking the time to make your presentation. Gerald Manley from the Toronto taxi industry was here this morning. He raised a few issues, and one of them was that it's specifically GTAA cars that steal their fares from the Toronto taxi industry. I want to know how true that is, or are there other drivers similar to the airport drivers who are partaking in this activity? How often does scooping happen? As to the \$10 fee that's being charged to non-airport cars, are the airport drivers forced to pay a fee as well, or is it free for them? I know there are over 1,000 taxi and limo drivers at the airport. What percentage of their income is affected as a result of this scooping activity taking place?

Mr. Gurmit Singh: I think your question is very relevant. What we call scooping at the airport, they call scooping in the city by some of the operators; they could be fully licensed. That goes on; I won't deny it. The reason it goes on, I think there were even arbitration cases—it is basically hotels. Ninety-five per cent of our business is from residential addresses or commercial addresses. Maybe 5%—I don't have the exact statistics; whatever per cent it is—is from these hotels. Some hotels don't allow at all this cookie system, but some hotels allow it. There was an arbitration case, I know, regarding the Delta Chelsea. That arbitrator decided that these guys who are busboys, arranging the transportation for the customer, have the right to earn that money. That's part of waiters' and waitresses' things to supplement their income. They're low-paid guys. That was the arbitration ruling, but that doesn't justify that it should happen.

My company is the smallest at the airport, Airlift. It has an arrangement with the Sheraton to pick up passengers. What happens is that if a customer comes and Sheraton directs them to a taxi or whatever, if the customer gets shafted, he has to complain somewhere. He complains to the Sheraton. The Sheraton doesn't have any record of which car picked up. Then they made the arrangement with Airlift: "You pick up if you are called in." So the customer comes out and the doorman asks, "Do you need transportation?" If the customer says, "Yes, I need transportation," then maybe they can go into more detail: "Do you need a taxi or limo or what?" In order to earn \$10, they push that customer to us limos. Limo and taxi rates are basically the same, just \$2 more.

Yes, there is a cookie business incentive for the doorman to make more money, but the Sheraton has the record of which car picked up our customers. If there is a complaint that comes down the road, they can trace it, track it.

The Chair: Thank you, Mr. Singh.

Mr. Ouellette: Thank you for your presentation. We heard from the presentation before you that the \$10 fee doesn't come close to covering the cost for administering this entire program. Quite honestly, I wouldn't want to see Peel police officers spending their time on an issue like this. Coming from a policing family, I certainly don't think the policing community wants to spend their time on this. Do you not feel this can be resolved in other fashions, possibly by increasing—the one commonality with all this is the point of transaction, and that's the airport in this particular case. Do you not feel that the commissioners could resolve this issue with increased commissioners and through possibly lane issues at the airport?

Mr. Gurmit Singh: You ask a very relevant question. I appreciate it. We tried every avenue. The airport authority, the commissioners tried to resolve it. The commissioners got sued by the scoopers, and the airport authority was not backing them up. Even the GTAA's inspector was sued by the scoopers: "Oh, you are harassing me. I am doing legitimate business." They have so many lawsuits against the airport authority inspectors, commissioners, nobody dares to go close to them these days. They are operating openly. If we want gypsy cabs like what is happening in Moscow, what we heard in the news from some airports down in the States, we can have that type of society too. Toronto is the biggest urban centre in Canada, so there is an economy. How come they can afford that many suits so they have enough to go fight on this issue up to the Supreme Court? Unless there is a real deterrent—and that's what the airport authority is crying, that we need law, we need a remedy to deal with it.

Mr. Ouellette: No matter what piece of legislation comes forward, without the enforcement ability, it doesn't matter at all. Thank you very much for your presentation.

The Chair: Thank you, Mr. Singh. Thank you for coming today.

Mr. Gurmit Singh: Thank you for giving me the opportunity.

TORONTO INDEPENDENT LIVERY TAXI CAB GROUP

The Chair: Our next delegation is listed as the Toronto Independent Liberty Taxi Cab Group, but it's actually "Livery."

Good afternoon. Thank you for coming today. If you could identify yourself and the group that you're speaking for. When you do begin, you'll have 15 minutes to speak. Should you leave time at the end, there'll be an opportunity for members from all parties to ask questions or make comments on your deputation.

Mr. Kamil Trabulsey: I will. Thank you very much. My name is Kamil Trabulsey. I am the president of the

Toronto Independent Livery Taxi Cab Group. I'm also the leader of the union, what they call "scoopers" at the airport.

When the transport minister introduced Bill 169, he said it would be good for Ontario. He neglected to tell you that his bill gives the GTAA and the drivers at the airport special treatment. He expects you to pass a law prohibiting any driver from picking up outside their jurisdiction except for the airport drivers. They can. I ask you, shouldn't this law apply equally to all drivers in Ontario?

The scooping problem at the airport was created during a labour dispute between the unhappy airport drivers and their employer, the airport authority. In 1987, when those drivers protested, a group of drivers took advantage of the situation and brought their own family members and friends from their community to replace the striking drivers. The fact is that the so-called scoopers are licensed taxi drivers and better qualified than the existing airport drivers. So, in fact, the airport brought the scooping problem upon themselves.

Let me remind you that the scooping problem is a lot greater in Toronto than at the airport. So why is it that the MPPs in Toronto aren't standing up for Toronto drivers and are allowing a few MPPs from Peel to introduce a bill designed to protect only members of their own riding, disregarding the rest of us?

Issue 1: Airport drivers pay a kickback known as a cookie to the doormen and bellmen in Toronto for giving them return fares to the airport or out of town, while Toronto drivers are waiting in line for a \$5 fare. Therefore, the airport drivers are enjoying two-way fares and the monopoly at the airport.

With respect to this, I'd like to make a comment. There is no way that this law could solve this issue. Every time the police try to intercept them or anyone intercepts them on the street when we're picking up, they claim they have an airport sticker because the Municipal Act allows it, and they get away with it. We don't have the police force or the inspector to go and chase them and see if they're really going to the airport or not.

I had an incident where somebody took from York and King, and charged the guy \$25 just to go down to the Westin Harbour Castle. They said it was because he's an airport limo. I had the occasion where somebody charged him \$70 to go to the airport from the hotel because you have to pay a \$15 cookie. That's not acceptable. We want the law to protect us. This law does not protect Toronto. It has ignored Toronto completely. When you make a law, a "scooping law" you call it, it has to be for everybody.

For 27 years, we've been crying that the airport has taken advantage of us. None of you guys listened. Of course they listen to the airport, a few members of Parliament. Listen to them. There was \$200,000 paid—I have the proof here in the newspaper—to Mr. McGuinty and the transport minister. The money had been issued after they had made the promise that they would do a law for the airport. They promised him every year that they would do the same thing. It's written and translated into English.

Issue 2: The airport and Toronto already have their own laws in place. If the bill is passed, the airport authority will have full control to do as they wish. What

I'm saying for this is, there are laws in Toronto. Anybody who does not have a licence will be penalized. They will catch him. We don't need any more laws, but our hands are tied. The airport guys get away because they say they have a special permit. Some 90% of the Toronto scooping problem is the airport taxi and limousines. How are you guys going to solve it? You guys are doing absolutely nothing about it. All you want to hear is the nonsense that the Toronto airport authority is telling you.

1430

Peel Regional Police, on one occasion, stopped every scooper and forced them to have their picture taken. "If you don't have your picture taken, I'm going to arrest you." Here is a letter from a lawyer to the Peel Regional Police staff sergeant about that issue. They're towing cars. If my taxi is in the parking lot and I'm waiting for my wife, I come back to the parking lot and my car is gone. They're putting people in jail for no reason. Why are you guys telling me that there is no enforcement at the airport? Actually, there is enforcement right now. The way they're treating Toronto taxi drivers is a lot stronger than Bill 169.

Airport drivers aren't required to pass a mechanical and safety check. Toronto drivers do. After 22 years in business, I was offered an ambassador licence plate. I had to graduate from Centennial College and write an exam and pass with over 80%. I'm proud of myself: I missed 100% by not much. We have to do a safety driving course, a skid test, accident avoidance, CPR and first aid. What are airport drivers doing? We go two times a year now for a mechanical check at a city of Toronto licensing mechanic. It's not a private mechanic. Airport drivers do nothing at all.

Issue 3: With this issue, I would like to talk also about the safety of the public. The public is unsafe with the airport drivers. You don't have to go too far. Every time there is a snowstorm, there is freezing rain, 80% to 90% of airport drivers go home and leave people stranded at the airport. I have a picture in my file showing hundreds of people lining up, waiting for a cab. When Toronto cabs go up there to pick them up, they want to nail them with a \$10 fee. When they refuse, they kick them out.

Now they use another strategy: They keep the people inside the terminal so that they don't see what's going on outside. But the smart guy who goes outside sees that there are a lot of Toronto cabs waiting in line to pick them up. They don't care about the public. They don't care if you wait five or six hours at the airport. All they care about is making money. That's what they care about.

I hear about the issue of safety here. According to an article in January 2004, the president of the airport taxi and limousines said, "The worst issue here is, the airport plate is going for \$400,000, and drivers we pay \$6,000 insurance because every year we have a car written off here." That's scary. In addition, he said, "We have to drive at least 20 hours (a day). That's why (sometimes) we have a bad attitude with customers and are unsafe drivers." Thank you, guys. You heard it very well, opposite to what the airport authority has been telling

you. They admit that themselves. I have been driving a taxi for 27 years and have never had an accident.

Issue 4: Why is it that only—I'm not trying to be racist—East Indian MPPs are interested in bringing laws to protect the airport and ignoring Toronto? We had Raminder Gill going on it. Now we have the transportation minister. We're very well aware that everyone who wants to run for election—their first stop is the airport. "Vote for me and I will do a bill against the scoopers." Those airport drivers make \$800 a day. We in Toronto hardly get \$150 with this economy. What else do they want to make—\$1,500 a day? So why is that in every interview with those MPPs, the only thing they speak about in the Punjabi language on the radio or in the newspaper is the airport issue? They don't talk about other issues.

It looks like this issue is now a forced priority for the McGuinty government. We have people getting shot on the street and killed every day. They're doing absolutely nothing about it. The only thing we hear about it is, "Oh, it's a city issue." "No, it's a provincial issue." "No, it's a federal issue." "Oh, no, it's the United States's fault." Come on, get real. Get to it. This is not an important issue. We have better things to deal with.

When Raminder Gill proposed a similar bill, it was rejected by all parties after knowing all the facts. What makes this different? I have a letter from Ernie Eves thanking me for it, and very suddenly they found a letter and they told me that the bill was dead. He personally intervened on it. I never received anything from McGuinty, but I did receive one also from Howard Hampton, that he rejected it. I have those letters. I have received some from Liberal MPPs, too, who have rejected it. What's happening now? You all support the same thing. What has changed?

Like I said, in his proposals, he's given them full authority to issue permits at the airport, ignoring the fact that the GTAA is a private corporation. There are no laws authorizing them to issue any licences or permits to pick up passengers. Also, a city of Mississauga sticker on a GTAA plate is not a valid licence, because the city has no power to license anyone on federal property. You guys are supporting illegal licensing. You're doing a law to support illegal licensing. Airport GTAA licensing officially is illegal. Only the city is allowed to issue licences. Here, we have private corporations issuing licences. Who's going to stop the Sheraton Hotel from making their own licences? Who's going to stop Ontario Place, the CNE, when it's running? No, it's only the city. So what city is the GTAA representing? What city is the GTAA here? You guys are breaking the law. As one of those people who is at the airport, who is fighting to get our jobs back—and let me tell you, I'll probably be the first one who will be charged under this law. I'm the first one to challenge them in court, and I will defeat it. We have the resources for it. I've already spoken to lawyers. We are ready for it.

The last object is, the transport minister has given himself authority to give exemptions as he sees fit. How

do we know he will not abuse this power to benefit only the airport drivers? In his proposal, it says very clearly he has the right to exempt. In case the Municipal Act is changed, of course it's going to exempt them. He's already prepared for it. We heard rumours that he will do his best not to support change in the Municipal Act.

We want laws against illegal cars. We want a law against everyone who drives without a proper licence or without proper insurance. Everybody should have a permit, there's no doubt about it. But don't make a law before you solve the Toronto problem. I don't want to hear the comment from the transport minister that, "If it's good for Toronto, it's good for Ontario." It's not good for Toronto. That does not do us 1% of good. It does not solve our problem.

I said very clearly that they brought the airport scooping problem on themselves. If they settle with those guys, the issue will disappear. The problem is in Toronto. In Toronto, we're suffering. Cab drivers are boiling right now. They want to do like what happened in Montreal, banning cars, which I don't support. They're willing to take action, but they're holding themselves back to see what the politicians will do. If this bill passes, let me tell you, it's going to be out of control in Toronto, because those guys are not going to be watching those airport cabs. Probably the doorman will keep taking fares to the airport, and doing nothing about it. They will do it. You're going to create a huge problem in the city, let me tell you I can assure you of that. To back up what I'm saying, on Thursday the Legislature will resume. There's going to be a huge demonstration outside by Taxi Toronto.

To finish what I'm saying, everyone agrees that no one should drive without a proper licence and permit, but it should be a level playing field. By allowing all taxi and limousine drivers to pick up from the Toronto airport, or stop airport drivers from picking up in Toronto—every time we have a snowstorm, the only ones who are up there are Toronto drivers. Let me assure you that even the airport authority allows the scoopers to pick up, because there are no airport drivers up there.

The pre-arranged does not work. According to their admission, the document we have, they're making people wait 15 minutes. They're doing it on purpose because they don't want people to take pre-arranged, to use our vehicles. If I have it pre-arranged, I have to reserve the compound, tell them the name, the flight, the time, and wait until they call me.

1440

The Chair: Sir, you have 30 seconds left.

Mr. Trabulsey: I'm finished. A lot of time, my customer comes and they say to him, "Oh, nobody's waiting for you. Would you like one of our cars?" That's happening a lot. They choose who they want to do pre-arranged, and people who are not wanted, they shut them out.

So please do not support this law. We're willing to compromise if those guys are not allowed to pick up in Toronto if they're not licensed in Toronto. Then we will probably support the bill. Thank you.

The Chair: You've exhausted your time. There won't be any time for questions. Thank you for your passion and your time.

LIMO GTA

The Chair: The next group that will be appearing before us is LIMO GTA. Mr. Hundal, welcome.

Mr. Hardeep Hundal: Thank you for allowing me this opportunity to come and present my views.

The Chair: Good. If you're both going to speak, if you could identify yourselves and the organization you speak for. When you do begin, you will have 15 minutes. Should you use all of the 15 minutes, there won't be an opportunity for us to ask questions, but if you leave time, there'll be a chance for us to comment on your delegation.

Mr. Hundal: Right. I'm Hardeep Hundal. I am the president of LIMO GTA, a limousine company. We have licensed vehicles from most of the municipalities in the greater Toronto area. I shall be talking on behalf of LIMO GTA.

This is Mr. Pradeep Anand. He's president of Versatile Microsystems Inc. He works as a consultant for us and is also a customer. He'll just take a minute to tell you, ladies and gentlemen, how this bill, if it goes through, will be detrimental to the public of Ontario.

In my opinion, Bill 169 is mostly good. The only problem is with part IV, section 39.1, subsections (1) through (11). This part deals with scooping, that is, picking up fares without being properly licensed. The general conception is that scoopers are not licensed operators, that they work without commercial insurance, drive unsafe vehicles and overcharge customers. That is a myth. Sure, there are some bad apples, and we all want to get rid of them. But most people scooping are properly licensed, they drive safe, insured vehicles and do not overcharge customers.

I quote the Canadian Bill of Rights, part I, section 1, "Recognition and declaration of rights and freedoms," subsection (b): the right "to equality before the law and the protection of the law." It is your responsibility as elected members of this democracy to uphold this right.

In the greater Toronto area, the scooping problem exists only in the city of Toronto and at Pearson International Airport. For almost the past 20 years, due to an exemption in the Ontario Municipal Act, taxi and limousine drivers licensed by the airport authority have been blatantly scooping in Toronto by, one, bribing hotel employees; that is, paying \$10 per fare to them. It's called a "cookie." Secondly, they solicit business and give huge discounts to customers who are going to the airport, thus taking away business from legitimate licensed drivers of these municipalities. They do not mind giving huge discounts because they get full fare when driving passengers from the airport. Thirdly, they take passengers from the municipalities who are not going to the airport. In retaliation, drivers licensed by all these municipalities pick up passengers at the airport after

they drop off a customer and are branded "scoopers." So the problem exists only because there is an uneven playing field. Make the playing field level and the problem will vanish. Equality is the key.

The solution is very simple: (1) stop airport drivers from picking up fares in any municipality, or (2) open the airport to all licensed operators. We have spoken to many members of this provincial Parliament. Each one of them has agreed that this is a fair and simple solution to a major problem.

Laws regulating taxis and limousines belong in the Ontario Municipal Act. So take part IV out of Bill 169 and deal with it along with the review of the Ontario Municipal Act that is going on.

The Ontario Legislature should not make laws for the airport, which is on federal property. The GTAA charges a \$10 fee to allow vehicles licensed by municipalities to pick up pre-arranged customers. These operators not only have to pay fees to their municipalities, but to the GTAA as well. This system is not fair or equal, because the airport drivers do not pay any fees to the municipalities for pre-arranged pickups there. Up until now, there has been no law that allows the GTAA to charge this \$10 fee. Any municipally licensed drivers who refuse to pay this \$10 fee are branded as scoopers. My company drivers and myself are one of them. We are registered, we are licensed, we have insurance, we have everything, but we don't want to pay the GTAA \$10, and we are branded as scoopers.

It has nothing to do with passenger safety or customers being overcharged; this is plain propaganda. The only concern the GTAA has is collecting more and more money. The Highway Traffic Act is enforceable at Pearson International Airport. It is also automatically copied into the airport traffic regulations. Therefore, any amendments to the Highway Traffic Act made by the proposed Bill 169 will grant the GTAA additional powers.

As I stated before, airport taxis and limousines picking up pre-arranged fares in municipalities do not pay any fees to the municipalities. The Liberal government in power, being fully aware of this, is about to pass a law that will legalize this inequality. Bill 169 will allow the GTAA to charge the \$10 pre-arranged fee. If you break down the licence fee that the GTAA charges their taxis and limousines, on a per-fare basis, it works out to be about \$2. So the GTAA is charging municipal cars about five times that fee, \$10, for picking up their own pre-arranged customers. That doesn't sound fair to me. This contradicts the Canada Competition Act.

Now, after learning this fact, this committee has the responsibility to correct the situation. We have sound legal advice stating that if the Liberals use their majority to push this law through, they will be financially liable for damages caused. By passing Bill 169 and making it law, the Ontario Legislature will make it illegal to pick up pre-arranged customers at the airport without paying the GTAA a \$10 fee. We, as operators, will have to pass this cost on to our customers. This is not in the best interests of people who live in or visit Ontario.

In the previous government, MPP Raminder Gill tried to pass a similar bill. There, all three parties—the NDP, Liberal and PC parties—helped us by not allowing the bill to go to third reading. Now that the Liberal Party is in power, it is trying to amend the Highway Traffic Act just to buy votes.

Minister of Transportation Harinder Takhar and other MPPs of the Liberal Party conducted meetings with the airport drivers regarding scoopers and received \$200,000 from them at a fundraiser. Premier McGuinty himself was present at this fundraiser. The Liberal Party is tilting an already uneven playing field even more. This part IV of Bill 169 has been introduced only to benefit a small special interest group, the airport taxi and limousine drivers. These people reside in the Peel region, and that is why there is such a huge lobby from the Peel region MPPs. In our meeting with the minister, he insisted that Bill 169 was not about the airport. If this is so, then the words “airport authority” should not be included in Bill 169.

Clearly, there is a problem if the airport vehicles can blatantly take business from our municipalities without paying. On the other hand, we have to pay about 25% of our gross income to the GTAA to pick up our own customers. That is a problem. It is the job and responsibility of this committee to make the law legal.

I now ask Mr. Pradeep Anand to just say a few words, being a client, on how this law, if it goes through, would affect the public.

Mr. Pradeep Anand: Good afternoon. I’ll just take a minute to present the customer’s point of view in this dispute.

Passing of Bill 169, as it is now, is not in the best interests of the people living in or visiting Ontario. Municipal operators of taxis and limousines will be forced to pay an additional fee of \$10 to the GTAA, and this fee will probably be raised in the future. The law should state that airport authorities are not allowed to charge any fees to vehicles already licensed by the municipalities for picking up pre-arranged customers.

I have a personal stake in this issue, because I’ve been using LIMO GTA for business and personal needs for several years, and we are totally satisfied with their service. However, if they are forced to charge us an extra \$10 per trip, it will make it very difficult for us to continue to use our preferred limousine supplier.

We are open for questions.

1450

The Chair: Thank you. You’ve left about two minutes for each party to ask a question, beginning with the government side.

Mr. Lalonde: I just want to make sure you are aware that this bill is not only for Toronto; it’s for the whole province of Ontario and any airport in Ontario. It is not only for the city of Toronto. Secondly, I want to make sure, because I couldn’t get to this point with the last person who appeared in front of the committee: Even though the minister introduced the bill—and he lives in the Peel area—the main goal is the public safety of Ontario. That is the main goal.

I have a question. At the present time, you say the \$10 fee is not fair. Do you know how much a licence costs for the limos standing at the airport?

Mr. Hundal: Yes, sir. The last limo licence at the airport sold for \$460,000, whereas a Toronto limo licence is valued at about \$50,000. The only reason for that \$50,000 versus \$460,000 is because of inequality in the business. If you were supposed to buy a business, would you pay \$50,000 for a bigger business or \$460,000 for it? It’s a market value, which floats in the market. The only reason it is \$460,000 is because the system is so unequal. The limo drivers at the airport are making nine times more money than the limo drivers in any municipality.

Mr. Lalonde: Do you know how much time, on average, per day per car, they are stranded at the airport waiting to pick up a passenger?

Mr. Hundal: Yes, sir. In the slow periods, they might be stuck there for two hours, but in the busy periods, they just come and go. If you go at any rush hour, the lineups of people waiting at the platform at the airport—no airport taxi, no airport limo. When the weather is bad, I have picked up customers who have been waiting there for three hours because there are no airport taxis or limousines available. These guys work 20 hours a day, so if they have to stand there for two hours when it is very slow, it’s no big deal. They make, on average, 15 trips back and forth to the airport.

Mr. Lalonde: It takes an average of two hours per trip—

Mr. Hundal: No, sir, it doesn’t.

Mr. Lalonde: —to get back in the parking lot and wait until they get their turn. I have the data on this.

Secondly, I’ve been scooped every week at the airport. From now on, I will advise the security guard whenever I am scooped. You might get my picture, but it is going to be reported every time I get a scoop. I will not allow a scoop at any of the Toronto hotels, or those cookies. I will not allow that. I’d be happy to report to the police if there’s a cookie at any of the hotels.

I just want to say that this bill is put in place for the safety of Ontario.

Mr. Hundal: Have you ever been harmed by being scooped, sir? Have you ever been involved in an accident? Have you ever been overcharged?

Mr. Lalonde: No—

Mr. Hundal: So what is your concern?

Mr. Lalonde: —I don’t take them.

Mr. Hundal: You don’t take them? Maybe you should take them and see if any of your concerns are true.

The Chair: Gentlemen, we’re not going to get into a debate. You can ask questions and you can answer, but we’re not going to get into a debate. Mr. Ouellette is next.

Mr. Ouellette: Thank you very much for your presentation. As I stated earlier with the previous presenters, I don’t see that this legislation is going to resolve this issue. The point of transaction being at the airport appears to be one of the places that can resolve the issue;

however, the point of transaction at other locations is virtually unenforceable.

I believe I heard you say that if the airport drivers are not allowed to scoop in Toronto, you would be satisfied with that. How can you enforce that, or how would you be able to deal with that issue?

Mr. Hundal: The only reason that it is not enforceable now is because of the exemption in the Ontario Municipal Act that airport taxis and limousines can pick up at the airport. When the licensing commission inspectors from the city of Toronto go to enforce this law, they just say, "Oh, it's a pre-arranged pickup. We're going to take this person back to the airport." But if somebody comes to them and says, "I'm going to Barrie. Can you take me?" he'll take him. However, if the law says they cannot do any pickups in any municipality, then there is no question about it. It's very clear: You can't do a pickup, period.

Mr. Ouellette: So effectively, there needs to be a resolve in the Municipal Act to deal with this issue, then?

Mr. Hundal: I agree, sir.

The Chair: Mr. Marchese.

Mr. Marchese: Thank you, Mr. Hundal. I just want to say a couple of things. First of all, New Democrats were happy to join Liberals to defeat Mr. Raminder Gill's bill, and now we're happy to join, I think, the Tories in defeating the Liberal bill. We understand that people are trying to make a living, though, on either side. I think there's unevenness in the earning of a living between the Toronto taxi drivers and the limo drivers—companies and drivers included—and that unevenness needs to be addressed.

Mr. Singh pointed out that they have an arrangement with the Four Seasons Hotel in terms of pickups. I find that unfair, because if they can make those kinds of arrangements, it shuts you guys out. Mr. Singh also pointed out that there is a kickback system. Mr. Dhillon was asking if there was evidence for that, and Mr. Singh provided that evidence. And he might have had other questions that he wanted to ask you, but he didn't get a chance.

The problem is that there is an unevenness going on. The GTA enforces the illegal scooping, and they're now working with the Peel police to make sure that happens. No one in Toronto has said that they're working with the Toronto police to make sure, when the limos come to Toronto and scoop illegally, that they're going to enforce that. But at the airport, the airport authority is going to work with the police, including the \$10 charge, which I find unreasonable, including if somehow you have a pre-arranged pickup and they don't show up or call you and you're stuck.

There's tremendous unfairness in this process. There's a monopoly there, including this monopoly allowing itself to go to Toronto and pick up without any sanctions, without any enforcement, and you guys are stuck with the inability to go to the airport and make a living there. As I see it, the question you raised is one of two things: Either you are allowed to go there or they're not allowed

to go to Toronto. As far as I can see, it's not a safety issue; it's an issue of justice, which Liberals are sometimes concerned about. I believe we need to address that, and I hope you will continue putting pressure on the government to come to terms with this injustice that is going on with the Toronto taxis.

Mr. Hundal: I agree with you, sir. Just to make a little clarification, the airlift limousine that has the agreement with the Sheraton is an airport limousine company.

Mr. Marchese: That's what I'm saying.

Mr. Hundal: There are many limousine companies in Toronto. Why wouldn't they make an agreement with a Toronto limousine company?

Mr. Marchese: Exactly.

Mr. Hundal: And the cookie system there hasn't been erased. The airport airlift limousine companies are still paying the cookie.

Mr. Marchese: I agree with you. I'm convinced the Liberals will open up their hearts eventually and give you justice as well.

The Chair: Thank you very much, gentlemen, for coming. We appreciate your being here.

ONTARIO ASSOCIATION OF FIRE CHIEFS

The Chair: Our next delegation is the Ontario Association of Fire Chiefs: Lee Grant, fire chief and president of the Ontario Association of Fire Chiefs; and Barry Malmsten, executive director of the Ontario Association of Fire Chiefs.

Welcome, gentlemen. I see that you have a handout for us this afternoon; thank you. Before you begin, could you identify yourselves, if you'll both be speaking, your position and the organization you speak for. When you do begin, you'll have 15 minutes. If you leave us some time, we'll be able to ask some questions for clarification. You may begin.

Mr. Lee Grant: Thank you. I'm Lee Grant, the current president of the Ontario Association of Fire Chiefs. Beside me is Barry Malmsten, our executive director. We're very pleased to be able to present to you this afternoon. We have a fairly short presentation. One of our topics is similar to the one previously presented by the Office of the Fire Marshal, so in the interest of time I'll just highlight that one. I think you've got most of the background on the issue of closed roads, but we'd be pleased to answer any operational questions on that when we get to it.

The Ontario Association of Fire Chiefs represents about 600 chief fire officers across Ontario. These chiefs lead roughly 28,000 firefighters in full-time/career, composite and volunteer departments. The chief officers are ultimately responsible to their municipal councils for the delivery of fire, emergency, rescue, and fire protection and education services in their municipalities. In addition, many fire chiefs also provide leadership in their communities for emergency preparedness.

1500

Over the years, we have worked in partnership with the Office of the Fire Marshal to implement strategies

and programs to reduce fire-related injuries, deaths and the loss of property. This good work has resulted in the declining fire death rate in Ontario. In addition, fire chiefs have developed the capability to respond to a wide variety of additional emergency challenges, such as motor vehicle accidents. It is with this dedication to public safety that the O AFC offers its thoughts to the committee on needed changes to the Highway Traffic Act in Ontario.

The focus of our comments is to improve the safety of the public and the safety of firefighters responding to emergencies. The O AFC's submission will speak to three general areas: the need for firefighters, in the performance of their duties, to drive their personal vehicles on closed roads; the need for firefighters, while driving their personal vehicles in the performance of their duties, to use the emergency turnaround access areas on four-lane divided highways; and the need for firefighters to be authorized to provide traffic control duties.

Over the years, fire departments have evolved from just extinguishing fires. Fire departments now provide a myriad of services including fire suppression, vehicle extrication, ice/water rescue, hazardous material spill and leak response, chemical, biological, radiological and nuclear response, high- and low-angle rescue, and confined space rescue, just to name a few. In most communities, when major emergencies occur, the fire department is called, as they are the service that can assemble on-scene the largest number of trained responders in the shortest period of time.

Across Ontario, we have about 491 fire departments employing approximately 29,000 personnel, of which 10,400 are full-time, 18,600 are volunteer and 250 are part-time. The structure and capabilities of individual fire departments vary, but generally they are categorized into three types: full-time/career, volunteer and composite.

Full-time departments are comprised entirely of staff hired on a full-time basis, located mostly in urban areas. Across the province, there are roughly 28 full-time/career departments. These departments have staff on duty 24 hours a day and they respond to an emergency call from the fire hall on a fire truck.

Volunteer fire departments are staffed by volunteer firefighters who are on call. These departments operate in rural or small urban communities. In Ontario, there are about 312 volunteer fire departments. These departments do not have firefighters deployed in fire halls 24 hours a day. When an emergency call is received by pager alerts to the firefighters, one or two of the firefighters drive to the fire hall to pick up the truck, while the other firefighters respond directly to the scene of the emergency in their personal vehicles from wherever they may happen to be in the community.

Composite fire departments are comprised of a mix of full-time and volunteer firefighters. The mix between full-time and volunteer varies and may be as low as one full-time person. This type of department exists in growing communities or communities with rural and urban settings. There are about 152 composite departments.

Regardless of their type or structure, all fire departments focus on providing a timely response and assembling an adequate number of firefighters at the emergency scene. Response time is critical, because the size of a fire doubles every minute. Medical response for heart concerns must be implemented in four to six minutes. Getting to the emergency scene quickly could be the difference between life and death, and getting an adequate number of responders to the scene to deal with the emergency is essential.

This O AFC submission is seeking support from the committee to help ensure that fire departments can provide quick emergency response by authorizing firefighters who use their own vehicles to travel on closed roads and to utilize the turnaround areas on four-lane divided highways. We are also requesting support from the committee to ensure the safety of emergency workers at a scene by authorizing firefighters to perform traffic control duties.

I will skip over most of the section on the need for authority to drive on a closed road, other than to repeat that there have been extensive meetings involving a wide variety of stakeholder groups, including the Office of the Fire Marshal, police services, the Ministry of Transportation, firefighters of Ontario, the insurance industry and our association. These groups have all endorsed the proposed change to the Highway Traffic Act. I am sure that the Fire Marshal expanded on this work in his presentation to the committee. The Ontario Association of Fire Chiefs is requesting that the Highway Traffic Act be amended to allow firefighters responding with their personal vehicles in the performance of their duties to travel on closed roads.

Emergency and service vehicle turnarounds on four-lane divided highways are restricted to authorized vehicles only. Firefighters driving their personal vehicles when responding to an emergency are not currently recognized as an authorized vehicle.

Volunteer firefighters respond from all points in a community. If there is an accident on a four-lane divided highway, they may have to drive by the incident on the opposite side of the highway and proceed along to the next interchange, and then return to the scene. This greatly increases response time. It is not a solution to park on the opposite side of the highway or on the median and then run across the highway; in fact, our firefighter guidance note 6-10 prevents firefighters from doing that and instructs them never to cross traffic lanes on foot. Firefighter safety is compromised, and the driving public is also exposed to additional risk.

It is clearly the intent of the legislation that emergency vehicles should be able to use the turnarounds. What was not anticipated was that emergency personnel could be responding in their personal vehicles. The current legislation is simply not broad enough. The Ontario Association of Fire Chiefs is requesting that the Highway Traffic Act be amended to allow firefighters responding to an emergency in their personal vehicles to be recognized as authorized users of the turnaround areas on four-lane highways.

The need to provide traffic control: Currently, the Highway Traffic Act authorizes police and construction workers to control traffic but does not authorize firefighters at an emergency scene to provide traffic control duties. Firefighters performing rescue extrications or fire-fighting on highways are at risk of serious injury. Under health and safety legislation, it is the chief officer's responsibility to provide the firefighters with as safe a working area as is reasonably possible.

Many fire departments are now finding that as much as 40% of their emergency calls are responding to motor vehicle accidents. The fire service is often the first emergency responder on the scene. In order to deal with the emergency and to protect the safety of the firefighters, it is necessary for them to control traffic on the highway, either to stop it entirely or to direct it safely around the emergency scene. Traffic control protects the people involved in the accident, it protects the travelling public and it protects the emergency responders. A police officer cannot authorize firefighters to direct traffic, and yet the fire crew often does so before and after the police officer arrives. Also, if the accident involves spills and major cleanups, the fire department often carries out or assists in this activity. For the same reasons that construction workers are authorized to safely direct traffic, firefighters need the same authority. The Ontario Association of Fire Chiefs is requesting that the Highway Traffic Act be amended to authorize firefighters to perform traffic control duties to ensure the safety of emergency workers on the scene.

We've included a quick summary that again reinforces the points we have brought forward to you. In closing, the Ontario Association of Fire Chiefs appreciates the committee's efforts in reviewing the Highway Traffic Act, and we thank you for the opportunity to provide this submission. Of course, we're open for questions.

The Chair: Good. You've left almost two minutes for each group. Mr. Ouellette, would you like to begin?

Mr. Ouellette: Thank you very much for your presentation. As I stated earlier, I believe that driving on highways is something that we should have no problem supporting. A couple of questions, though: How many incidents or charges have been laid regarding turnaround points on highways?

Mr. Grant: To my knowledge, we have had firefighters warned; I am not aware of one having been charged. One of the things we operate on in Ontario is mutual aid—tri-services and mutual aid committees—and we routinely invite the OPP and municipal departments to speak at them. They have made it very clear to our personnel, for a number of years: "Don't do it, because we will have no option, if we see you do it, than to charge you for doing it."

Mr. Ouellette: It's very hard to legislate common sense. To me, enacting that wouldn't make sense, and I couldn't see the courts following through on that. But if it's something you feel is necessary, then it certainly should be addressed.

What about traffic control? Usually we have the tri-response situation. Who would then take control, or who would be in charge, once all three—police, fire and ambulance—show up?

Mr. Grant: Again, we have very clear protocols about who's in charge. I would suggest that it is almost unheard of at this point—if you're thinking of traffic control as defined in your act, which is someone using a slow or stop flag/twist flag operation, as is seen in construction, police almost never do that. It is generally the firefighters and eventually the MTO contractors in charge of that section of road who provide us with that service. The minute they show up, we're more than happy to turn it over to them, absolutely.

1510

Mr. Ouellette: So should that be defined in the legislation as well?

Mr. Grant: We specifically ask for that just at the emergency scene. Once the emergency is over, and that's usually once the extrication is complete, there is all the cleanup and the tow truck work and so on. We're not asking that we be authorized to be the ongoing traffic control people for the next two hours until the scene is cleaned up; in fact, we specifically don't want to do that if we don't have to.

Currently, it is illegal for us to direct traffic at all, even for our own safety. With the propensity today for police departments to not even arrive at minor traffic accidents—they send you to your collision reporting centre—we actually are involved in the total cleanup of an incident and never see anybody to control traffic.

Mr. Ouellette: My comment—

The Chair: A short question.

Mr. Ouellette: My comment, though, was that when the police, fire and ambulance are all at the scene, you would have no problem relinquishing traffic control to the police if they ask for it?

Mr. Grant: Absolutely not.

Mr. Ouellette: OK. But should that be defined in legislation as well, to make sure there are clear-cut definitions on how it should be enacted?

Mr. Grant: I think if the authority were provided to firefighters—we have an ongoing co-operative, on-scene relationship with the police on a daily basis. When they've got sufficient personnel on the scene, which seldom happens, there would be no issue with turning over control of traffic to them.

Mr. Marchese: That would be my sense. You could write it in law, but my sense is that you would simply cede your authority to the police if they were there at the same time.

Mr. Grant: Absolutely.

Mr. Marchese: You could build in a protocol in law but I'm not sure that that's necessary.

I should tell you that Carol-Lynn Chambers came before us earlier. We got the impression that after months of discussion between yourselves or them and the government over the last five months—possibly longer—there seems to be agreement with the government to deal with

number one, which is allowing volunteer firefighters to use their personal vehicles to drive on closed roads. The government indicated that it's likely to move an amendment to that effect; if not, we opposition folks will do that.

I'm assuming you've had similar discussions with the government on the other two matters, around emergency turnarounds, and to provide traffic control at emergency scenes. I'm assuming that you've had those discussions and that they're moving ahead with those suggestions as well.

Mr. Grant: Those discussions have taken place. We haven't had as wide a stakeholder group working on those two issues because there wasn't as much industry interest, I don't think, in those.

Mr. Marchese: They appear to be very reasonable to me. It would be my sense that the government will introduce amendments to that effect, because I don't see anyone who might object to it, and if there is, we'll hear shortly. If they don't move that amendment, we will.

Mr. Grant: Thank you.

Mr. Marchese: You're welcome.

The Chair: From the government side, Mr. Lalonde.

Mr. Lalonde: Thank you again for making a presentation today. It's very important.

I'd just like to know if you are aware of the number of firemen—it could be volunteer, full-time or part-time—who are not aware that they're not covered by their municipal insurance when they drive to a fire scene.

Mr. Grant: I dare say that they all are very well aware that if they're in their personal vehicle, they are not covered by municipal insurance.

Mr. Lalonde: I had a meeting with all the fire chiefs in eastern Ontario about two months ago. None of them was aware that they were not covered. Ever since, the municipalities have been getting pressure from their fire chiefs that they want to be covered. At the present time, in the rural area most of the police know all the firemen and they just happen to let them go. But as late as last week, they were told that if the amendment is not brought forward in the bill, they would not let them go to the fire scene. So this would mean that we are playing with safety and the lives of our people.

Mr. Grant: In fairness, we probably wouldn't be here discussing closed roads if the vehicle that went down the closed road had not hit the police cruiser.

Mr. Lalonde: I just wanted to say that the minister, in his opening speech, mentioned today that he would introduce an amendment to include the volunteer firefighters. But it's not only the volunteers. In the city of Ottawa, for example, in Cumberland, they have part-times, and if the part-times are not allowed to drive through the barricades with their car, they won't get to the fire. It is very important that not only in the rural areas, in the urban sector also, we have full-time firefighters who are called in because of a major fire and at the present time they're not aware that they are not insured if they go past the barricade.

Mr. Grant: Oh, I see. I misunderstood your question. I thought you were asking if they knew it was actually

their own vehicle insurance that was covering them when they were driving it. They know that. Further to that, we've had additional conversations with the insurance industry and we're very close, we believe, on having the insurance industry agree to provide a one free accident to volunteer firefighters or firefighters responding in their own vehicles if they do have a claim. The insurance industry is very sensitive to the role they play in ensuring that the volunteer fire service can continue to operate in Ontario, and we're here today to ask for your legislative support to make that easier as well.

The Chair: Thank you, Chief. Thank you, Mr. Malmsten. We appreciate you being here today.

CITY OF TORONTO

The Chair: Our next delegation is the city of Toronto, Mr. Howard Moscoe. Good afternoon.

Mr. Howard Moscoe: Thank you, Madam Chair. I've taken the liberty of providing the clerk with a certified copy of the city of Toronto's position on specifically—

The Chair: Mr. Moscoe, could I just do my preamble before you start?

Mr. Moscoe: Sure.

The Chair: Just so everybody's on the same page, you have 15 minutes. When you do begin, I'll have a timer going. If you leave some time at the end, we'll be able to ask you questions. If you could identify yourself and the organization you speak for for Hansard before you begin, please.

Mr. Moscoe: My name is Howard Moscoe. I'm a councillor in the city of Toronto and I'm bringing forward the position of the city of Toronto. I've taken the liberty of distributing the council report that was adopted. It's a certified copy. It clearly indicates that we are in opposition to the part of Bill 169 that relates to scooping at the airport. I'm going to outline the reasons why we're in opposition to that.

First of all, it's being considered in isolation. It has to be considered with subsection 155(2) of the Municipal Act, which allows airport authority vehicles to pick up in any Ontario city with close proximity to the airport and take fares back to the airport without paying municipal licence fees. This section has been an offence to Toronto taxi drivers and a festering sore for the last 27 years that it's been in place. It allows taxis and limos licensed by the airport to pick up passengers in Toronto, whereas it forces Toronto taxis to return from the airport empty. That's hardly a level playing field. This provision, which the city of Toronto, and Metro before it, has consistently opposed, has cost the Toronto taxi industry more than three quarters of a billion dollars, to the benefit of the airport authority, which makes millions on exclusive licences to airport taxi companies to the detriment of the Toronto taxi industry. So even when a Toronto taxi makes a pre-arrangement for a fare to pick up a passenger at the airport, they have to pay a \$10 pickup fee to the airport. The unfairness of this provision has been the primary cause of so-called scooping at the airport. Most

scooping occurs because Toronto taxis are forced to return empty.

On its surface, part IV, section 39.1 appears to be fair, i.e., picking up passengers without a licence is prohibited. Nothing could be further from the truth, so long as section 155 remains in place in the Municipal Act. The only place that this can be enforced is in a confined area like the airport. In a city where every corner is a potential location for scooping, it could never be effectively enforced, nor does the city have the resources to do so.

This bill is an infringement on the rights of municipalities, who have the primary responsibility for licensing. It flies in the face of the province's commitment to divest itself from interfering in the day-to-day operations of municipalities. The Premier and Minister Gerretsen have made a commitment to the city of Toronto and to the Association of Municipalities of Ontario to negotiate a new City of Toronto Act and a new Municipal Act.

1520

Right now, productive negotiations are taking place with the city of Toronto regarding a new City of Toronto Act, and this can only be interpreted as an end run around that process. To arbitrarily insert a licensing amendment into this legislation is a contradiction of the commitments that have been made by the Premier. I would respectfully recommend that this section be referred to the negotiations on the City of Toronto Act and the AMO discussions on the new Municipal Act, where it rightfully belongs.

I can appreciate that the reason that this section is before you is to enable the minister to fulfill an election commitment to his constituency. Within that constituency he personally represents a huge contingent of airport taxi drivers. As a politician, I can relate to that motivation. I attempt to fulfill my commitments to my constituency, and I do it assiduously. I can appreciate the motivation, but to that end, the legislation is self-serving. The minister's objectives must not be accomplished on the back of 5,000 Toronto taxi drivers and at the expense of the commitments that have been made by the Premier and the Minister of Municipal Affairs. I urge you to refer this section to the discussions on the City of Toronto Act and the new Municipal Act, where it properly belongs and where it can be considered in an entire context, rather than simply in isolation.

How much time do I have left?

The Vice-Chair (Mr. Vic Dhillon): There are about 11 minutes remaining. We'll start with the NDP side. You have a little less than three minutes.

Mr. Marchese: Thank you, Howard. It's good to see you. You are supporting a group of people who are looking for some fairness, and we are too. Part of what we have heard is basically what you were mentioning, and we know it isn't hearsay. There are a lot of kickbacks that are going on with limousine drivers who come from the airport, picking up people in Toronto and driving them back either to the airport or elsewhere, which is farther.

Mr. Moscoe: It's called a cookie.

Mr. Marchese: I didn't want to use the word "cookie"—

Mr. Moscoe: They put 10 bucks in their trunk, and the hotel doorman gets the cookie, and they get a fare back to the airport that they're not really entitled to.

Mr. Marchese: I don't believe that's in dispute, although there may be some who are still disputing that. It goes on regularly. Everyone seems to know about it, except those who don't want to know about it.

There may be some arrangement, as well, between some hotels and limousine companies that operate at the airport, and that, in my mind, is equally unjust and unfair to Toronto taxis, because if anything, they should be making arrangements with the Toronto taxi companies to be able to take people to the airport, rather than the other way around, because while that benefits the limousine companies at the airport, it does an injustice—

Mr. Moscoe: Could you shorten your speech? I want time to answer questions.

Mr. Marchese: It's just that you and I are saying the same thing. So I'm just blah-blahing like everybody else. I'm not sure I can ask you questions, given that you're making the same arguments as I am. I think we're saying the same thing you are. In the airport, they enforce it, and they enforce scooping very strongly. In Toronto, you can't, and that continues the unfairness to Toronto taxi—

Mr. Moscoe: That's why it has to be considered within the context of the whole problem, and that's at the table when we're considering the City of Toronto Act. The discussions on the City of Toronto Act have been extremely productive. So this is a one-off that seems to work its way around that, and it flies in the face of the commitment that the Premier has made. I hope nobody will take offence at this. Do the proper thing and refer it for productive discussions.

Mr. Marchese: We were going to support dropping of that section or deletion of that section in the act, or we could refer it—

Mr. Moscoe: Dropping or referral, but it's going to be discussed in the Toronto act and the Municipal Act, in any case, the capacity of the city to license and the licensing powers that it has. So that's where it properly belongs.

Mr. Marchese: I'm going to give away my time, Howard, to others who are going to ask you questions. How would you like that?

Mr. Moscoe: Please do that.

The Vice-Chair: Thank you, Mr. Marchese. It's the government side. Mr. Duguid?

Mr. Duguid: Thank you, Mr. Vice-Chair, and welcome, Councillor Moscoe, to Queen's Park here. You've been here many times, I'm sure, and it's great to see you again. Thanks, as well, for all the work that you've done in this particular industry. I know you've been involved for many, many years, and you can explain to the committee your historical connection to this industry.

Mr. Moscoe: I don't want you to misunderstand. I am against scooping, but I think it has to be balanced and levelled out. If Toronto cab drivers can't scoop at the airport, the airport cab drivers ought not to be able to scoop downtown. It has to be a level playing field, and

this, by considering it in isolation, looks good on the surface, but in fact creates an unlevel playing field. Does that answer your question?

Mr. Duguid: It almost does, except I haven't asked the question yet. I don't disagree with much of what you've said. What I want to discuss with you is that the legislation before us right now provides a little more teeth in terms of ensuring that those who are operating unlicensed and are scooping can be scooped up, can be prevented from doing that, whether it be at the airport or in Toronto. If you talk to the Toronto taxi industry, they will say that's good because there are some who are scooping without a licence. That's not their main problem. This doesn't address their main problem. I think we can say that that's clear, but it doesn't make their main problem worse.

Where we have to address that problem—and you're absolutely right in your deputation—is through the City of Toronto Act or the Municipal Act. I guess what I want to say to you today is that we have committed to reforming both of those acts. We're in the process of reforming the City of Toronto Act and the Municipal Act. I would welcome your continued involvement in that.

As I said to the Toronto taxi industry, I've spoken to the Minister of Municipal Affairs and Housing as recently as yesterday on this. There are some legitimate concerns being raised. I think, as we go through this process, we're going to have to take a very close look at making some amendments to take a look at some of those things.

Mr. Moscoe: With respect, Brad, I disagree with you. I think it's inappropriate to pull this item in isolation and not deal with it within the context of the commitment that's been made. Frankly, I do believe it will make things worse for Toronto taxi drivers.

Mr. Duguid: How is it, specifically, that this legislation makes it worse?

Mr. Moscoe: As I've explained to you, a lot of the scooping that takes place is basically Toronto taxi drivers who are unable to pick up passengers at the airport scooping fares out of the airport, and it's because there's not a level playing field. Make it a level playing field. Make the airport taxicabs go back empty, and our guys will gladly go back empty from the airport, or allow them both to pick up by some personal arrangement. That has to be worked out over negotiating tables. It's not worked out by slapping down an amendment out of context and passing it here. That's not good faith.

Mr. Duguid: I don't disagree with some of that, except what I disagree with in that comment is that it makes it worse. Clearly, it doesn't make it worse. It doesn't solve the problem that the Toronto taxi industry has. That problem's got to be considered under the Municipal Act and the City of Toronto Act. You have said that in your statement. I guess my commitment to you is that we're seriously going to take a look at it.

The Vice-Chair: Any more questions? It's the opposition's turn.

Mr. Ouellette: Thank you very much for your presentation. As stated, this will not resolve the problem. You mentioned the City of Toronto Act; do you believe it's only a Toronto problem? Are you hearing it elsewhere? Are you hearing the same in the other parts of the province?

Mr. Moscoe: It's less of a problem elsewhere in the province because of the particular structure and placement of the airport. The airport's just outside the Toronto boundary. Ottawa has it resolved. I know that most of the other cities have it resolved. So it's exclusively Toronto—almost.

Mr. Ouellette: Currently, the legislation that's there now can't be enforced. With the new legislation coming forward, how is enforcement going to take place? How do you think it can be resolved if they change the Municipal Act the way it should be so that it's a level playing field?

Mr. Moscoe: You write off subsection 155(2) of the Municipal Act. Get rid of it. Allow the city to work out its own licensing regime and we'll solve it. That's the premise. Unfortunately, this new piece can be enforced at the airport but cannot be enforced anywhere else.

Mr. Ouellette: And that's the concern—

Mr. Moscoe: It's one-sided.

Mr. Ouellette: Right. Do you think that eliminating those sections will resolve the problems in other jurisdictions in the province, if there are small problems there as well?

Mr. Moscoe: I think that might happen as well, but I think the whole premise of the new Municipal Act and the new City of Toronto Act is to allow municipalities to take care of their own internal affairs and to resolve these problems. We don't have the capacity to resolve them now. Somebody keeps dropping amendments on us.

The Vice-Chair: Thank you. Mr. Klees has a question.

Mr. Frank Klees (Oak Ridges): Mr. Duguid has admitted that this particular part of the act won't solve the problem. My question to the government would be, if that's the case, and given Mr. Moscoe's submission that this be considered in the context of the broader review, what is the rush to insist that it be in this legislation, and why would it not be accepted by the government to consider this in the broader context? I would just be interested in a response to what I think is a very logical request.

1530

Mr. Duguid: I'm pleased to respond to that. This legislation tackles the problem of those who are operating without a licence and poaching rides from those who are legitimate licensed cab drivers. So it does accomplish something. It accomplishes that.

What it doesn't do is address the concerns of the Toronto taxi industry in terms of the un-level playing field in going into the airport and in terms of the ability of the airport limo industry to pick up in Toronto. That cannot be addressed by amendments to this particular piece of legislation. That's something that must be considered and addressed through the Municipal Act.

We've given a commitment that we would take a look at that as we review the Municipal Act, which we're doing this year.

Mr. Klees: Would there be any consideration to perhaps not proclaiming this part of the legislation until this other issue has been resolved? I think the point that Mr. Moscoe is making is—he's not objecting to this either. His concern is in fact the level playing field, which, from a business standpoint, I think we all understand. In the interest of creating good legislation within the appropriate framework, would that be something that you would consider: simply not proclaiming this, deferring to that broader discussion?

Mr. Duguid: I think my response would be that this piece of legislation stands on its own as a completely independent initiative and has very little, if anything, to do with our considerations under the Municipal Act. That's a different issue and a concern that, in my view, has some legitimacy to it.

Mr. Moscoe: Can I comment briefly there, Mr. Chair? I've not made my point clear to Mr. Duguid.

Mr. Duguid: Actually, I think his point's been made clearly. I understand it and I think we're in agreement on it.

The Vice-Chair: Time's up. Thank you very much for your presentation.

Mr. Klees: Mr. Chair, I'd like to propose unanimous consent to give Mr. Moscoe another two minutes to make his point.

The Vice-Chair: Do we have unanimous consent?

Mr. Moscoe: It doesn't matter. I think my point has been made very clearly. Mr. Duguid can discuss this with his minister and determine whether or not this piece dismisses all the goodwill that we've had in discussing the Municipal Act, which is going very well.

The Vice-Chair: Thank you very much, Mr. Moscoe.

AIRPORT TAXI-CAB ASSOCIATION

The Vice-Chair: The next group is the Airport Taxi-Cab Association. Good afternoon. For the record, could you please identify yourself? You have 15 minutes to speak and the time that's left over will be divided up amongst the three parties for their questions or comments. You may begin.

Mr. Rajinder Singh: Honourable Vice-Chair and members of the committee, good afternoon. My name is Rajinder Singh. I am president of the Airport Taxi-Cab Association. I am here to support the new legislation which is going to curb unauthorized cars everywhere in Ontario. Even though this bill might not be going to affect the airport as it is, my submission is relevant.

The illegal practice of operating a taxi or limousine without the appropriate licence or permit, commonly referred to as scooping, continues to be a chronic, serious problem at Toronto Pearson International Airport and in metropolitan Toronto. Illegal taxi/limousine fare scoopers solicit unsuspecting passengers traveling through Toronto Pearson, often subjecting them to aggressive tactics,

exorbitantly high fares, potentially unsafe vehicles and inadequately trained drivers. Not only is passenger safety and comfort often sacrificed, but fares end up being taken away from licensed and legitimate drivers.

The Greater Toronto Airports Authority has admittedly failed to completely eliminate the ever-growing problem of illegal taxi and limousine fare scooping at Toronto Pearson in order to provide a safe environment for passengers and to protect the business interests of our legitimate and licensed taxicab and limousine operators. There is at present no federal or provincial legislation whatsoever to regulate such activities punishable with substantial penalties for first-time and/or repeat offenders operating their unlicensed vehicles at the Lester B. Pearson International Airport for commercial purposes.

The fact of the matter is that 192 unlicensed cars, as per the list enclosed, were actively operating for scooping fares during 2002, within a range from metropolitan Toronto extending to Pearson airport and vice versa. The committee may well speculate that the number of scooping cars must have doubled by now, undoubtedly.

We also emphasize to this committee the importance of distinguishing between authorized and unauthorized operating vehicles by the public. We would in this regard request that the installation of a metal plate clearly showing it to be a commercial vehicle may also please be laid down as a mandatory provision in the legislation under debate.

We strongly support the proposed Ontario provincial legislation being applicable all over the province and request that the text of the legislation should please have a specific reference of its application also to the lands owned by the federal government of Canada and leased out to federal or non-federal organizations in Ontario for commercial purposes, regardless of whether the leaseholders are private or public enterprises.

We are looking forward to seeing the proposed legislation successfully navigating the legislative process and eventually becoming the law of the land.

The Vice-Chair: Thank you, Mr. Singh. We have about three and a half minutes for each party. We'll begin with the NDP.

Mr. Marchese: I thought I began the last time. Mr. Singh, you've been here for a while and you heard some of the deputants. Is that correct?

Mr. Rajinder Singh: I heard Mr. Moscoe.

Mr. Marchese: One of the things that people are saying is that anti-scooping amendments generally are included in the Municipal Act and that's where changes are made. A number of people are saying that by including this anti-scooping piece in this bill under the transportation act, it further entrenches an injustice to the Toronto taxi industry. While I agree with the idea of creating anti-scooping amendments or legislation that deals with illegals at the airport, I also agree with the taxi industry in Toronto that there's an unfairness going on. You must have heard me and others say that. I wondered what you feel about that. Do you feel for them? Are you worried about them? Do you think that something should

change? Or are you just looking at this particular piece because it benefits you, and you're saying, "God bless. We'll support the Liberals, we think it's great and we'll move on"?

Mr. Rajinder Singh: It's not that. I started driving a cab in 1982 from post 5, which is known as the Jane and Finch area. I worked there for four years, and I know the pain of the taxicab drivers who are working in the city. I have worked at the airport since 1986. This legislation is not for the licensed taxis; it is only for the unlicensed taxis. As I said in my submission, there were 192 cars which were operating in 2002, scooping from the city as well as from the airport.

1540

Mr. Marchese: OK. Let's just say I agree with that, so we don't have to debate whether or not we're dealing with the others. Let's say we agree on that. What we have been discussing is—including Mr. Duguid, who seems to be very sensitive to this issue. We're saying that when a Toronto taxicab has to go to the airport, they have to pre-arrange it. You've got to do that, and you've got to wait and hope that the person comes. You also have to pay 10 bucks. It makes it very unrealistic and tough for these people to do that. So I suspect it doesn't happen all too often.

But you're able to go to Toronto and, through a number of arrangements with hotels or individuals who work in those hotels, your industry is able to go back to the airport with someone in that limousine. So you get the benefit of coming from the airport and taking someone to Toronto and going back, either to the airport or somewhere else. Do you think that's an unfair practice that unfairly—it fairly helps you, but unfairly doesn't help the Toronto taxi people. Do you think it's a problem? Do you think we should solve it somehow?

Mr. Rajinder Singh: There is a problem, but the problem is not the airport taxis. Our businesses all depend upon the pre-arranged. I am driving an Airflight and we have Aerofleet. We have at least 500 charge account customers down here when we are serving them from the airport and down here. But we never go to the hotels and never pay any cookies to anyone. We create our business ourselves, and we are not taking any of the city taxis' share.

The Vice-Chair: We'll go to the government side. Any questions?

Mr. Lalonde: Thanks again for taking the time to come and make a presentation to this committee. Can you tell me how many taxi licence plates we have at the airport?

Mr. Rajinder Singh: Right now we have 596, and 40 new ones are coming very soon.

Mr. Lalonde: What is the cost of a licence?

Mr. Rajinder Singh: Right now a limo costs \$5,100 a month.

Mr. Lalonde: But the licence to pick up people at the airport?

Mr. Rajinder Singh: Limos are paying \$616 a month and taxis are paying \$570 a month.

Mr. Lalonde: That is for a limo from the airport?

Mr. Rajinder Singh: From the airport; just to have the right to operate from the airport.

Mr. Lalonde: How long have you been operating from the airport?

Mr. Rajinder Singh: Since 1986.

Mr. Lalonde: On an average, how many trips a day would you have from Pearson airport to downtown Toronto?

Mr. Rajinder Singh: It's 7.8 for taxis and 8.5 for limousines.

Mr. Lalonde: So you've got a lot of waiting time at the airport before you—

Mr. Rajinder Singh: Every wait is two and a half hours.

Mr. Lalonde: Two and a half hours of waiting time. Compared to Toronto, you could do the run down and pick up a passenger.

Many times previous, reporters have said that a lot of people have attended and paid \$200,000 to the minister, which was probably not right because the fundraising was a total of \$200,000. I'm told only two taxi drivers have attended that fundraiser. Were you one of them?

Mr. Rajinder Singh: Yes, I was.

Mr. Lalonde: You were, OK.

Does your association have any deals with hotels for scoopers or cookies?

Mr. Rajinder Singh: No, sir.

Mr. Lalonde: You mentioned in your statement here that there are 192 unlicensed cars, as per the list supplied to us. Have you ever notified the police or security guards at the airport about those scoopers?

Mr. Rajinder Singh: As a matter of fact, this list was provided to us by Mr. Moscoe's office.

Mr. Lalonde: You know that as a Canadian, you're entitled to report anything that you see that is unfair.

Mr. Rajinder Singh: All the police have the numbers. Peel police have the numbers and metro Toronto police have the numbers of these cars. This list is from 2002.

Mr. Lalonde: I just want to make clear again that this legislation is not only for the city of Toronto; it's for the whole of the province. I know that in Ottawa, even though it's one city, different taxi licences have been given from previous municipalities that are still entitled to issue those licences. At the present time, negotiations are going on at the same level as we are. The purpose of this bill is public safety. That is the main reason for this bill. Are you aware of that?

Mr. Rajinder Singh: Yes, I am fully aware of that. I am also aware that this bill as it is might not be applicable on federal land. That's why I made a request in my submission to please make it applicable at the airport also.

The Chair: Mr. Klees, I believe you're next.

Mr. Klees: Thank you. This list of 192 illegal taxis in your submission: How did you come to have this list?

Mr. Rajinder Singh: This list has been provided to us by Howard Moscoe's office.

Mr. Klees: Howard Moscoe's office provided you with this list of illegal cabs?

Mr. Rajinder Singh: Yes.

Mr. Klees: When did he provide this to you?

Mr. Rajinder Singh: When they were asking about the scooping problem, we tried to convince them. We invited Mr. Moscoe to the airport and took him around the airport and near the coffee shop and the hotels where all those unlicensed cars were sitting, waiting to scoop. We told him that those were the people who were scooping in the city as well as at the airport, and they're unlicensed and uninsured. He was pretty much convinced at that time.

Mr. Klees: So was it Mr. Moscoe who made a list of all of these licence plates?

Mr. Rajinder Singh: I think the commission made the list.

Mr. Klees: The commission?

Mr. Rajinder Singh: Yes. He was chair of the taxi committee. When we were in the meeting at that time, that list was given to us.

Mr. Klees: That's very interesting. As far as I'm concerned, I can assure you that I will support the minister and the government in ensuring that people who are unlicensed should not be doing business; that's an important principle. As a former Minister of Transportation, I'm not unfamiliar with the issue. I do have a concern, and the concern is similar to that put by Mr. Moscoe; that is, that we solve both sides of the problem, that we not solve one problem and leave another group of people in this industry hanging until such time as the government gets around to it.

I would ask you, similar to Mr. Marchese—being in the industry, surely in the same way that you have challenges on your side, you would recognize that there are the problems on the other as well—would you consider asking the Minister of Transportation to deal with this issue in that broader context? You see, there should be no reason why you, as an association, or limo drivers, come out of this discussion in a negative way. The entire industry should be happy with this when all is said and done.

The Chair: You have 30 seconds.

Mr. Klees: Unfortunately, the way this is being handled, we're causing polarization. Would you support asking the minister to deal with this matter in the broader context so that we can come up with a reasonable solution that solves both sides of the problem? It's a matter of timing. The Minister of Transportation is a very powerful individual in the government. He has the ability to accelerate this negotiation process through the Municipal Act and the City of Toronto Act so that both problems can be solved. Would you support that?

Mr. Rajinder Singh: I regret to say, no, because you are comparing bananas to apples.

Mr. Klees: Could you explain that?

Mr. Rajinder Singh: This problem is only related to unlicensed cars, and you are dragging down licensed cars. The licence issue is an entirely different issue. You

know and everyone in this room knows that that is the Municipal Act. We have some problem with the Municipal Act too, because the Municipal Act gives a lot of power to the GTAA. You are not going to resolve that problem right now. But the problem we have been facing for years is unlicensed cars, and now is the time. I request that you don't try to do that just for the sake of politics. Please let the legislation pass as soon as possible for the safety of the people who are suffering down here from these illegal cars.

The Chair: Thank you very much, Mr. Singh. Your time has expired.

1550

PUNJABI POST

The Chair: Our next delegation is somebody from the Punjabi Post. I think the name we have here is not spelled correctly. Can you spell that for me?

Mr. Karam Punian: Thank you, madam. My name is Karam Punian. I am working with the Punjabi Post, a daily Punjabi newspaper. We have a radio program on AM 770 too. I am a driver at the airport as well.

The Chair: OK. When you begin, you'll have 15 minutes. Should you use all your time, there won't be an opportunity for questions. You may begin anytime you like.

Mr. Punian: Thank you. Ontario is, we feel, the engine that drives Canada strongly along. The legislation introduced is not only for one part or one city; it is for the whole of Ontario. If something is wrong in Mississauga, Etobicoke or Thunder Bay, the legislation covers all.

I came here around an hour beforehand. I see that people are fighting just for personal reasons. Nobody is paying attention on a provincial basis. On our part, we've spoken on this issue five times on our radio talk show. I've covered this issue in our paper at least five or six times. What's happening is that most of the people who get scooped, especially from the airport, forget their luggage or their wallet in the car. Then we get a call in our office at the radio station or at the newspaper: "It was the East Indian guy. Your paper is East Indian. I left such and such...." We say, "We're sorry; we can't track it."

I want to mention that I am driving with Aerofleet, the largest fleet at the airport, with 120 cars. I am part of the management team. Today, until 2 o'clock, we dispatched 380 orders from our office. Three hundred and fifty-five were from residential places, none from the hotels. There are more than 65 corporate customers with better companies travelling with Aerofleet. They're at corporate offices or staying at hotels, and they call us from there.

Aerofleet is a co-op company. It is owned by 100 individuals. In our by-laws, it is illegal to scoop any fare from a hotel by paying cookies. In our company—not only my company; there are three other companies—they punish the driver with a suspension if he picks up a fare from a hotel by paying cookies. I say, not as a challenge but with confidence, that if any member in this room finds Aerofleet—this is the group card—picking up any

fare from anyone by paying cookies, I will be liable for that.

I was hearing from Mr. Moscoe that this is playing games. It is not politics. It is regarding the safety of all Ontarians.

The issue regarding fundraising: I myself have been a New Democrat since I joined the glass factory, working for \$4.50 each hour. I am still a New Democrat. What happens in our community working at the airport is that they do not attend only one party's fundraising dinner. What happened last time was that a few people attended the Liberal fundraiser; a few attended the Raminder Gill Conservative fundraiser. I myself attended the Sodhi fundraiser—the NDP candidate from Etobicoke. The people were paying to each and every political party, not only the one party.

Secondly, I read in the Toronto Taxi News, last edition, that most of the people live in the minister's riding. That's not true. We did our own study. Only five members who work at the airport live in the transportation minister's riding.

The average run rate, like the colleague before me said, is almost more than two hours of waiting time. All the airport cars, which deliver almost 400 passengers a day all over the city, take back not even 10% of that.

Before Mr. Moscoe, there was a gentleman here talking as a customer of a witness, and I want to make a point or two; I want to make a point about one gentleman with a blue coat sitting there in the audience. The airport authority is spending \$4 million a year for security purposes. What was that gentleman doing at the airport, inside the terminal, with a walkie-talkie? The gentleman who was sitting here has no licence—no metro licence, no Etobicoke licence, no airport licence—just a regular car. They send one person inside the terminal on a walkie-talkie, they approach the customer inside, they give them a phone call, and they come over and try to pick up the customer. This gentleman, Mr. Trabulsey, owns the ambassador team in Toronto. What he does from morning to evening is, he is the ringleader of the illegal people. There are more than 200 scoopers. They worship him as a god. Why? He goes before, and there are 10 drivers following him to the platform. He picks them up and he collects money in a pool. It is organized crime, if you're talking about the airport; so the gentleman here and the gentleman there.

Ontario, as I said, is the engine and Toronto is the gateway. What's the first impression we give to the community, to somebody coming from Hong Kong or from Europe? We don't want to see two drivers fighting, with the bags in the hands of the customer who is trying to attend a meeting. We don't want that. We need safety in transportation in all of Ontario—from all walks of life and from all states.

The illegal car list was provided—what we did, with the co-operation of the Greater Toronto Airports Authority, as volunteers working with them, was that we spent seven, eight or even sometimes 10 hours a day there manually collecting the number of cars a day coming

without licences. We did it with the hard work of four or five years.

Now there are over 250 unlicensed cars operating in southern Ontario, especially in downtown Toronto and at the airport. What happens is that they pick people up at the airport. They have an understanding with the doormen. They are the people who are screwing the whole system. They are not only screwing the system; as taxpayers, we are losing money too. What happens is that they aren't paying for insurance, they aren't paying for vehicle standards, they're not paying anything; they just have a regular car and pick people up. I personally, working with the media and working at the airport, don't want to see anybody being charged \$180 to go to the airport. I don't want anybody being picked up at the airport who leaves his luggage in the car and is not able to get it back, because if he comes forward, he is subject to being charged.

As he mentioned the fees, I'd like to mention, as Mr. Moscoe said, that he was playing games since day one. All the airport cars pay the same fee as the other regular cars pay to the municipality. Above that, the airport cars pay the extra fees to the Greater Toronto Airports Authority. No airport cars pay a lower fee than the regular cars who are paying the municipality.

I strongly say that there is no bylaw in Toronto or in any municipality—all the cars have to provide the service, even in bad weather. What's happening at the airport is—let's say there is a 30-centimetre snowstorm—that the airport authority tells us, "We need so many cars here," or "We need all the cars here." We have no option; we have to go there. We are working there as a commitment to the service. We're not going there and just waiting two or three hours or any length of time. What I'm saying is that as part of the airport services we have to, and the municipal part doesn't have to. Those people who are pretending—as I mentioned, Mr. Trabulsey—are not the taxi drivers. They are, I would say, a shame for all of us because so many people from my community are doing the same thing. It is a shame for our city, it is a shame for our province, because we're giving the impression to the person who comes to do business that those things are happening there.

Thank you very much, and I am open for any questions.

1600

The Chair: Thank you. Sorry; I was distracted there for a minute. We have two minutes for every delegation, beginning with the government side. Mr. Lalonde, do you have a question?

Mr. Lalonde: Thank you ever so much for coming in this afternoon. You said that people who attend the fundraisers—I'm not going to ask if you have attended—are going because they want to be kept informed, not necessarily as a fundraiser for the Liberal Party. If a minister goes down to any of the fundraisers—I always went. Even when I was in the opposition, I would go whenever a minister from the PC Party was addressing the group.

I am a Canadian and I am white, so you'd better not say that I come from Hong Kong when I get to the airport. As I said a little while ago, the scoopers will never get my business.

Have you ever made an effort to report those people, the type of scoopers I've just heard about? They're unlicensed people. They're dangerous to the public. They're people without any insurance that would carry them or transport them to downtown or any place. Have you ever tried to report those people?

Mr. Punian: I will answer your first part, as you stated in the beginning. At the airport, if anybody goes to any event, like fundraising—there's not only political fundraising; there's fundraising for Mount Sinai Hospital, for Sick Children, for the Peel hospital—there is the notice board and the notice comes on the notice board, "So much money was given and so many people attended." In that fundraiser, only one table was bought by the airport driver and the notice was at the airport notice board that one table was booked by the airport driver as a Liberal fundraiser dinner. In our fundraiser, we mentioned our—that we attended so-and-so fundraiser at so-and-so. Even at the hospital—

The second that you said, that they be reported, we're doing every day. What I will do personally—the airport authority wastes most of their grounds staff chasing these people. Let's say two guys with two vans with six people—they get paid more than \$20 an hour. They force Mr. Trabulsey from Terminal 1; he moves to 2. They force him from there, then he moves to 3. If they move to 3, then he moves to 1. Most of our taxpayers' money is wasted on those people.

We report to the Peel police, we report to the Greater Toronto Airports Authority, and they ask for help from each and every one. We're trying to contribute what we can. The airport is not doing much on their part, but we're doing our part, what we can. At the same time, we're working with the Peel police. There are two constables there. They try to come over in the rush hour or other times so they can help the general public.

The Chair: Mr. Klees?

Mr. Klees: You made some very strong statements in your remarks. I would ask you to tell me exactly what you meant when you suggested that Mr. Moscoe was playing games in his submission. What exactly did you mean by that?

Mr. Punian: Thank you for the question. All those hotels from where those unlicensed cars are picking fares were licensed by the municipality of Toronto. Why don't they make it part of the licence or bylaw—I'll give the example of Hotel X or the Delta Chelsea hotel—"I am going to renew your licence. I don't want to see any unlicensed person dispatched from your hotel to pick up a passenger." They can do it, but they never did it.

It is a very strong group. The scooper group is a very strong group. There are about 250 cars, and two people are working on each car. There is the group of 500 people. So they are supporting these cars.

Mr. Moscoe was shaking hands, in the room and outside, with those people. What I mean is, if Mr. Moscoe is so serious about this problem, he can make the municipal bylaw. He doesn't need the provincial bylaw, he doesn't need the federal bylaw; he can simply pass in the council that no hotel can be licensed if it is allowing these illegal activities, but he's not doing that. He's playing politics. That's what I mean.

Mr. Klees: I'm sorry that I wasn't here for the full day of hearings, so I missed the context of the reference that the parliamentary assistant made to you and other speakers about this fundraising event. You made a point of referring to it. Has there been a suggestion that there was something inappropriate about that?

The Chair: Sorry; you've got about 30 seconds to answer.

Mr. Klees: Has there been a suggestion that there was something inappropriate about this fundraising event?

Mr. Punian: No, nothing at all. If you're talking about the airport, the majority is the Indian-Punjabi community. We are very generous, not only to—it's nice to live in a democracy; it's nice to have so many different political parties. It's nice to be part of that. We're doing, and I'm a part of that too, not only for political purposes; we're doing for social, for abused women, for Peel police, for fire, for hospitals, and it's nice to be part of that.

Mr. Klees: Just the fact that you felt it important to mention it is why I refer to it.

The Chair: Thank you, Mr. Klees. Your time has expired.

Mr. Marchese, you have the floor.

Mr. Punian: Nothing wrong. I said nothing wrong.

Mr. Marchese: Out of curiosity, have you ever, in the history of your involvement, been to an NDP event where we managed or were able to raise from the Punjabi community \$200,000?

Mr. Punian: I can tell you what I remember at the recent one. I remember only that by working 20 hours in a day, I made only \$3.

Mr. Marchese: That was just a silly question. I was making fun. New Democrats can barely raise a couple of thousand bucks every time we have a fundraising event, that's all. God bless the Liberals and the Tories that can raise \$200,000 every time they decide to have an information meeting. That was it.

I have to tell you that I find it truly unjust in terms of the ability of the limousine people to go to Toronto and go back with a ride. You're all trying to make a living. Taxis in Toronto are trying to make a living. It's very difficult for them to have to go through the incredible runs to make 35 or 40 bucks and make some money at the end of their shift. I think it's wrong. We need a level playing field, and people are speaking to that; I'm speaking to that. I find it unfair.

This amendment that's in the transportation act that allows anti-scooping at the airport ought to properly belong in the Municipal Act, and that's where we should be debating it. They don't want to debate it there because

it opens a can of worms. That's why it's here, under the guise of safety.

I'm looking for some kind of justice for all of you in terms of how you can all make a living, and I believe that taxis don't have the same opportunity to make the fair living as the rest of you do.

Mr. Punian: Unfortunately, I don't agree with you. I'll give you the reason why I don't agree with you. I worked as a volunteer for three years in the city of Mississauga, giving advice to the same committee—regarding the public vehicle advisory committee. In the Municipal Act, what somebody presented to us in our Mississauga meeting was that not only the airport cars, but all registered cars have the right to pick up anywhere. The condition is that the destination be out of the municipality. If you're mixing that thing only with the airport, that's not fair to them either. All the companies, all the licences, can pick up from anywhere. The condition is that the destination must be out of the municipality.

So what is happening is that this is the chemistry of three things: There is the federal regulation, the provincial regulation and the municipal legislation. Those three regulations make the chemistry, and there are so many laws. One is covered under federal, one is covered as provincial and another is covered as municipal. What happened? As you said, the Liberals were playing games. At the same time, we're not talking about who can pick up from where and who can drop them there. No, Ontario is only talking because, as I said in the beginning, in a democracy, the public is the government, and the government is the public. It's their first act to save the public. So whatever they're doing—

Interjection.

Mr. Punian: Let me finish, sir.

Mr. Marchese: We're running out of time.

The Chair: You need to wrap it up anyway, sir.

Mr. Punian: Whatever they're doing, they're trying to protect the public. For Ontario, not for the airport, not for the downtown.

The Chair: Thank you very much for coming.

Mr. Punian: Thank you for your time.

1610

AIRPORT LIMOUSINE DRIVERS ASSOCIATION

The Chair: Our next delegation is the Airport Limousine Drivers Association, Mr. Dhillon. Does everybody have one of Mr. Dhillon's handouts? Good afternoon and welcome. Thank you for coming. If you could identify yourself and the organization you speak for. You will have 15 minutes to speak. Should you use all of that time, there won't be an opportunity for us to ask questions. You have the floor.

Mr. Vicky Dhillon: Good afternoon, everyone. My name is Vicky Dhillon. I am president of the Airport Limousine Drivers Association. I would like to thank you for the opportunity to appear before this committee to

express safety concerns that exist as a result of the presence of scoopers at Pearson International Airport.

In the past, on several different occasions, the airport taxi and limousine associations have brought forward this issue of scoopers to the attention of various government bodies for corrective action. These scoopers operate illegal, unsafe and unauthorized vehicles at Pearson airport and offer transportation service to ignorant passengers. The passengers are unaware of the dangers these scoopers pose to their personal safety and are also harassed and taken advantage of by these lawbreakers.

Drivers that could possibly have criminal records scam these innocent passengers for extremely high fares, but vehicles that are unsafe and uninsured for public transportation usage pose the greatest risk to them. These scoopers do not follow any safety rules and regulations established by the Ministry of Transportation that may apply to their vehicles, nor do they purchase insurance and protect the passengers that they carry, also a requirement established by the Ministry of Transportation.

If this issue is not managed promptly and effectively, we could be faced with a situation where a passenger's safety could be put at great risk, leading to bad publicity for our great city and a significant hit to our tourism industry. Further, a personal claim of damages could also be brought against the Greater Toronto Airports Authority and the government of Ontario. The GTAA and the Peel Regional Police have unsuccessfully attempted to handle this issue in the past. We hope that this will offer support to the efforts of the GTAA and the Peel police to control this issue. We request that this bill should introduce hefty fines to offenders who are caught operating as scoopers at the airport.

Finally, from a personal viewpoint, these scoopers, with much lower costs of operation, also negatively impact the livelihood of not only the Airport Limousine Drivers Association members but also drivers who operate public transportation services authorized and in compliance with established Ministry of Transportation rules and regulations. We are left to wonder why we should follow these rules established by the Ministry of Transportation when these scoopers choose not to, and your government lets them get away with it. Kindly note that the Toronto Star also published an article on this very issue last year.

Thank you again for this opportunity to appear before you to present our concerns.

The Chair: Thank you, Mr. Dhillon. You've left about two and a half minutes for each party, beginning with Mr. Klees.

Mr. Klees: Thank you, Mr. Dhillon. In your definition of scoopers, are we talking in large part about taxi drivers licensed in the city of Toronto or are you talking about people who have no taxi licence at all and are somehow infiltrating this business? Can you comment on that?

Mr. Vicky Dhillon: Scoopers are the people who don't have licences from any city. They pick up fares without any licence from the airport and from the cities.

Mr. Klees: So those are the people you're concerned about?

Mr. Vicky Dhillon: Yes.

Mr. Klees: You're not talking about—

Mr. Vicky Dhillon: No, I'm not talking about city taxis. I'm talking about scoopers who don't have any city or airport-authorized plate or permit to pick up passengers and they don't have any kind of permit to serve passengers or to transport passengers.

Mr. Klees: You made reference to the safety and the character or backgrounds of the people who drive these cars and are doing the scooping. With regard to your business and your association, can you tell me what kind of background checks are in place for people who drive in your organization?

Mr. Vicky Dhillon: When we get airport limousine licences, we give them all the information: when they come to this country, what they have done in the past. The airport authorities always check our records. We are not criminals. I don't have any background. If a scooper doesn't have any record at the airport or in any city, he or she can pick up any customer, any passenger from the terminal or even a lady in the parking lot.

Mr. Klees: Just out of interest, is there a formal criminal background check mandatory for drivers?

Mr. Vicky Dhillon: Yes, there is. I'm worried about the passengers. If somebody comes from out of the country and doesn't know the difference between a taxi and a limo and the scoopers pick them up in the parking lot, they could assault a lady or take their luggage, or if someone leaves their luggage in the car, how are they going to get it back? That's the main concern.

Mr. Klees: Just finally, do you believe that the same rules should apply to limo drivers as to taxicab drivers who are licensed in the city of Toronto?

Mr. Vicky Dhillon: They should be because they are responsible. They are ambassadors of the city.

Mr. Klees: So that would be the objective: to have the same rules for everyone in the industry?

Mr. Vicky Dhillon: Yes, there should be the same rules for all the drivers because the drivers are the ambassadors of the city. They are the one person, when someone comes out—they always deal with taxi drivers, who tell them about the city.

The Chair: Mr. Marchese?

Mr. Marchese: Any relation to Mr. Dhillon? Just the same name?

Mr. Vicky Dhillon: The same name, but his name is Vic; my name is Vicky.

Mr. Marchese: I noticed that. Just the "y" is there.

Just a couple of questions. I heard from Mr. Punian that they don't do any illegal scooping. I heard from other limousine services from the airport that they don't do any illegal scooping. Do you think anyone is doing it, and who's doing it?

Mr. Vicky Dhillon: That's what I said before. The scoopers are the people who don't have any licences.

Mr. Marchese: So those are the ones doing it?

Mr. Vicky Dhillon: Yes.

Mr. Marchese: You guys are not involved because you wouldn't do it; right?

Mr. Vicky Dhillon: No, we don't because we are legal. We pay the fees.

Mr. Marchese: Of course. So you only pick up those people in Toronto when you come to Toronto from the airport on a pre-arranged kind of arrangement. That's what you do all the time?

Mr. Vicky Dhillon: Yes. When our passengers call to our companies, then our company is dispatched to pick them up. Mr. Jones is calling at the Hilton Hotel and we go pick him up.

Mr. Marchese: When you go from the airport to Toronto, how long do you wait in Toronto for a pre-arranged pickup?

Mr. Vicky Dhillon: Almost two hours.

Mr. Marchese: At the airport you wait for two hours sometimes and in Toronto you wait for two hours?

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Mr. Vicky Dhillon: Yes, sir.

Mr. Marchese: So you're not making a living.

Mr. Vicky Dhillon: That's why we're crying. We're losing our business. Those scoopers take our fares.

Mr. Marchese: So why are so many people in the business if they're not making a living? I don't get it. Somebody's—

Mr. Vicky Dhillon: That's why there was a strike at the airport. Maybe you read about it in the newspapers.

Mr. Marchese: So if you're doing poorly, the city guys are doing even worse. They're not making a living either, then, presumably.

Mr. Vicky Dhillon: I know they are also surviving. But the city should do it for them. The city should pass a law for them. They should stop illegal cars picking up the fares.

Mr. Marchese: I agree with that. So the people who are involved in this cookie business—I hate the term; I don't know who invented that—are not you guys who are licensed but the unlicensed ones, the illegal ones. OK. Thank you.

The Chair: We have more time, and government speaker Deb Matthews.

Ms. Matthews: Thank you, Mr. Dhillon. My knowledge about this whole business before I started sitting on this committee was almost none, so it's been a pretty steep learning curve for me. Maybe you can help me understand one aspect of this. Currently, it's illegal to scoop at the airport. It's illegal for people to solicit from within the airport, yet everybody who comes to the airport on a regular basis reports that it's very common for them to be approached by people with cellphones who are looking for fares, circumventing the system. Tell me what happens now to prevent that from happening and tell me how this legislation will help prevent this activity from taking place.

Mr. Vicky Dhillon: Whenever we talk to Peel Regional Police or the GTA—I sent one letter to the Minister of Transportation about scooping, and I have a copy of that too. When we talk to the Peel Regional

Police, they always say that they don't have any bylaw to stop them, they don't have any provincial law to stop these illegal scoopers who pick up the customers from the airport. They can only send them from one terminal to another. If one scooper is picking up at Terminal 3, when they see the Peel police who say, "You guys cannot pick up any," then they go to Terminal 2. When the Peel police or GTA inspectors follow them, then they go to Terminal 1. All the inspectors and Peel Regional Police spend their time sending them from one terminal to another terminal.

Only this law, Bill 169, can stop these scoopers because this law is very strict. They can give them fines when they catch them picking up passengers from the airport, or from anywhere in Ontario.

Ms. Matthews: So this bill will be necessary to prevent the problem that we've been hearing so much about.

Mr. Vicky Dhillon: Yes, this bill is necessary to protect us.

The Chair: No further questions? Seeing none, thank you, Mr. Dhillon. We appreciate your being here today.

GILLES LAVIOLETTE

The Chair: Our next delegation is Mr. Laviolette. Did I say that right? Yes? Excellent. I've got a few other names here that are going to be even more tricky. I hate to get them wrong.

You're an individual that's speaking. Are you speaking for an organization or for yourself?

Mr. Gilles Laviolette: For myself.

The Chair: OK, so you have 10 minutes. We appreciate your being here. If you could state your name before you speak, and when you do speak, you'll have 10 minutes. Should you leave some time, we'll be able to ask you questions.

Mr. Laviolette: My name is Gilles Laviolette. First of all, I'd like to thank you for letting me speak today. Unfortunately, I don't represent the hard workers of the province of Ontario, but ones that want to have a little fun.

I'm here today to address three issues related to the registration of vehicles and the licensing of drivers for the purpose of towing vehicles for personal recreational purposes; in other words, for pulling trailers for recreational purposes. My main vehicle is a Ford 250 pickup truck, which we use for everything from doing groceries, going to church and towing our house travel trailer, as well as my trailer for my antique car.

I've been driving for 39 years. In June, I found out the hard way—not by being unsafe in my driving, but through the paperwork, facing almost \$1,500 in fines—that the definition of a "pickup truck" is a "commercial vehicle." All pickup trucks in Ontario are commercial vehicles. Because my vehicle is used for towing my trailers, it now has to have a registered gross weight over 4,500 kilograms, and is subject to the commercial vehicle operator's registration—that's CVOR—the same as the

big truckers, the semi-trailers and dump trucks, whether the trailer is attached or not, except when towing the house mobile trailer, my travel trailer for the family.

Towed vehicle weight in relation to class of drivers' licences: With regard to the licensing of drivers, it is clear that when the weight of a trailer exceeds 4,600 kilograms, a class A licence is required. According to the illustration on the Ontario government Web site, the weight of the towed vehicle is the weight that is transmitted directly to the ground when the towed vehicle is connected to the truck, as you can see from the diagrams that came off the Ontario government Web site.

According to this example, if the weight transmitted to the ground by the trailer is less than 4,600 kilograms, only a class G normal licence is required. However, there seems to be a grey area in interpretation in which enforcement officers will have us detach the trailer to determine its weight. So if the weight's not high enough, they get us to detach it to make sure they can lay a charge against us. Most house travel trailers being sold today exceed 4,600 kilograms standing alone, but transmit less than 4,600 kilograms directly to the road when being towed. This inconsistency means that, depending on the enforcement officer, people driving their house travel trailers or other personal trailers may be charged and their truck and trailer impounded because they're told they need a class A licence.

I checked with about 30 owners and found that only one had a class A licence, and he only had one because his job required it. None had been informed when buying or licensing their vehicles that they might require a class A licence, nor had they discovered this by themselves. Each of these citizens could be made out as lawbreakers if the regulation was not consistently enforced, remembering that MTO has never enforced these laws. My friend, Fred Lonchamp, a retired OPP inspector himself, is not following the law because he never knew it existed.

I propose that it be made clear that the weight of any trailer, large or small, must be determined by the weight transmitted to the ground while attached, to give clarity to the enforcement of towing limits.

Vehicle registration: The second issue for recreational towing is the registration requirements for vehicles. Currently, only owners of house trailers are partially exempt from the commercial vehicle operator's registration, CVOR, requirements. That is to say that any vehicle with a registered gross weight over 4,500 kilograms is normally required to operate under a CVOR licence, including logbooks, daily inspection, weekly operating hours and going on scales on the side of the highways, and must avoid non-truck routes and parkways. The exemption for vehicles with a registered gross weight over 4,500 kilograms while towing a house travel trailer means that they follow the normal driving requirements of ordinary people, not commercial requirements. This is an intelligent rule that distinguishes the natural person from the commercial operator.

The silly thing is that once disconnected from the exempted towed vehicle, the pickup truck remains

registered at over 4,500 kilograms and therefore becomes subject to all the CVOR regulations. So if I take a holiday with my travel trailer, once I disconnect, I'm now a big trucker; but connected, I'm just a normal person.

The current regulation of these limits puts drivers between a rock and a hard place. If the driver registers his/her vehicle as under 4,500 kilos, they may face a fine of only \$130. If their vehicle weight exceeds 4,500 kilograms when towing a house travel trailer, if they properly register their vehicle for over 4,500 kilograms, they can face commercial fines totalling over \$1,400, including failure to maintain, failure to do daily record inspections, failure to do every kind of thing that has to do with commercial operation. Ironically, these fines are levied if the pickup truck is not towing a trailer. In effect, they are damned if they do and damned if they don't. Their only legal option is to obtain a CVOR and training for themselves and their whole family. So imagine that all of a sudden you're telling your wife that she has to become a commercial trucker. Even this option subjects them to commercial operator requirements in every jurisdiction they travel through—but only in Ontario; protected in Quebec and in the States.

1630

I propose an amendment to the regulations to the effect that "a natural person (no corporation or limited company) who uses a heavy vehicle with a maximum of actual or registered gross weight of 11,000 kilograms for personal purpose, meaning other than commercial or professional, is exempt from CVOR"—so a normal class G licence, with a trailer with less than a 4,600-kilogram weight on the axles.

Towed vehicle safety inspection: A third issue which ought to be considered in the course of these amendments is improving the safety of towed vehicles. Currently, house travel trailers are exempt from annual safety inspections. There is no compelling reason for this exemption. I propose that house travel trailers should be required to bear an annual inspection sticker just like all other trailers.

Summary: The whole recreational trailer industry has been operating on the premise that the weight of a towed vehicle is the towed weight. Thousands of house travel trailers have been sold, and are being sold today, to licensed class G non-commercial drivers who are bound to crowd the courts and ultimately lose the use of their investment if these regulations are not clarified. Your constituents, whether recreational users or part of the sales and service force, have an interest in your responsible action on these points. MTO has never enforced these. So if they or the police ever do, then we'll have a problem.

The requirements of CVOR are onerous on private individuals who are towing trailers for recreational purposes. In addition, the uncertainty about how a towed vehicle will be weighed needs to be clarified, lest many ordinary people be made into lawbreakers. Finally, a house travel trailer needs to be subject to the same safety inspections as other trailers to ensure that these rec-

reational trailers are safe for everyone on the highway. These proposals, taken together, increase safety and reduce unnecessary paperwork. Please make these changes so that ordinary people can go out and have some fun.

The Chair: Thank you, Mr. Laviolette. You've left 24 seconds to have fun in. So thank you very much for your presentation. We appreciate your being here.

ANDY RÉTI

The Chair: Our next deputation is Andy Réti. Am I saying that right?

Mr. Andy Réti: Yes, you did.

The Chair: Good; I'm glad. Welcome. Thank you for your patience. We appreciate your being here. You have 10 minutes to speak. Is this your handout here that we have?

Mr. Réti: That is my handout, indeed. My name is Andy Réti, member of Toronto's beleaguered taxi industry since 1966. Over the years I have performed a variety of functions within the taxi industry and am most proud of two in particular. One is as writer-commentator on industry issues, and instructor at Centennial College's ambassador program. And I can vouch for Mr. Trabulsey's statement that he was an excellent student, because he was one of mine.

Since this bill has already received second reading, it is with mixed emotions that I am making yet one more submission to a body that has power over my chosen profession and me. Being an optimist, I'd like to think that my colleagues and I will influence you and that we will make a difference in your deliberations.

At this stage there is a bit of an advantage, because I had the opportunity to listen to the deputations and some of the excellent questions that were posed on both sides. However, I'm going to act as a mythbuster, because there has been a lot of obfuscation and confusion.

Before I go on, I would like to reiterate, like my colleagues, that we have no problem with Bill 169, save and except section 39, subsections (1) to (11), which happen to be the flip side of the coin of the so-called exemption. Having been a writer, I have, with the participation of two friends, written a three-part series that appeared in *Taxi News*, and I have a three-part précis of it included in my submission. I sincerely hope that you will have an opportunity to peruse it, because it does clear up some of the misunderstandings, shall we say.

In addition, I would like to tell you that as a member of the committee representing Toronto's 12,000-strong industry, I visited representatives of each party, some of whom are in this room. Let me tell you that, without fail, we received a sympathetic hearing regarding our concern about this pending legislation from every corner; even the Attorney General agreed that changes are needed. Let me also tell you that we received a most cordial, professional and fair hearing from the minister himself. As a result, there is a letter from him attached as part of my deputation, which I will come to in one second. Yet, in

spite of all these sympathetic listening audiences, here we are today with not one single iota of change.

You had people from both sides of the committee telling you, Madam Chair, that this bill was introduced as a private member's bill in 2003. It was defeated; it was defeated then for a good reason and it should be defeated today for exactly the same reason.

I am going to draw your attention to the letter. If you will turn to the back of the package I have given you, there is the letter from the minister, the sponsor of this bill. I read: "It is important to clarify that these amendments are not intended to change the municipal licensing process currently in place." Actually, that's exactly what it does, especially when it comes to Toronto's problem.

Prior to your having the city of Toronto speak, which I did not know about, I made a note that the minister's speech included support from Niagara and Ottawa; noticeably absent was Toronto. I'm delighted to see that Toronto came on record as opposing it.

What is this going to do? This is going to function as a deterrent that nobody had ever imagined. Currently in Ontario you can have a charge against you for driving without a valid driver's licence, and the punishment is \$5,000. This new bill proposes up to \$20,000. This is way out of proportion. There is in law what they call "proportionality"; this is way out of proportion.

You asked some excellent questions of the previous deputants. Why is this necessary? Indeed, the Toronto airport authority and their predecessor, the federal government, have been in charge of the airport since the mid-1970s. Why is it that in all these 28 years or so they couldn't solve the problem? Why is it, indeed, that you need to have legislation that circumvents the current system, where there's a ray of hope that you will remove this hated exemption?

I said I'm going to act as a mythbuster. Myth number one: Scoopers at the airport have no licences. That's not actually true. Some of them do. But what you probably don't know is that out of the approximately 600 licensees at the airport, approximately 70 are from Toronto. They, believe it or not, cannot pick up in Mississauga, yet the Mississauga airport carriers can freely pick up in Toronto. That's myth number one.

Myth number two: safety. The minister made an excellent presentation about safety, and we totally, wholeheartedly agree with him on safety. Over the years I have made many deputations regarding safety. Now, I am speaking on behalf of the Toronto issue. The safety issue in Toronto is not a concern, but here is the big myth: The GTAA does not have its own safety inspectors. The GTAA is demanding to be dual-licensed, meaning that if you have a GTAA permit—and it's questionable whether it's a licence or a permit, but that's semantics and I will not get into it—they insist on having two licences tied up. So they rely on the municipality to do that safety check, and at the same time, they say, "We are all for safety."

1640

I challenge the GTAA, this committee or anybody else to examine Toronto's safety standards. I also challenge

anybody to tell me that the airport drivers receive proper training. Having been an instructor at the ambassador school, I can tell you there is none in North America, and perhaps in the world, that compares to what Toronto does to their drivers.

One of your previous deputants, Mr. Dhillon, said that there is a criminal check, indeed, by the airport, and there are a few other checks. But there is no safety, there is no instruction. They are washing their hands and they're saying, "The municipality should look after it." At the same time, myth number 3, make no mistake about it: The airport is a golden money-making goose for no one else but the GTAA. I repeat, it's a golden goose for them and them only.

We also have to ask, with all these fines, if the act is going to be enacted, who is going to receive the money? There's no talk about that. I can tell you that currently any kind of fine that is levied by the city of Toronto does not go to the city of Toronto. I am wondering, where is this money going to go with a \$20,000 fine?

In addition, and perhaps a final question, as repeated by my colleagues before, why is the minister sponsoring a provincial bill affecting municipal licensing jurisdiction when, in his own words, that is not what he intends to do? What exactly does he intend to do? Thank you.

The Chair: Thank you. You've left just over 30 seconds for each party.

Mr. Réti: I really tried.

The Chair: That's OK. It's a hard issue to summarize.

Mr. Marchese: Thank you, Mr. Réti, for your work. My sense, from the way the government members are asking questions, is they have no interest in dealing with Toronto taxis and dealing with that unfairness that is going on. Is that your impression?

Mr. Réti: You're 150% correct.

Mr. Lalonde: Thank you again for taking the time. To your knowledge, who is doing the safety check on the cars for any taxi drivers who have a GTAA licence to pick up at the airport?

Mr. Réti: We're talking about two different issues: the safety check on the driver or the safety check on the vehicle?

Mr. Lalonde: On both.

Mr. Réti: To my knowledge, and I'm not an expert in what is going on at the airport with the limousines, Mississauga is convenience licensing all limousines. What their safety standard is I am not overly sure of. I believe they have to produce a safety certificate. I can tell you that the 70 Toronto taxis are out there and that's it, because no limousine is allowed by Toronto, only by Mississauga. So you have approximately 300 Mississauga dual-plated licences, which are GTAA and Mississauga, and then, out of the approximately 300 taxis, 70 are from Toronto, 15 or 20 are from jurisdictions—it used to be as far as Fenelon Falls just outside Ottawa, Aurora etc. These are, once again, safety checked by their own municipalities.

Mr. Lalonde: That's right. They're entitled to get a licence for the GTAA to pick up at the airport; they require the safety check.

Mr. Réti: I'm not sure if they continue to. I really don't know. Perhaps you can ask one of the future deputants who is from Mississauga. I can tell you that Toronto has the most stringent safety standards, both in driver education and safety of vehicles. None even comes close to it.

The Chair: Thank you, Mr. Klees.

Mr. Klees: Thank you for your presentation. Can you give me your thoughts in terms of why this legislation is being presented the way it is now, particularly in light of the good meeting that you had with the Minister of Transportation?

Mr. Réti: In all fairness to the Minister of Transportation, as previous deputants have confirmed—Howard Moscoe in the best possible terms—when you represent a constituency, you have obligations to that constituency. The minister is doing a very good job in representing the interests of his constituency, but unfortunately the same—identical—bill, presented by his predecessor, was defeated.

Mr. Klees: Thank you very much. I'm sure the minister will use your remarks, at least partially, in his next election brochure.

The Chair: Thank you, Mr. Klees. Thank you, sir, very much for coming. We appreciate your being here.

BOB LEWIS

The Chair: Our next deputant is Mr. Bob Lewis. Welcome. Thank you for being here today. You have 10 minutes to speak. Before you begin to speak, just say your name for the purposes of Hansard. When you begin, you'll have 10 minutes. Should you leave any time, we'll be able to ask you questions or make comments about your deputation.

Mr. Bob Lewis: Thank you very much. I'm Bob Lewis from North Bay. I've had a driving instructor's licence since 1973. I'm presently a member of the Road Safety Educators' Association, the Canadian Association of Road Safety Professionals and the Ontario Safety League. You have my presentation there, and I'm just going to skip over some parts of it.

I'd like to do a little history review. It was mentioned earlier that 1978 was a pivotal year in driver education. One of the things that happened was that the government of the day had commissioned a white paper on driver education at that point. Also, the Driving School Association of Ontario, Young Drivers and the Canadian Professional Driver Education Association were trying to make efforts to co-operate with the government to regulate the driving school industry.

At the time, these organizations were looking at mandatory courses for instructors, mandatory examination of an instructor's ability to teach, development of minimum course standards and advanced curricula, amongst other things. In a few words, the attempt was

made to make members of the driving industry professional.

Keith Wallace, who was one of the best-qualified driving educators in Ontario at that time, indicated in 1978 that the driver training industry had gone backward in the last 18 years. So it was 18 years behind in 1978. Also at that time, the Ontario Safety League was severely criticized for the standards that it set for approving driving schools.

So where are we now? One of the organizations named above refused to co-operate with the plans to regulate, and it now no longer exists. The DSAO, which was the only provincial organization that has tried to introduce standards of behaviour for driving schools and encourage professional development for all instructors, has been emasculated since 1998, when the Minister of Transportation and the government of the day unilaterally changed the rules and procedures. The OSL, for no reason that was apparent at the time, was given the functions of certificate distribution and audit, previously carried out by DSAO.

Regulation of the driving school industry did not happen. The examination of instructors' ability to teach did not occur. Minimum course standards are the same ones now as 30 years ago. Research-based advanced curricula have not been utilized by the province in things like the book *Decisions and Choices*, a research-based article.

The big thing that has bothered me is that instructors have never been required to update or upgrade their skills or knowledge of driving in order to maintain their licence. Members of the industry are still not professional. The OSL is still being criticized for its programs and lack of standards. If Keith Wallace's comments on the state of driver education in this province were true in 1978, we are now 45 years backward.

So why do I have concerns with this attempt by the government and MTO to deal with the driving school industry? In simple terms, why this bill? Why now? Why no consultation? I find it appalling that this legislation is buried within a bill dealing with a number of transportation matters. My concern is that this legislation is trying to sneak through changes to the driving school industry, with no notice to or consultation with members of the industry, and is buried within an omnibus piece of legislation. This bill, or this part of it, would be important enough to the industry and the public that it should have been a stand-alone item.

1650

What problem is this section of the bill trying to address? Is it the fraud issue, which apparently has been around prior to 1998 and was obviously not resolved by the MTO approach since that time? Or is it in response to the fraud that was identified by a TV station last September? Is this not really a consumer affairs concern? Driving school audits are continuing under whatever rules were previously in place when the OSL was relieved of duty. One of my questions is, why were the audits under the OSL from 1998 to last fall still not

happening to all the driving schools in the province, and are they going to be now?

If this is an issue of instructor training and curriculum, is it not an issue for the Ministry of Training, Colleges and Universities? Driver education was once the responsibility of both the MTO and the Department of Education; maybe it should be again. The minister has sent a letter to all driving schools telling them that they should not be concerned by this bill, that nothing substantial will change. If that's the case, why the bill? If it is not going to do anything, why have it? It certainly, as it stands, does nothing for road safety.

As a former member of OSSTF, I recognize the need for front-line workers to have representation and involvement in the decisions that affect them. While driving instructors in this province have not yet become organized, there must be involvement of the practitioners and the schools in the process of defining the rules that affect them. My concern, again, with this bill is: no consultation.

There are presently minimal fees required to hold a driving instructor's licence. One of my concerns with this bill is the number of times that "fees" is referred to in the document. There are obviously other fees in the offing, not only for instructors but for the schools as well. Where is industry input into the process of fee-setting?

I am concerned about the frequent references to exemptions from provisions. It is unclear what circumstances should provide an exemption for either an instructor or a driving school. In 1998, one of the concerns I heard raised about the DSAO was fairness. Is this document to allow political interference or fairness?

This bill provides regulations for "ministry-approved courses and course providers." What it does not do is protect the public from non-ministry-approved instructors or schools. I think there's a serious error here.

This bill plans to make regulations for the qualifications and requirements for the issue of school licences, prescribe qualifications and requirements for holders of driving school licences and instructor licences and prescribe standards for driving instruction, but it does nothing to improve the qualifications of a driving instructor after his or her initial training. This is a major opportunity to raise the quality of driving instruction in this province.

It also does nothing to encourage the formation of professional associations for instructors.

Who in the industry will have input into these regulations? Nothing in this bill indicates any input. There are many people within the road safety community who could or should comprise an advisory committee to the MTO in this area, including members of the DSAO, the Road Safety Educators' Association and many others. Their expertise could go a long way to providing regulations that would reflect an increase in standards for driver educators and consumer protection as well. It needs more input than just the MTO and the Ontario Safety League.

When I see the phrase "without a warrant" attached to the powers of the inspectors, I feel a great deal of concern. I am fearful of any government department taking this road and having the power to enter and remove materials without warrant. Even the police do not have that right.

Finally, I would like to put forward some suggestions. It may be time in Ontario to convene a driver training task force again in order to set up minimum standards for driving instructors; to design an ongoing instructor upgrading and recertification program; to examine and consider changes to the present driver instructor curricula; and finally, to examine and consider changes to the present driver training curriculum. Maybe the 1978 white paper on driver education should be resurrected and its recommendations re-examined.

Do driving schools really belong in this bill? Would the ministry and the public be better served by delegating authority for schools and instructors back to organizations like the DSAO, which already has the infrastructure in place, after designing policies and practices required to increase accountability within the industry?

Driver education in this province deserves better than what is in this bill. Please consider sending this part of the bill back to the drawing board, and involve those in the industry who can help develop a bill that will protect the consumer and lead to standards and expectations for the industry. Thank you.

The Chair: Thank you for being here and thank you for your deputation. We appreciate that.

IKRAM FREED

The Chair: Our next deputant is Mr. Freed. Welcome, Mr. Freed. You have 10 minutes to speak to us. If you leave time, we'll be able to ask questions or comments. Before you begin, if you could say your name for Hansard, and then you have 10 minutes.

Mr. Ikram Freed: Thank you very much. My name is Ikram Freed. I was so glad when I came in and saw the minister sitting here, but now I'm heartbroken he's not here to face the truth.

Madam Chair and committee members, I want to draw your attention to item 4 in schedule A of the Transportation Statute Law Amendment Act, 2005, which reads as follows:

"Part IV of the act is amended by adding the following section:

"Picking up passenger for compensation prohibited without licence, etc."

Apparently, this piece of legislation will stop the scooping from Pearson International Airport, which has been a dream of every MPP elected from Mississauga and Brampton in the last 10 years. And why not? Those are the taxi drivers who can afford to contribute to their campaigns, and because this is the promise they have been making to these airport taxi drivers.

They have all failed in the past because the taxi drivers from the city of Toronto and other municipalities

demanded a level playing field with their counterparts from the airport to address this issue. But this time it is different. The Minister of Transportation is from Mississauga, the chair of this committee is from Brampton and the vice is from Mississauga. So God help these drivers from the municipalities to get justice from this government. As a member of the public, I can only try to raise my voice so that the truth may make its way to the people in power, and some of them will probably change their mind, although it's all premeditated. You were right, and Mr. Klees, you were right too. It's all premeditated.

Getting rid of scooping is a good thing but this minister of Punjab for Mississauga and Brampton—oh, I'm sorry. No, I get stuck here because that's how this minister has been acting. But this minister is protecting the territory of the largest group of scoopers: the airport taxi drivers. He does not want anybody to enter their turf, but he's letting them loose to scoop from all over Ontario.

The root cause of the problem is with the Municipal Act, subsection 155(2), which exempts the airport licensed drivers from the municipal licence when they are transporting passengers to the airport only, and only to the airport. They use this shelter to transport the passengers from the municipalities to anywhere in the world—even Afghanistan—since law enforcement cannot check every passenger in these airport taxis and limousines for their destination. This has created a culture of bribery to the hotel doorman, which ultimately costs visitors in monetary terms.

1700

Now I would like to draw your attention to subsection 4(3) in schedule A that reads as follows:

“(3) No person shall arrange or offer to arrange for a passenger to be picked up in a motor vehicle other than a bus for the purpose of being transported for compensation except under the licence, permit or authorization that is required to do so, as described in subsection (1).”

I drive a wheelchair-accessible taxi licensed by the city of Toronto. Most of my clients cannot pay their fares when they have to travel out of town. Wheel-Trans or TransHelp does not provide this service with convenience, so these people end up getting help from charities, friends or relatives to pay for the fare both ways, over the phone or by charge coupons. Under subsection (3), it would be an offence to help these people in need. It also happens, in the case of the regular taxis, that a third party is paying for the trip both ways, or customers have their accounts set up with the taxi companies in their respective municipalities and they use these taxis for return trips from out of town.

I suggest that this committee do the right thing by looking into this problem province-wide and come up with a solution. My recommendation is to repeal Municipal Act subsection 155(2) and allow the municipalities to charge a fee for the temporary permit for each pre-arranged pickup by a taxi out of their respective jurisdictions but licensed by the other jurisdictions. This is exactly what the airport authorities have been doing to us for years. This is not impossible in the age of electronics

and computers if there is a will, and these municipalities would love to have extra revenue.

Questions?

The Chair: You have three minutes left, which leaves one minute for each party, beginning with the government side.

Mr. Lalonde: Really, I looked at it. Are you aware that this legislation is for the whole of the province, not the city of Toronto only?

Mr. Freed: This is just for the airport. Unless you remove section 155 from the Municipal Act, this will apply and will be enforceable only at the airport. We would not be able to enforce it in the city of Toronto.

Mr. Lalonde: In all airports in Ontario, not only Pearson airport.

Mr. Freed: That's the major airport.

Mr. Lalonde: Well, it's all the airports.

You mentioned, “He does not want anybody to enter their turf, but he's letting them loose to scoop from all over Ontario.” Would you believe that if you were to go in Oshawa, for example, the Oshawa taxi industry would accept that you are able to pick up there?

Mr. Freed: Yes, sir. It happens every day by the airport drivers. They go there and pick up. They go and pick up from Hamilton.

Mr. Lalonde: That would come under the Municipal Act.

Mr. Freed: They've been breaking the act all along, sir. They are supposed to take the fare from all these municipalities to the airport only, but with the help of these doormen—that's where the cookie comes in—they take fares anywhere in Ontario. Actually, they will do it anywhere in the world.

The Chair: Thank you.

Mr. Freed: And they do it every day, sir.

The Chair: Thank you, sir.

Mr. Klees, you have a minute.

Mr. Klees: Mr. Freed, thank you for your presentation. You're arguing for fairness and a level playing field, and I certainly support that. It seems to me that the parliamentary assistant is missing one very important part of your presentation, that in fact this legislation doesn't apply to the entire province because of the way the Municipal Act precludes the same rules being applied, and that's your point.

Mr. Freed: That's exactly what we're here for.

Mr. Klees: And that's our point. We're suggesting that in order to do the fair thing—we want to achieve this. We want to achieve this for the airport limousine and airport taxi drivers and owners. We want to achieve, however, the same thing for those who are disadvantaged on the other side of the equation. And, for the life of me, I do not understand why this minister would not do the right thing and accomplish both at the same time.

Mr. Freed: Because he wants to act only as minister for Mississauga and Brampton, for his constituents. If he wants to resolve the problem province-wide, this is what we are suggesting, and that's exactly what you want to see, a level playing field.

The Chair: Thank you, Mr. Freed.

Mr. Klees: If I could—

The Chair: No, time's up.

Mr. Marchese.

Mr. Marchese: Mr. Freed, I'm running out of energy; I can feel it. What I have observed is that Mr. Duguid is not here, for many reasons that I can probably respect, no problemo. But when he was here, it seems that Toronto taxis were getting a fair hearing. It appears to be like the good and bad kind of cop. Now the good cop is gone, and what we've got is the rest of the committee reluctant, in my view, to give you a hearing. So what we've got is political organizing of a different kind. We're not going to win this case here, I can tell already, on this issue, so you've got to get involved in a different kind of a political—

Mr. Freed: Sir, we know that we are not going to win at all, because it's premeditated, and they are in the government, right? Mr. Duguid is not here because he knows the problem. He's been a councillor in the city, and every driver knows him, and he knows what goes on in the streets of Toronto. The only hope is that we wait until the government is changed, and then we ask the next government to change the law. That's what's going to happen.

This is the political commitment this minister made before he got elected, and he is fulfilling it. He is not doing it for the province of Ontario. Under oath, I am going to say that he is not acting in the interest of the province of Ontario; he is just acting in the interest of his own constituents.

The Chair: Thank you, Mr. Freed. We appreciate your being here. Thank you for your delegation.

SAJID MUGHAL

The Chair: Our next delegation is Sajid Mughal. Have I said that—am I close?

Mr. Sajid Mughal: Absolutely.

The Chair: Is this your presentation? Thank you very much. You have 10 minutes. Should you leave time at the end, we'll be able to ask you questions.

Mr. Mughal: I'll finish in one minute or so, because most of the things I have to say have been said by the Toronto cab drivers and the cab industry, including Andy Réti, Ikram Freed and Kamil. I will be very brief, and I will have tons of time for the questions.

Good afternoon, honourable Chair and committee members. Thank you for giving me this opportunity to express my views on such a sensitive issue, which directly affects the livelihood of thousands and thousands of taxicab drivers in the city of Toronto.

Honourable Chair, I'm a former chair of the taxicab advisory committee, which was a body elected to address taxi issues. Having said that, I had the privilege to talk on this issue directly with the Honourable Minister Harinder Takhar, and also with his staff, along with Howard Moscoe, a city councillor who looks after taxi matters, and to express the concerns of cab drivers in the city of

Toronto with the illegal activities happening in the city by licensed as well as by unlicensed limousine drivers. We told him that the limousine industry is sucking from the cab industry in the city of Toronto, but unfortunately everything we said to the honourable minister has fallen on deaf ears.

1710

Mr. Chair and committee members, I'm neither tired nor disappointed to be raising this concern again and again until it is heard and resolved. I am very happy and optimistic that the matter is now in this committee's hands because it will not tilt to one side or the other, but will provide a level playing field for all the players.

In Bill 169, what Mr. Minister is trying to do is hide such an important issue which will affect the livelihood of thousands of drivers. Bill 169 will prohibit the unlicensed drivers from giving service to the public for compensation. That's what anybody in the right state of mind would want, but that would only protect the airport business, not the scooping happening in the city of Toronto because the scooping happening at the airport is not even 10% of what is happening in the city of Toronto. You can't even compare the scooping that's happening in the city of Toronto. You go to any corner, any corporate tower or any hotel, and you will see all these licensed and unlicensed drivers. Licensed drivers, because they're exempted from subsection 155(2), can take the fare back to the airport. That's a big drawback for the cab industry in the city of Toronto. We can only take fares to the airport; we cannot bring customers back. But they can bring customers from the airport to anywhere. According to the bill, they can only take customers back from the airport, but that's not what's been happening. First of all, it's not a level playing field. It should be fair game for all the players.

Also, there's another bill's subsection 155(2), which exempts airport taxis and limousines so they can take passengers back to the airport. And you don't call it a level playing field. That's what makes Toronto cab drivers frustrated and feeling neglected.

This is a historic moment for the cab industry. The whole industry is looking at this committee to provide a level playing field to all the players, and you can do so by eliminating the exemption for limousines and airport taxicabs from subsection 155(2). Thank you very much for your time.

The Chair: You've left two minutes for each party to ask questions, beginning with Mr. Marchese.

Mr. Marchese: Mr. Mughal, all I can say is that workers have a right to earn a decent living, and at the moment the conditions do not allow Toronto taxis to be able to also arrive at fair conditions that would bring about a fair living wage. I'm afraid that, contrary to what I thought, that the government was going to try to reach out to you guys as a way of trying to bring about a reasonable compromise, from what I'm hearing today, I don't see it. So I think you Toronto taxi drivers are being shafted. That's the only conclusion I can come up with.

Mr. Mughal: We have been shafted for the last 18 years or so and we hope one day that the politicians will listen. We're not asking them to give the city of Toronto cab drivers favours. No, we are asking them just to provide a level playing field. That's all we're asking. We are not asking for too much. Just provide a level playing field for all the players. We have as much right to bring customers from the airport as they have the right to take a customer from downtown to the airport or anywhere in Ontario. That's all we're asking. We are not asking too much.

Mr. Rinaldi: Thank you, Mr. Mughal, for your presentation. I must admit that we've heard your plea and your story a number of times, over and over again. What I'd like to remind you and other members of the committee and the presenters of is that earlier on Mr. Duguid, who is the parliamentary assistant to the Minister of Municipal Affairs and Housing, was pretty clear in saying that the Minister of Municipal Affairs is willing to work on subsection 155(2), which is not related to this, even though they might tie together. If you were here earlier when Councillor Moscoe was here, he suggested that even though he's not happy with the bill, he's quite happy with the way negotiations are going with the new city of Toronto bill and the Municipal Act. So there are discussions going on.

Mr. Marchese: I think he said to refer to section—

Mr. Rinaldi: I think I have the floor now, thanks.

Mr. Marchese: Just trying to help you out.

The Chair: Thank you, Mr. Marchese. Mr. Rinaldi, you do have the floor.

Mr. Rinaldi: So I guess the question is, this discussion has been going on for a long time and we're trying to clarify or adjust one section, the safety part, from the illegal scoopers. That's how the bill really pertains to your issue. I'm surprised that previous governments didn't tackle it either, if it's that bad. So I guess all I can say is, we've made the commitment and we're going to look at it. This is the issue to deal with—illegal scooping—whether it's in Toronto, Ottawa or at the airport.

Mr. Mughal: I appreciate your effort but, as it has been said in the previous deputation, to monitor the airport is very easy; it's a very limited boundary. But you cannot monitor the whole city of Toronto to catch unlicensed activities happening. So if you want to solve this problem, the only way is to eliminate subsection 155(2). Then you can really achieve what you want to achieve. You will provide a level playing field for all members and, as well, you will eliminate all unlicensed activities happening either here in the city of Toronto or Mississauga or at the airport. But you cannot solve the problem if you solve one portion and leave the other one alone. It will create chaos instead of resolving the problem.

Mr. Klees: Mr. Mughal, thank you for your presentation. There's something very interesting going on here in this committee. I am sure you're noticing it. The purpose of a standing committee is for stakeholders to be

able to come forward, present their views on the proposed legislation and make recommendations as to how to improve the legislation. The role of committee members should be to listen to people, weigh in the balance what they are saying and then make a recommendation to the government as to how the legislation may be improved.

Every member of this committee has heard that they agree with the intent of this legislation, but they have also heard—and I can't imagine that any member would deny it—about the principle of fairness and a level playing field. So what this committee should do is make a recommendation to amend this legislation to accommodate that level playing field so that the airport industry is protected and the city taxis are protected as well.

I want you to know that we will be making that kind of amendment proposal. We would hope that members of this committee on the government side as well would support us. That's how this committee should work. But what I've been hearing throughout the presentations today is not the government members listening to you, but pushing back to you and justifying why this legislation in its present format can't be changed. That is not how this should work.

So I thank you for your recommendation. It is logical, it is reasonable. I think we can achieve a win-win for the entire industry. That should be the objective of the minister. I believe in his integrity. I'm sure that this minister, after listening to the submissions that were made at this committee, will in fact recognize that there's a better way to do this so that he can satisfy his constituents—and to his credit, he's doing that—but also take into consideration the concerns that you've expressed.

The Chair: Thank you, Mr.—

Mr. Mughal: Madam Chair, can I have one minute—just 60 seconds?

The Chair: No. You do not have enough time. Mr. Klees exhausted your time. So thank you very much for being here.

Mr. Klees: Can we have unanimous consent to give the man—

Mr. Mughal: Just 60 seconds.

The Chair: If it's a yes or a no, that's fine, but we have delegations that have been waiting all day. We're going to be here until 6 o'clock.

Mr. Mughal: All I want to say is if you adopt this Bill 169 as it is, it will cause more chaos and more anxiety in the—

The Chair: I think we have your deputation and that's sufficient. Thank you very much for your time. We appreciate your being here.

Mr. Khan would be our next speaker. Is Mr. Khan here? No.

Interruption.

The Chair: Can I have some order, please? I'm going to ask one last time: Is Mr. Khan here? OK. I'm going to move on to the next, Mr. Hillel Gudes.

1720

HILLEL GUDES

The Chair: Welcome. Thank you for being here. You will have 10 minutes once you get yourself settled. I believe we have your submission here.

Mr. Hillel Gudes: Yes, you do. Before we start, Madam Chair, I want to apologize for this outburst. This is the second time I've done it. The first time was in response to an outright lie from a high official from the GTAA.

The Chair: I accept your apology. You have 10 minutes.

Mr. Gudes: My name is Hillel Gudes. I've been a member of the Toronto taxi industry since 1980 in the capacity of for-hire driver, taxi plate owner, limousine driver and member of the board of directors of Co-op Cabs, assistant general manager of Co-op Cabs and president of Co-op Cabs.

First of all, I want to make it clear from the outset that we are not against Bill 169 as a whole. It's part IV that we are against and everything I'm going to say this afternoon applies to part IV only. First of all, you have to understand—and it seems to me that the people on this side understood it and that the people on this side refuse to understand it. Bill 169 and section 155 of the Municipal Act are inextricably tied up together. You cannot separate the two, and that's what you're trying to do, or have been trying to do all day long.

I want to clarify at least two things. I listened to the people from the airport and they are of the opinion that this bill is targeted at unlicensed people. This is not the case. This is simply not the case. This proposed bill includes licensed vehicles also, but vehicles that are not licensed at the airport. In other words, what they're trying to say is that if you're licensed in Toronto and pick up at the airport, you're a scooper. It doesn't matter that you are licensed, that you went through all the rigorous tests and education and safety in Toronto; if you're not licensed at the airport, you're a scooper. This bill says, "If you don't pay the \$10 pre-arrangement fee at the airport, you are a scooper. We don't care if you are licensed. If you don't pay the \$10, you're a scooper." So let's make that clear. This is not targeted only at the unlicensed. We are all against the unlicensed. We want to get rid of them all. There are not that many of them.

Excuse me, with all respect, when you ask the other person a question, you're only asking about the airport. You don't worry about what's going on in Toronto. The question was started with, "What's going to happen at the airport?" as if you don't care what's in Toronto. Let me tell you something that you're all missing on this side of the House. You are representing the whole province of Ontario. You're not representing only your ridings, just in case you missed that.

The most important thing of the whole thing is that you have to understand and accept that the majority of the scooping in Toronto is being done by airport-licensed

vehicles. You have to understand and accept that because this is a fact. What is scooping? Scooping is the practice of taxis and limousines picking up fares in jurisdictions where they are not licensed to. It's that simple. Taking it a step further, you've got cars licensed by the airport picking up in Toronto. They are not licensed in Toronto. By definition, that makes them scoopers. You can ask, if they are scoopers, why doesn't the city of Toronto prosecute them? It's very simple. Because a law that was enacted back in 1978, what we call the exemption, which was enacted by the provincial government at the time—we don't know why they did it. They did it clandestinely, with no reasons. It allows any licensed airport vehicle to pick up anywhere in the province of Ontario if the fare is going back to the airport.

Where is the level playing field here? A Toronto taxi that drops a fare at the airport has to head back empty to the city. An airport vehicle picks up the fare at the airport, which he's entitled to pick up; he pays licence fees there. He drops the fare in downtown Toronto. Does he have to go back empty to the airport like a Toronto taxi? No. He's allowed to pick up in Toronto by way of section 155 of the Municipal Act, the so-called exemption. I'm sitting here listening to the airport guy saying, "No. We only allow pick-ups when they're pre-arranged." That's BS. Forgive me for the language.

Ask: You have a legal department and access to legal advice. You don't have to listen to me. You don't have to listen to them. They're allowed to pick up in Toronto spontaneously, not on a pre-arranged basis. You don't have to work very hard: Just go to York and Wellington and look at the south side of York, how they line up. If people go into their cars and they're going to the airport, they take them. Why? Because the provincial government allows them to do that. By the way, if somebody gets into the car and says, "I want to go to Brampton or Burlington," you think they're going to refuse and say, "No. It's illegal for me to take to Burlington or Brampton"? They'll take them, because it gets them back to the airport, or closer to the airport.

Mr. Lalonde, with all due respect, I've listened to you all day long. Your lack of impartiality should be inscribed in the record of this House as an example of being biased. Your whole line of questioning is just—I'm trying to be respectful, and I'm saying this with all due respect. This is all predetermined already. You guys are just doing this for the sake of show, for the sake of the procedures of the House. You know you're wrong. You're talking about safety. You have no right, neither one of your governments, to come to the city of Toronto and preach to us about safety. We have the most stringent safety regulations in North America, never mind in Canada. You don't preach to us anything about safety, Mr. Lalonde. I'm sorry.

The Chair: Sir, could I ask you just to bring your voice down a little bit? It's already miked, so you don't need—OK?

Mr. Gudes: I'm sorry. I just get carried away.

The Chair: I know. I just wanted to make sure. It was already miked.

Mr. Gudes: Just add those 10 seconds to my time.

The Chair: Don't worry, you'll have your time.

Mr. Gudes: You're claiming that this is province-wide legislation. Can you show us one report, any research that says there's a scooping problem in Fenelon Falls or Elora or all those places? The scooping problem is contained to Toronto and the airport and maybe Mississauga. That's all there is. Don't talk to us about province-wide. This is a smoke-screen. But you know something, Mr. Lalonde? You can only throw smoke in the eyes of people some of the time, not all of the time. This legislation will pass. You will pay for it, at least in Toronto, in the next election. I can guarantee you that.

Interruption.

The Chair: I don't need any outbursts from the audience, thank you very much.

Mr. Gudes: I'm just going to go quickly to the merits of the case. This legislation is not enforceable in Toronto. Metro police do not have time to be at every corner of this large city as a potential "scooper" corner. It's just unenforceable. The minister knows that and Mr. Lalonde knows that. It's only enforceable in the airport because it's a small, contained area with three or four delineated pick-up points.

Again, it does not belong in the Highway Traffic Act. We heard that before during the day. It's a licensing issue. Licensing issues are traditionally addressed in the Municipal Act. Why just go to another act? It's just ridiculous.

The fines: Has anybody here heard the term "penal proportionality"? If you get caught driving without insurance, the fine is \$5,000. If you get caught scooping in the airport, you're going to get a fine of \$20,000. Where is the proportionality here?

The GTAA is getting millions and millions of dollars from licensing, users' fees, concessions, you name it. Yet they expect a taxpayers police force, namely the Peel police, to enforce that law. That's ridiculous. They've got enough money. Let them hire more inspectors, more commissioners. Mr. Klees raised that point. Let them enforce it. They've got enough money. Why do the taxpayers need to carry this? It's just beyond belief.

The issue of fairness: We've talked about it all day long. You've got to make a level playing field.

I want to leave time for questions, if there are any, so I'll just make a comment.

The honourable thing for you to do, Mr. Lalonde, and for you people, is what Mr. Klees suggested: Hold the proclamation of part IV and let's deal with it within the Municipal Act or in the new Toronto act or whatever. This is the fair thing to do to achieve a win-win situation, for the taxi people and for the taxi industry in Toronto and for the taxi industry in any other city of this province. Thank you very much.

1730

The Chair: You had 16 seconds, and I was going to add your 10, but that's still not enough for anybody to ask any questions.

Mr. Gudes: When the airport guys said to you, Mr. Singh, you gave him—I measured you. It was half an hour, including the questioning. I think if you add three minutes here—

The Chair: Sir, if you want to argue with me—I have a clock.

Mr. Gudes: I'm not going to argue with you.

The Chair: I'm not going to argue with you. I'm telling you your time is up and there isn't enough time for everyone to ask questions.

Can I just confirm that these two documents are both yours? They're both your submission?

Mr. Gudes: Yes, they are. Just one comment about the big submission. Anybody who needs to make a decision about this issue should read this 17-page document. It's research that was done that addresses the issues both at the airport and in Toronto, starting way back in 1974. It's a must-read for all of you people. Thank you.

The Chair: Thank you very much, sir. We appreciate your being here today.

OWEN LEACH

The Chair: Our next individual delegate is Owen Leach. Mr. Leach, do you have a handout or anything for us today?

Mr. Owen Leach: No, I'll get it for you later.

The Chair: Will you be submitting something? Your comments?

Mr. Leach: Not now. I'll be reading mine, and I'll print it off for you.

The Chair: Terrific. Welcome. Thank you for being here. You'll have 10 minutes to speak. Should you use all that time, there won't be an opportunity for questions. When you begin, I'll start the timer.

Mr. Leach: I too am confining myself to the scooping bylaw because I'm an ambassador taxi driver in the city of Toronto, and that is the piece of this legislation that most affects me at this time, although there's a lot more to it that needs to be commented on.

I want you to know that hundreds of taxi drivers demonstrated against the anti-scooping measure included in Bill 169. At least 10,000 licensed taxi drivers, as one voice, opposed the said measure because it entrenches an unfair and inequitable relationship between the city of Toronto taxi drivers and the airport limousine drivers, who unfairly benefit from what we call the exemption in the Municipal Act, subsection 155(2), allowing limousines to pick up pre-arranged passengers in Toronto, while obstacles are devised to deter taxis from the city of Toronto from doing our work at the airport.

Toronto taxis operate in our workspace, the city of Toronto, which is vast and open, compared to the airport, which is dense and highly policed by the RCMP and other inspectors. Scooping at the airport is rare, whereas the city of Toronto is wide open to abuse and corruption by airport limousine drivers. They are not supposed to solicit fares in our city, just as we are not supposed to solicit at the airport, yet it is well known that airport

limousines brazenly solicit in Toronto and have even taken things to the level of paying off doormen at the hotels in the city in exchange for runs back to the airport. Toronto taxi drivers are now being demanded to pay bribes to doormen in order to get airport runs from our own city, or else the fare will be given to limousine drivers. That's the state of affairs we are at. I've experienced that.

The Harbour Castle hotel management has gone further and removed Toronto taxis from the lineup at their hotel space and have supplanted us with limousines. So we are off their private property. They say they can do whatever they like on their private property. They have brought the limousines right inside and we are supposed to park on the public highway.

The discrimination is serious, because Toronto taxis cannot legally park our cabs at the airport, even to transport our families. I have had my cab nearly towed—I paid \$35 to have it put back on the ground—because I put money in the meter and went to take my family into the terminal, and when I came back, my taxi was on a hoist. Neither can we pick up unless we pay \$8.50 or whatever to go into the airport. Laws are already on the books penalizing us to control scooping at the airport. Why impose more severe ones? This state of affairs is financially detrimental to Toronto taxi drivers and is difficult to control and eradicate, as the new technology of computers and cellphones makes it well-nigh impossible to effectively police the limousines, even though what they're doing is illegal; it's unenforceable almost. So long as they're allowed in the city, the technology allows them to arrange calls with the doormen and other businesses and also scoop on the street.

This measure is also, in my opinion, anachronistic, coming at a time when the provincial government is moving to integrate the transport systems of the GTA. Bill 169 divides rather than unifies or rationalizes the system. It also sows seeds of greater discontent between city drivers and airport limousine drivers. It will ratchet up tensions to greater intensity, and I warn you, someday it will explode. Tensions are high now.

What makes things worse are the circumstances in the way this measure has been introduced. The perception and the appearance of this is a worst-case scenario of ethnic favouritism and voter hucksterism. Consider that Minister Takhar, supposedly a South Asian, with a significant number of South Asians in his riding, is entertaining a blatantly partial measure for a predominantly South Asian airport limousine association that has reportedly contributed \$200,000 to the minister's election campaign. This needs to be probed and the facts revealed so it can be removed from the realm of allegation to that of fact and actuality, as was the case in regard to his business dealings at his supposedly arm's-length business office.

I would like to propose that the minister should expunge the anti-scooping measure from Bill 169. He should also repeal the Municipal Act's section 155(2), which will enable us to operate on a level playing field.

Secondly, he should launch on a path of a complete review of the Municipal Act in relation to the taxi business and modern conditions of the taxi industry, with a view to integrating it with the transportation system of the greater Toronto area. Thank you.

The Chair: You've left a minute for each party, beginning with Ms. Matthews.

Ms. Matthews: I just want to take this opportunity to clarify a little misconception that's wound its way through many of the submissions today, and that deals with the fundraising event. I just want to clarify that the event in question is something called the Peel Trillium dinner. It is a dinner that is attended by many business people and others in the Peel region. It is not an event that was specific in any way to this industry. Last night we had one in London. They're done regionally. I think it was just time to clarify it. It had been mentioned too many times.

Mr. Leach: I did not mention an event. I mentioned a contribution of \$200,000.

Ms. Matthews: That's the contribution that—

The Chair: We're not going to have a debate about this. Actually, your time is up now. Thank you very much, sir.

1740

Mr. Leach: She asked a question which I have not properly replied to.

The Chair: I think what she was doing was clarifying.

Mr. Leach: She clarified something by misrepresenting what I said.

The Chair: Sir, it didn't require a response. I appreciate it. I think she was clarifying it.

Mr. Leach: I did not say that there was an event.

The Chair: I think she was clarifying it. Sir, you're using all your time. If you want to talk to any other members of other parties, you're going to have to stop talking.

Mr. Klees, you have a minute.

Mr. Klees: Mr. Leach, thank you for your presentation. I think what you're really talking about here is the right to work. Live and let live, really, is what you're talking about. I support your submission totally. I would think that any reasonable person listening to these submissions and becoming familiar with the facts would understand that it's only reasonable that if you, as a taxi driver licensed in the city of Toronto, take someone to the airport, you should not be forced to leave the airport with an empty cab, in the same way that a limo driver, as a result of the exemption—back in 1978, someone saw that it made logical sense that if you bring someone from the airport to the city, you let them do business so they don't go bankrupt, and take a body in that same limo back to the airport. It's just good, common sense. The problem is—

The Chair: Mr. Klees, are you getting to a question?

Mr. Klees: I am just about to.

The Chair: You have 30 seconds, tops.

Mr. Klees: The problem is that that principle has not been extended equally. That's what you're arguing for

and that's what we're asking this government to make an amendment to. I'm asking you this question: Isn't that really all you're asking for?

Mr. Leach: Exactly. I think—

The Chair: Thank you. That's all the time you have.

Mr. Leach: This is adding another unfair condition—

The Chair: A yes or a no will do, sir.

Mr. Leach: —on top of an unfair condition. Thank you.

The Chair: Sir, excuse me. You have exhausted your time.

Mr. Marchese, you have a minute.

Mr. Marchese: Mr. Leach, a quick question. You stated that some of the limousine drivers come to Toronto and they brazenly solicit in the city. We heard from a number of limousine folks who are here and they swear they don't do anything illegal, that everything is done through pre-arrangement and it's all the others doing the illegal stuff. What do you think?

Mr. Leach: I don't usually say this loosely, but I say that's also a brazen lie. It happens all the time. I used to go to the Harbour Castle and get at least two airport runs every day. No driver can get any airport runs from that hotel any more. We all line up. We go to the Eaton Centre, First Canadian Place and these places around the city. There is an attitude that the city of Toronto taxis are good for servicing business in the city of Toronto, not outside.

Mr. Marchese: Thank you, Mr. Leach.

The Chair: Thank you, Mr. Leach. We appreciate you being here today.

MAHMOUD HEYDARI

The Chair: Our next delegation is Mr. Heydari. Have I pronounced that right?

Mr. Mahmoud Heydari: That's right. My name is Mahmoud Heydari.

The Chair: Thank you. You will have 10 minutes. Should you leave time at the end, we'll be able to ask you questions or make comments.

Mr. Heydari: First of all, I don't think I have to look at this side, I have to look at this side because we are also Canadian. Think about that also. Sometimes I feel we are not Canadian. This is a big problem with the taxi industry. Think about a common way you want to help us. Thank you.

I am here to bring up my concerns regarding Bill 169 and the effect it can have on the metro Toronto taxicab business and its drivers' livelihood. We have approximately 5,000 taxicabs in Toronto and, as you may know, the drivers of metro Toronto taxicabs do not have rights for immediate flag pickups from Toronto Pearson International Airport; however, the airport taxi or limousines, which are licensed to pick up customers from the airport, constantly pick up customers from the city of Toronto, both on a street-flag basis and especially on a pre-arranged call basis.

We believe that if there is a penalty for pickups from the airport for Metro taxicabs, there should be the same penalty for flag pickups and especially pre-arranged pickups both for the airport taxicab drivers and the limousine companies which facilitate the business for the order.

These limousines constantly bribe the bellmen of the hotels in the city to rob airport rides from metro cabs. They go even further by cutting the rates lower than the metro cabs, since they constantly drop fares from the airport in Toronto instead of going back empty—they cut the rates—instructing the bellmen to inform hotel customers about lower rates than the taxicabs waiting in front of the hotels. So the bellmen get the money and the airport cabs or limousines rob the metro taxicab drivers' fares.

This act also creates a damaging image for the tourism industry, since the money changes hands from the airport drivers to the bellmen, which sometimes causes arguments and aggravation between airport taxicab drivers and metro drivers.

It is important to note that competition should be allowed for both sides. If it's OK for the airport taxicabs and limousines to get customers from Toronto, with the same law, it should be OK for metro cabs to get immediate flags at the airport with no restrictions or fees.

The airport rides scooped by airport limos and out-of-town taxis, plus the high gas prices, are very damaging for a metro taxicab driver's daily business. This loss of income, plus high expenses, are causing them to work longer hours, with time away from their families, staying late at work. As you know, we recently lost one of our colleagues by the name of Morteza Khorassani at 3:30 a.m. on September 6, 2005. If there is a question—because I didn't want to give all the details.

Anyhow, a lack of laws to protect the rights of metro taxicab drivers and the industry has made it easy for Royal Taxi of Toronto to purchase Markham Taxi, which has over 100 taxicabs, and let it operate in and out of Toronto with the Royal Taxi roof light, colour and phone number and steal more business from metro taxicab drivers.

We need severe penalties and enforceable, strong laws to make it fair for all parties in and out of Toronto. Thank you.

The Chair: Thank you. You've left about a minute and a half for each party to ask you questions, beginning with Mr. Klees.

Mr. Klees: Thank you, Mr. Heydari. I appreciate you coming forward. I think your presentation is again very succinct and makes a great deal of common sense. We're hoping that members of the government side hear you.

There's been a lot of discussion about this issue in what I would refer to as the negative sense from the standpoint that if whatever penalties are applied to metro licensed cabs at the airport, there should be the same kind of penalty applied to airport limos or airport licensed cabs in the city.

I've been trying to shift the focus here to what I would think is perhaps the right thing to do in a more positive

light, and that is that in light of the fact that we have under the Municipal Act the exemption for airport limos to be able to pick up fares in the city, the same should in fact happen to metro licences dropping off fares and being able to pick up fares at the airport. That would seem to be a positive way to create that level playing field and would allow people to make a living. I can't understand, as you say, with the high cost of gas, insurance and so on, how anyone can afford empty cabs or empty limousines going from point A to point B.

1750

The Chair: You have 30 seconds to answer this; I think it's a question.

Mr. Heydari: The problem is that, for a long time, we were happy to even have our rights inside Toronto; we were happy to even have nobody take our fares. The cab was empty back from Toronto, but at least we could pick up our customers inside Toronto, not have the airport taxi pick them up. Also, they are giving a cheap rate to them—in the flyer, you can see. I was here in this committee room this morning and this afternoon, and another said that several times he had scooped. How many times have you called for an airport taxi because it was the lower rate? Most people are calling for airport taxis because they are giving a lower rate to them. It's easy because they have to go empty. Maybe others should be the same way, or cap those people's rides or put the same penalty for both sides, not only one side. This is not fair.

Mr. Marchese: Mr. Heydari, you heard Owen Leach say that there are a lot of people who come from the airport who solicit pickups illegally. I heard a number of limousine companies that are stationed at the airport, have a licence there, say—they swear, in fact—that they don't do anything illegal, that everything is done in a pre-arranged way. What's your experience?

Mr. Heydari: My experience is maybe sometimes they are right. But who is calling for airport taxis? Bellmen, not customers. It should be customers who call for taxis. If customers call, we respect that, but most times it's bellmen. Also the low rates—because we cannot compete with them. If you have an open hand for competition, I can easily tell the customer in the airport, "OK, I'm taking you guys to Toronto for \$30." They are happy to pay \$30 instead of paying \$65. But we don't have that competition rate. But usually customers are not calling for taxis. Bellmen, who are getting money from airport taxi drivers, are calling for airport taxis. Our problem is that.

Mr. Vic Dhillon: Thank you very much for your presentation. Throughout the day today, I've had the opportunity to speak to many of the presenters outside, and I was told—I just want to make this clear, and I asked each one of them at different points. You were mentioning that the bellmen call for the airport taxi drivers. I just want to

make the statement that that in fact is not the case and that these people who represent over 80% of the airport taxicabs are willing to provide in writing to this committee that over 95% of their prearranged pickups are from residences or businesses. They're willing to present their company information to the committee. In view of their information and what you're saying, it's not the bellmen who are linked to airport taxicabs and limos; it's these other cars that I guess call themselves limousines who are the ones that have the set-up with bellmen. That's what has sort of been the misconception all the way throughout today.

The Chair: Mr. Dhillon, are you going to leave some time?

You have 30 seconds, if you would like to respond to it.

Mr. Vic Dhillon: So what you're saying is—

The Chair: Mr. Dhillon, your time is up. I'm going to give the last 30 seconds to the delegation.

Mr. Heydari: I believe his question is, "OK. We are not fair for you guys." You don't want to teach about the Toronto taxi driver, those people who are doing it the right way. I think they are not right. I'd say that most of them are bribing the bellmen and they are getting the calls from them. You can't easily go into the hotel, though. Toronto taxicabs are not allowed to stay in the line. Those people are staying there until—a call usually should be five minutes to pick up the customers, but they are staying there half an hour or one hour to get the call.

Mr. Vic Dhillon: I'm sure there are people—

The Chair: I'm not going to allow the argument to go on.

Mr. Heydari: The whole story is that. Thank you.

The Chair: Thank you very much for being here today. We appreciate your delegation.

Mr. Heydari: You're welcome.

The Chair: Our next delegation is from Mr. Hosseinioun. Would he be here today? I'm going to call one more time. Mr. Hosseinioun?

The Niagara Regional Police Services Board. Would somebody be here from that organization? The Niagara Regional Police Services Board, Sara Premi. She's not here?

The last call for Mr. Khan. Would Mr. Khan be here?

I'd like to thank all the witnesses, the minister, the members, the committee and the ministry staff for their participation in the hearings.

I'd like to remind all members that amendments to Bill 169 should be filed with the clerk of the committee by 2 p.m. on Wednesday, September 21, 2005.

This committee stands adjourned until 10 a.m. on Wednesday, September 28, 2005, for clause-by-clause consideration of Bill 169. Thank you.

The committee adjourned at 1756.

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