



Owner-Operator's Business
Association of Canada

Association professionnelle des
routiers autonomes du Canada

**COMMENTS OF THE
OWNER-OPERATOR'S BUSINESS ASSOCIATION OF CANADA**

TO THE STANDING COMMITTEE ON JUSTICE POLICY

**BILL 41: HIGHWAY TRAFFIC ACT AMENDMENT (SPEED-LIMITING SYSTEMS)
2008**

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I. Introduction.

On March 19, 2008, the Honourable Jim Bradley, Minister of Transportation, introduced Bill 41 in the Legislative Assembly of Ontario. The Bill seeks to amend the Highway Traffic Act to require the use of speed-limiting devices in commercial motor vehicles operating on Ontario's roads.

The Owner-Operator's Business Association of Canada (OBAC) hereby submits its comments in opposition to the proposed legislation. These comments point out that the Bill will not accomplish its intended objectives of safer roads and cleaner air and that it could have unintended negative consequences by diverting government's focus and resources away from measures that would enhance highway safety and help the trucking industry further reduce its environmental footprint. In addition, OBAC raises a number of serious questions concerning both international and interprovincial trade, privacy, tampering, enforcement, and cost to the taxpayers of Ontario. It also speaks to the inappropriateness of government intervention in the business and operating decisions of private companies. As well, the comments will outline a variety of other more effective measures for reducing speeding and for achieving fuel conservation and controlling fuel costs.

II. Overview of OBAC and its objectives.

OBAC is a not-for-profit trade association incorporated under the Canada Corporations Act, Part II with its principle place of business located at 275 Slater Street, Suite 900, Ottawa, Ontario, K1P 5H9. OBAC is the only national trade association in Canada representing the interests of independent owner-operators and professional truck drivers on all issues that affect small business truckers. OBAC actively promotes the views of small business truckers before a broad variety of fora, including federal and provincial government departments and agencies, other trade associations, and private industry, in an ongoing effort to obtain equitable and safe working conditions for commercial truck drivers. OBAC also provides a range of products, services, tools, and information to help professional drivers conduct their businesses more efficiently and safely.

It must be emphasized at the outset that OBAC absolutely does not condone speeding or other unsafe driving habits. On the contrary, OBAC urges truck drivers to adhere to all federal, provincial, and state regulations as a matter of course, not only for safety purposes, but also as good business practices, and to promote understanding and goodwill with the general motoring public with whom they share the road.¹ OBAC also supports the ongoing "Run Compliant" safety initiative of the U.S-based Owner-Operator Independent Drivers Association (OOIDA) that actively promotes adherence to all laws and safety regulations, including running within the posted speed limits.²

¹ See various articles and editorials under "The Director's Chair" on OBAC's website <www.obac.ca> and regular columns in *Truck News* magazine.

² Many Canadian drivers and owner-operators, especially those who operate internationally, are members of both OBAC and OOIDA.

Acknowledging the key role education and training play in improving road safety, OBAC supported, endorsed, and is actively promoting the voluntary apprenticeship program for entry-level drivers in Ontario. OBAC is an Associate member of the Canadian Council of Motor Transport Administrators (CCMTA) and OBAC Executive Director Joanne Ritchie is on the Board of Directors of the Canadian Trucking Human Resources Council (CTHRC). OBAC is a strong supporter of work underway by both these organizations with respect to continuous improvement of commercial driver training, testing, and licensing standards. She is also a member of a CCMTA/Transport Canada Task Force on Human Factors in Motor Carrier Safety which is conducting an in-depth assessment of the human factors associated with commercial vehicle crashes as well as of the most efficient interventions addressing these issues.

OBAC is also a strong advocate of a number of initiatives for achieving fuel conservation and controlling fuel costs. It participated in the development of a business skills training course for owner-operators, published by CTHRC, and actively promotes the program which stresses "best practices" for owner-operators, including effective speed management as a means of lowering operating costs through decreased fuel consumption.

OBAC also endorses the use of idle reduction technologies such as auxiliary power units (APUs) and cab-heater systems as a means of minimizing idling and reducing operating costs. OBAC is actively engaged in promoting FleetSmart's (Natural Resources Canada) Idle-Free Quiet Zone campaign and promotes and distributes a fuel saving and safe driving program, SmartDriver for Highway Trucking, created under the

FleetSmart initiative. This program stresses speed management and operational discipline as a means of lower operating costs and increasing safety for all road users.

III. Background.

There is no one more committed to highway safety than the thousands of men and women who drive trucks for a living. Professional drivers who spend hours behind the wheel driving on every roadway in every province, territory, and state in North America, have a huge stake in a safe workplace. They must share that workplace with millions of other drivers, and in Ontario those other drivers are responsible for over 97 percent of collisions that occur on our highways each year (OTA website, Industry Snapshot).

Those professional drivers who own and operate one, and sometimes several, trucks, are hardworking entrepreneurs who strive like all small business owners to run safe and profitable businesses. In today's economy, as they struggle with rising costs, in particular fuel, which can account for upwards of 60 percent of their costs, they are acutely aware that running their trucks efficiently is critical to their survival. Spec'ing a truck for fuel efficiency (aerodynamics, low rolling resistance tires), investing in idle-reduction technology, practicing fuel-efficient driving techniques, and implementing sound speed management policies are smart business decisions that reduce costs and coincidentally reduce their environmental footprint.

Through Bill 41, the government hopes to achieve safer roads and cleaner air, but it is clear from a review of the debate in the Legislative Assembly of Ontario, that there is a great deal of misunderstanding and misinformation about the speed-limiter issue.

There is one key point that must be highlighted in any discussion of Bill 41. It is wrong to presume that those who oppose government-mandated speed-limiters condone speeding. Minister Bradley introduced Bill 41 to address “the public’s concerns about speeding trucks...” It is just plain wrong to believe that an electronically-governed truck engine will prevent speeding, and just as flawed to believe that a truck without an electronic speed-limiter will be driven in excess of the speed limit or too fast for conditions. This point has been clearly lost in the discussion to the point where an insulting and patronizing quote from David Bradley, President of the Ontario Trucking Association (OTA) was introduced into the debate in the Legislative Assembly: “I think this is really a no-brainer, quite frankly. I don’t see how anyone can stand up and say, ‘We’re in support of speeding trucks.’” I can assure the Committee and everyone else concerned that OBAC is *not* in support of speeding trucks.

IV. Speeding Kills – but who are the worst offenders?

OBAC agrees that speeding is a legitimate concern in Ontario, but Bill 41 focuses on the wrong group, if the goal is truly to reduce speeding. Minister Bradley states that research shows excessive speed is a factor in nearly 23 percent of crashes involving large vehicles, and this statistic has become the jumping off place for debate. What he neglects to add is that in vast majority of those crashes, the speeding was on the part of the other vehicle, not the truck driver.

A recent comprehensive study on speeding presented to Natural Resources Canada and Transport Canada confirms who speeds on Canadian roads (Tardif, *Speeding*). As found in this report (4, 11, 15), for all vehicle types, average speeds are consistently above posted speed limits. However, when heavy-duty trucks do speed,

they just as consistently exhibit lower average speeds and less extreme speeding than light vehicles. The result, in accidents involving heavy-duty trucks, is that speeding by the other driver is a much more frequent causative factor than speeding by the truck driver (Tardif, 6). Data compiled by the U.S. Federal Highway Administration's (FHWA) Office of Motor Carrier Research and Standards showed that only 7 percent of crashes involved speeding by the truck driver, while 15 percent involved speeding by the other driver (Tardif, 6, 29). Data compiled by Transport Canada on fatal crashes show similar results – 5.5 percent involved speeding by truck drivers, while 13.3 percent involved speeding by the other driver (Tardif, pp. 6, 29).

The facts concerning truck safety are well known to government and are undisputed, even by proponents of government-mandated speed-limiters. In its original proposal to the Ministry of Transportation (MTO), the OTA pointed out that speeding by commercial truck drivers is not the real problem. In the Introduction to its *Comprehensive Policy on Truck Speed Limitation*, OTA acknowledges that “trucks are less likely to be speeding on the major highways, and the number of trucks speeding excessively is a small minority” (OTA Policy, 1). In discussing speeding trucks, OTA reiterates that “trucks are the least likely vehicles to be speeding on Ontario highways. In fact, the safety performance of trucks and truck drivers is superior to that of cars and motorists” (OTA Policy, FAQs, 6). OTA correctly identifies “the worst speeders” as “the four-wheelers,” noting that “most truck drivers are already driving at a maximum speed close to 105 kph” (OTA Policy, FAQs, 7).³

³ OBAC's ongoing surveys and monitoring of owner-operator costs suggests that business savvy owner-operators regularly operate at speeds well below 105 km/h.

The latest Ontario Road Safety Annual Report also speaks to the safety of large trucks: the number of fatalities involving large trucks declined by more than 20 percent in 2005, continuing a long-term trend toward fewer collisions involving large trucks on Ontario's roads. This is even more significant when one realizes that overall, the actual number of large trucks on our roads grew by 56 percent between 1990 and 2005 while the number of fatal collisions involving large trucks dropped by 37 percent.

Since it is undisputed that light vehicle drivers are the primary speeders on Ontario's highways, it is simply not logical to require speed-limiters for truckers who are less likely to speed and create related safety hazards, as a means of solving the problem of excessive speeding. Nor does it make sense to unduly burden the vast majority of truck drivers, who have been found to travel within the speed limit in most cases, to deal with the isolated violators. The unfounded public perception that motorists are often passed by speeding trucks (Johnson, 96, 125) is not a sufficient basis for shifting the focus of government regulation away from the group causing the problem.⁴

Singling out truckers is also contrary to Ontario's own policy of targeting the worst offenders on the roads, reinforced by the passage of "street racing" legislation last

⁴ With respect to public perception, since the late 1990s, there has been a growing perception by Canadian car drivers that the roads have become more congested with trucks. In fact, between 2000 and 2003, the number of trucks actually decreased by 0.2%, while the number of cars grew by 5.5%. Trucks are more 'visible' on the road not just because they are bigger, but because they travel longer distances than cars, increasing the likelihood of encountering them on the road. Since cars and trucks share the road at the same time and day of week, a car driver is likely to see more trucks than cars on weekdays, at night, and at border crossings, contributing to perceptions about the volume of truck traffic (Baldwin).

Fall aimed at drivers who operate their vehicles with reckless disregard for the law. OBAC supports this type of legislation and is a strong advocate of tougher enforcement for all reckless drivers and speeding vehicles, not just those traveling more than 50 km/h over the posted speed limit.

It is significant to note that as of three days ago (June 2, 2008), of the 5,467 vehicles nabbed since enforcement of “street racing” legislation began on September 30, 2007, not one has been a tractor-trailer – the very vehicle targeted by Bill 41. OPP sergeant Cam Woolley has reported that publicity and public education appear to be working, as speeding generally has declined since September. More rigorous enforcement and stiffer penalties aimed at the real offenders would be a much more effective use of government resources to combat speeding than mandating speed-limiters for the safest vehicles on the road.

V. Slow-moving trucks can have a negative influence on traffic safety – an unintended consequence of Bill 41.

Speeding is a legitimate concern: it is illegal and dangerous, and can contribute to the severity of accidents. However, highway safety engineers have long recognized that highways are safest when all vehicles are traveling at the same speed – regardless of the speed limit. This is clearly evidenced by the well-documented fact that accident rates are lower on interstate highways in the U.S. than on other roads, because of access control, wider lanes, shoulders, and the steady movement of traffic (Siggerud, GAO, 11-12; Cirillo). Indeed, notwithstanding higher speeds, the interstate highway system experiences accidents and fatality rates 2-5 times less than the primary road system it replaced (Cirillo).

The critical fact totally ignored by the architects of Bill 41 is that reduced speeds promote safety only if *all* vehicles are moving at reduced speeds (Johnson, 52; Cirillo). It is well established that deviations from the mean speed of traffic, in the negative as well as the positive direction, contribute significantly to accidents (Johnson, 52-53, 125; Tardif, 11; Cirillo). The simple explanation for what might at first glance seem to be a surprising result is that speed differentials have a greater causative impact on accidents than speed itself (Randal, 2-4).

Indeed, a study by the U.S. Department of Transportation on truck size and weight found that when two vehicles traveling in the same direction were moving at speeds that varied by 10 mph, they were nearly four times more likely to collide than they would be if traveling at the same speed (Lankard, AAA). It has also been found that every one km/h increase in speed differential causes 270 more casualties (Johnson, 22; Liu).

Forcing heavy-duty trucks to drive slower than the flow of traffic, while other vehicles on the road continue to speed, sometimes excessively, will lead to frequent lane changes, passing and weaving maneuvers, as well as tailgating by faster-moving vehicles. Indeed, interactions with vehicles going 10 mph less than traffic are increased by 227 percent (Johnson, 98, 127). Such conduct increases the probability of rear-end and side-swipe incidents. Statistics produced by the U.S. National Highway Traffic Safety Administration in 2004 show that trucks are struck from the rear 3.2 times more often than other vehicles; a greater speed disparity will lead to even more of this type of collision.

Changes away from differential speed limits in some U.S. states have allowed comparisons of the impact of such speed limits on safety. A synopsis of related literature on this topic prepared by the FHWA Office of Highway Safety concluded that “the best available literature suggests safety is best served if all vehicles in the traffic stream travel at about the same speed” (Tardif, 50).

The speed differential created when trucks move slower than the flow of traffic will also create bottlenecks, with open road in front of slow-moving trucks and congestion behind, at least until other faster-moving vehicles pass or weave around them. When slow trucks form a line in the right lane, the likelihood of collisions as faster-moving cars attempt to merge onto or exit the controlled access highways is also increased.

Congestion will be especially exacerbated on two-lane roads where passing slow trucks is not an option. These highways, where close to 85 percent of collisions involving heavy trucks occur, represent the majority of roadways in Ontario. The 400-series highways, the only ones on which speeds in excess of 100 km/h are “tolerated,” comprise a small fraction of total roadways in the province (approximately 1,850 km). Governing the engines of heavy trucks at 105 km/h will do nothing to improve safety on our most dangerous roads.

An increasingly common upshot of congestion is road rage, including aggressive driving behaviors such as tailgating, failing to yield, weaving in and out of traffic, and passing on the right, which sometimes escalates to violence. Increasing the numbers of slower-moving trucks on the roads can only worsen the problem.

Aside from the difficulties created by the interaction of fast- and slow-moving vehicles, there is evidence that suggests the drivers of speed-limited vehicles behave differently than drivers of non-speed-limited vehicles. A study performed by Leeds University in Great Britain found that drivers of vehicles with external speed controls had a tendency to travel as fast as the speed-limiter would allow, even where that speed (which was at or below the speed limit) was too fast under current driving conditions (ABD Press Release, January 12, 2000).

While the Leeds University study fails to explain the deviation in driver behaviour, it is alarming enough to know that drivers of speed-limited vehicles show an increased propensity for risky and improper behaviour.

There are also situations where extra power and speed are essential. For example, when faced with a tire blowout, truck drivers are advised to accelerate while attempting to correct steering until control of the vehicle is gained (Parsons, Michelin Safety Video), something that is impossible to accomplish if the vehicle is already running at maximum speed.

Extra speed may also be required both to safely merge into and move with the flow of traffic when entering limited access highways and to get out of the way of vehicles merging into traffic from on-ramps, and when overtaking a slower vehicle. In several studies that have been done on the effects of the use of speed-limiting devices, in comparison with vehicles not fitted with them, there is agreement on the negative effect of decreased road safety when performing an overtaking maneuver (Tardif, 49). Specifically, the risk of bottlenecks increases with the length of time it takes one vehicle to pass another on some roadways. While neither of the slow-moving vehicles

may contribute directly to a collision, the Leeds University study demonstrates that their presence creates an environment where undesirable behaviour leads to collisions.

In sum, if the more pronounced speeding tendencies of light vehicle drivers are not be checked by the government, slowing down trucks that already tend to comply with posted speed limits or safely move with the flow of traffic will only increase the speed disparity on Ontario's highways. Benefits that might be gained if all traffic was forced to move at a slower speed will be lost and Ontario will experience more dangerous conditions than currently exist on its highways.

VI. Speed-limiters will impact trade with the U.S. and other provinces.

Once a speed-limiter is set, it cannot be reprogrammed by a driver at roadside.⁵ The maximum speed that is programmed into a truck will prevail, even when trucks with limiters are driven in jurisdictions with higher speed limits. This is a situation that can be expected to arise with great frequency. Twenty-three states in the U.S. (including several Northern tier states), and several Canadian provinces (e.g., New Brunswick, Nova Scotia, British Columbia, Alberta, Manitoba) have maximum speed limits higher than 105 km/h on roads designed for the higher rate of speed.

Each year, hundreds of billions of dollars in freight cross the open border between Ontario and the U.S., and much of that is moved by heavy-duty trucks that regularly travel through all of these jurisdictions. Trucking provides a vital trade link with the U.S. and is the cornerstone of the province's economic growth. Even with Ontario's export-based economy being battered by the high dollar, skyrocketing fuel costs,

⁵ Although Minister Bradley has stated that the Ministry's proposal is for a speed-limiter that can be shut off when leaving the jurisdiction, there is currently no technology that can accomplish this. In any case, should technology be developed that would facilitate ease of programming the engine from inside the truck, it would also facilitate tampering.

ongoing border issues, and decreased U.S. demand, the magnitude of the industry's importance to Ontario's economic well-being is immense. Despite the falling number of cross-border truck trips between Ontario and the U.S, over 8 million trucks crossed the Ontario/U.S. border in 2007 – that's over 22,000 trucks a day, every day of the year.⁶

Ontario accounted for close to 70 percent by value of Canada's road trade with the U.S. in 2006 (Transport Canada, A5), with four Ontario border crossings accounting for the lion's share of cross-border truck traffic. Thus, Ontario's proposed legislation would have a significant effect outside of Ontario, usurping the authority of other jurisdictions to determine the maximum speed limit for vehicles traveling on their highways.

The many thousands of truckers who haul freight between Canada and the U.S. through Ontario's ports are traveling through U.S. jurisdictions with maximum speed limits as high as 120 km/h. Accordingly, the mandatory activation of a speed-limiter set to a maximum speed of 105 km/h, as proposed, will have a significant, direct impact upon the day-to-day operations of many Canadian drivers.

Canada and the U.S. have worked hard to make it as easy as possible to move goods over the borders. Both countries have adopted NAFTA and other trade agreements in an effort to eliminate barriers to trade and facilitate the cross-border movement of goods and services (NAFTA, General Part, Article 102). As Canada-U.S. trade increases, so does the demand for trucking services. Given the significant growth of opportunities presented by U.S. markets, a particular focus of provincial ministries of

⁶ Statistics supplied by Bridge & Tunnel Operators, an association, composed of 10 organizations responsible for the operation of 11 major crossings between the U.S. and Canada.

transport, including MTO, has been trans-border trade and travel. North-south trade corridor development under NAFTA has increased the need for harmonization of policies and regulations within the trucking sector to facilitate the free flow of goods and people. Ontario's proposal is a step in the opposite direction, as the extraterritorial effect of mandatory speed-limiters would place an unnecessary burden on commerce between Canada and the U.S.

Mandating governed engines could also have serious interprovincial trade implications, as several other Canadian jurisdictions have indicated they have no plans to consider regulating heavy truck engine speed. Even in Quebec, where "requiring speed-limiters in heavy vehicles" was hastily tacked onto a road safety Bill as an afterthought, the Bill was amended before it was passed to clarify that speed-limiter regulation would be acted on only if it became law across all Canadian jurisdictions.

VII. Truckers do not "go fast to make extra money."

The myth that truckers "want to go from A to Z fast and quick," "don't care about the speed," and "go and make extra money" has been raised several times during the debate on Bill 41. This is a very wrong and damaging perception. That being said, it is doubtful whether the ability to travel slightly faster, a behavior exhibited by only a small group of truck drivers, actually creates any demonstrable competitive advantage for either owner-operators or carriers. As OTA pointed out in its original proposal, the time savings from higher speeds are "marginal" (OTA Policy, FAQs, 7). OTA also estimates that time differences between trucks traveling 105 km/h instead of 110 km/h would range from 10 minutes (Toronto to Windsor) to two hours (Toronto to Vancouver). OBAC questions the competitive advantage this would give the faster moving trucks.

Although commercial vehicles are under economic pressure to move goods quickly, it is misleading to imply this leads to speeding. There are significant economic incentives *not* to speed: fuel usage and engine maintenance requirements are lower. As well, multiple citations for speeding offences are costly and lead to driver demerit points and CVOR points applied against the carrier (Tardif, 11).

An overwhelming majority of carriers and owner-operators are already implementing speed management policies, designing their trucks for fuel efficiency (aerodynamics, low rolling resistance tires), investing in anti-idle technology, and training in fuel-efficient driving techniques, in order to reduce costs. Many carriers and owner-operators make smart business decisions and implement such tools in order realize a competitive advantage.

VIII. There are several other effective measures for reducing speeding.

OBAC recognizes the right of individual motor carriers to voluntarily elect to use speed-limiters. However, OBAC firmly believes that while it is up to governments to set and enforce maximum speed limits, as each Canadian province and U.S. state has done to date, it is up to an individual carrier to determine which of the varied options for controlling speed it will use. The choice of one or a combination of techniques is a business decision that should be made internally, based upon each carrier's analysis of the costs and benefits of the various options. This applies equally across the board from the very large carriers to the single truck owner-operator.

Interestingly, recent surveys show that most carriers already have a speed policy in place. Further, increasing numbers of motor carriers have used their independent business judgment to adopt a speed policy that, in recent years, has been applied to

owner-operators as well as company drivers (Tardif, 35). While many have chosen speed-limiters, some carriers have combined limiters with alternative means of procuring compliance, and still others have relied exclusively on other alternatives. It is important to note this has all been accomplished without the hammer of a government mandate. The Ontario government would exceed its proper role and interfere unnecessarily in an internal business matter by mandating a particular method of speed control for all motor carriers operating in Ontario.

Equally important, the key to improving the safety of our highways is increased enforcement of the laws and better training, testing, and licensing of drivers. The importance of the driver in the fuel-efficiency equation is well documented. The Technology & Maintenance Council of the American Trucking Associations has reported that the driver can influence fuel economy as much as 35 percent. Because the driver plays such a significant role in fuel efficiency, maintenance, and safety, more thorough driver training relating to proper driving speeds would have a positive effect on the speeds actually driven. Tardif et al in *Speeding*, recommend behavior modification through better training for trainers as well as commercial drivers on best practices, with “modules [that] would focus on the effect of speed both from an environmental and a safety point of view” (7). To retain its effectiveness, initial training should be supplemented by periodic distribution of anti-speeding awareness materials. For new drivers, an apprenticeship program providing a mentor and on-the-job training to develop safe driving skills could enhance classroom training. Technology cannot take the place of a well-trained driver, nor should it take away control of the vehicle from a well-trained driver.

Stepped-up law enforcement in geographic areas where the most serious speeding problems exist, such as Highway 401 between Windsor and Montreal, would have a significant deterrent effect on speeding. Studies show that even the *perception* of getting caught due to increased enforcement does slow down traffic (Tardif, 13). Vehicles traveling at excessive speeds exasperate and frustrate responsible, safety-conscious truckers, and the lack of appropriate enforcement is a common complaint among OBAC members. Appearing before Ontario's Standing Committee on General Government debating Bill 169, OTA's Bradley testified that "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." He points out that "[speed] enforcement against trucks is really particularly an area where they [OPP] do not concentrate their efforts. . . ." (Legislative Assembly, Bradley).

Positive reinforcement through financial incentives and other encouragement for compliant driving have also proven effective in controlling driver speed. For example, three major U.S. carriers who have recently rolled back speeds are gaining high levels of driver acceptance by sharing the financial benefits of reducing speed. These incentives to drivers include a penny-a-mile increase, encouraging idle reduction by offering a 3 mph incentive (governing the trucks at 65 mph rather than 62 mph) to drivers who keep idle time to below 40 percent, and bonuses to drivers who meet or exceed company objectives for minimum idle time and time in top gear at highway speeds. These companies are also investing in training and performance evaluation to help drivers meet those targets, and as a result, are saving millions of dollars and

reducing their environmental footprint without government intervention and at no cost to taxpayers.

Speeding can be virtually eliminated if carriers monitor road speed on trip reports generated by the engine's onboard computer, often referred to as the Electronic Control Module (ECM), and pay bonuses or increase per-mile pay for compliant driving. Speed monitoring devices (satellite, electronic on-board computers, tachograph) and in-vehicle feedback can also voluntarily be used by individual carriers to slow down drivers.

IX. Fuel conservation and control of fuel costs are also achievable by other means.

The question of the potential in greenhouse reductions must be addressed. In his remarks to the House when Bill 41 was tabled, Minister Bradley claimed, "a recent Transport Canada study found that capping the speed of all large trucks operating in Ontario at a maximum of 105 kilometres per hour would reduce greenhouse gas emissions by as much as 280,000 tonnes."

While the numbers used in the Transport Canada study are not yet in the public domain, the reported 280,000-tonne GHG reduction would be Canada-wide, and any GHG reduction for Ontario alone would be much less.

While it is easy to put a number on the amount of GHG produced per liter of diesel burned – it is 2.8 kg/L – it is much more difficult to accurately quantify the reductions achieved by simply limiting speed to 105 km/h. First, one would need to know present fuel consumption rates for every truck in the country, and then be able to quantify the fuel savings accrued by limiting truck speeds to 105 km/h. This requires hard data on how many trucks are speeding, and by what degree. Fleets that currently limit speeds to 105 km/h would realize no savings whatsoever by the imposition of

speed-limiters. Furthermore certain trucks – depending on loads, gear ratios, and how they are spec'd – may actually run at cleaner, optimum efficiency at slighter higher speeds. Until the Transport Canada study has been made public and the methodology and results have been reviewed and evaluated, it is impossible to draw any reasonable conclusions about potential GHG reductions.

That being said, whatever the potential GHG savings of reducing truck speeds are determined to be, those numbers must be put in context. While the Minister states that one-third of Ontario's greenhouse gas emissions come from the transportation sector, with 84 percent coming from road transportation, it is misleading to imply that trucks are the main culprits.

The Canadian Greenhouse Gas Inventory, as compiled by Environment Canada for the period 1990-2005, notes that heavy-duty gasoline engines, i.e., SUVs, pick-up trucks, and mini-vans, are responsible for over 55 percent of the growth in Canada's GHG emissions. While transportation as a whole may represent a large percentage of total GHG growth, after separating transport modes, breaking down sectors within road transport, and finally comparing heavy-duty diesels to all other types of on- and off-road engines, capping speed limits on commercial trucks will shave no more than a tiny fraction off the province's overall GHG output. If the government is serious about reducing GHG emissions, it should consider where its resources would have the greatest impact.

Perhaps most importantly, speed reductions, whether achieved by the use of electronic speed-limiters or by the alternative measures, will have the same impact on fuel usage and costs. As mentioned earlier, better driver training is particularly

important, and other avenues such as more aerodynamic truck design will also lead to equal or greater improvements in fuel usage. Aerodynamics has been identified as the most important factor in fuel efficiency for vehicles traveling above 50 mph (Johnson, 67). Between 55 and 60 mph, 50 percent of the fuel burned is used to overcome air resistance (Kenworth, 2). Simply put, mandatory use of speed-limiters is not required to conserve fuel, nor is it even the best means of achieving this goal.

X. Government's role: the public good.

The Ontario government clearly has a role to play in enforcement of public safety issues, therefore, OBAC must question the merit of redirecting limited enforcement resources to the verification of speed-limiter settings. Any proposal that would divert already strained MTO resources to routine speed-limiter checks by enforcement personnel at inspection stations would be onerous and burdensome, and would create huge backlogs at inspection facilities. It makes no sense at all to saddle MTO with this task when a speeding vehicle should be obvious to any police officer on routine patrol. MTO resources should be focused on ensuring the safety and mechanical fitness of large trucks and safety fitness of drivers. Additional OPP resources should be used to step-up enforcement of Ontario's existing speeding, dangerous driving, and other road safety laws.

Alarmingly, nowhere has government addressed the cost implications of Bill 41. Besides the potential safety and environmental cost of redirecting funds away from more urgently-needed programming, the price-tag of implementing and enforcing Bill 41 could be staggering. The cost of acquiring technology and hiring and training staff and enforcement personnel will not be insignificant. As well, the experience of other

countries (e.g., Australia and some European countries) with government-mandated speed-limiters suggests that millions of dollars a year can be drained from public coffers to deal with problems such as tampering, which involves upwards of 30 percent the truck fleet in some jurisdictions.⁷ It would be fiscally irresponsible for Ontario to consider implementing speed-limiter regulation without a full cost analysis.

It also behooves government to consider the issues of privacy and ownership of data produced by a truck's ECM. Ontario is already grappling with these issues vis-à-vis satellite and ECM data used for enforcement purposes against the owner of the data who acquires it for business purposes. This is a complex and contentious issue that can get only muddier if enforcement personnel were to get unrestricted access to engine data via an ECM download while verifying speed-limiter settings. This would surely prompt a court challenge.

OBAC believes there are more appropriate ways for government to serve the public good in its dealings with the trucking industry: maintain a high level of speed enforcement on roads and highways; direct enforcement resources toward non-compliant operators while the better ones go about their business; step up public education on how to share the road with trucks; promote the "No-Zone" campaign; and retest all drivers with questionable driving records. Speed-limiter enforcement, as proposed by Bill 41, is a waste of money, and an intrusive practice for truck drivers who are already operating responsibly and safely.

There are other ways government could facilitate safer and more efficient operating practices for trucking. In the area of energy efficiency and congestion relief,

⁷ This anecdotal evidence is being verified by one of the yet-to-be released Transport Canada studies.

for example, the government could consider allowing trucks to use High Occupancy Vehicle (HOV) lanes in the Greater Toronto Area. Trucks moving through dense traffic in stop-and-go conditions are operating in their least efficient state. Diesel engines revving and slowing and revving again through constant gear shifting produce the least efficient forward movement and the greatest total emissions. Keeping trucks moving through the rush-hour periods would greatly minimize periods of peak inefficiency for diesel engines, and would improve the flow of traffic in other lanes.

Another input to increased road safety that has been entirely overlooked is infrastructure improvements. Canada, shamefully, is the only G-7 country without a national highway program and as a result, our road and bridge infrastructure is crumbling. Hundreds of miles of Ontario roads that are regularly traveled by truckers are in an abysmal state of disrepair. Exacerbating this critical situation is an appalling lack of safe, accessible areas where truckers can rest, eat, refresh themselves, and comply with Hours of Service. Investing in highway infrastructure, including adequate truck parking and rest areas, is critical to road safety in Ontario.

As well, government should consider accelerating the adoption of “green” technologies and equipment by removing existing regulatory barriers and by offering incentives such as tax credits and rebates, especially to small business truckers who are the least able to afford these investments. Idling, for example, wastes far more fuel than speeding. Tax dollars would be well spent in promoting and facilitating the use of idle-reduction technologies and investing in innovations like truck stop electrification in service centres along the 400-series highways.

OBAC would also urge government to re-think its much-touted Green Commercial Vehicle Project, an initiative intended to help businesses switch to cleaner technologies. Its initial design includes only Class 1 to 7 commercial vehicles operating primarily in Ontario. This virtually eliminates participation of long-haul trucking in the program, a segment of the industry comprised mostly Class 8 vehicles – the target of government-mandated speed-limiters – which operate primarily extraprovincially.

Lastly, OBAC would encourage government to ensure that any environmental measures are undertaken as part of a well-designed and comprehensive environmental strategy that complements the plans of other jurisdictions. For an industry such as trucking that operates in every jurisdiction in North America, a patchwork of government policies and regulations can compromise safety and productivity.

XI. Conclusion.

This Bill requires full and fair public debate. It is much too important to the health and safety of Ontarians to limit public input to one session in downtown Toronto. The trucking industry, which is by and large thousands of small business truckers, including owner-operators, has a wealth of knowledge, experience, and vision that could support and promote government's (and their own) objectives of highway safety and a reduced environmental footprint. Input from these people is essential. The discussion in the Legislative Assembly to date reveals that there are a plethora of misunderstood technical and operational issues that could be best clarified by consultation with current working truck drivers. These discussions are needed now, while the Bill is in Committee, and there is still a chance to avoid costly mistakes. OBAC urges the Committee to provide an opportunity for all stakeholders to participate in the democratic process by

scheduling public hearings at such times and places that more inclusive participation is possible.

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