



November 5, 2009

Minister Jim Bradley  
Ministry of Transportation  
Queen's Park/Minister's Office  
77 Wellesley Street West  
Ferguson Block, 3<sup>rd</sup> Floor  
Toronto ON M7A 1Z8

Dear Minister:

**Re: Impact of Bill 118 – Ontario Public Transit Operations**

Bill 118 – the Countering Distracted Driving and Promoting Green Transportation Act and supporting regulation – took effect on October 26, 2009. While providing a permanent exemption for the use of mobile data terminals, the act includes a three year exemption for the continued in-service use of vehicle radio phones (with telephone handsets) for transit operations. As this voice communication technology is widely employed throughout the Ontario public transit industry, we are disappointed that a permanent exemption relating to the vehicle radio phones was not granted.

As set out in our May 27, 2009 submission, the Ontario public transit industry was seeking a permanent exemption relating to the use of both radio phones as well as mobile data terminals. The requested exemption is consistent with that provided in other Canadian jurisdictions with similar legislation and the rationale for this request was set out in the industry's submission, a copy of which is enclosed.

In summary, the submission identifies the unique nature of public transit's operating environment, current communication protocols and standard operating procedures, as well as the industry's positive safety record in regards to accidents directly related to the use of the two way communication devices. In rendering its decision concerning the 3-year phase out, the Ministry has relied on data which is based exclusively on trucking industry experience and highway operations, and not on experience or practice from urban transit. Coupled with this is the fact that other jurisdictions with similar legislation have exempted transit, which further leads us to question the rationale behind the new regulations.

Indeed, the requirement to replace current voice communication equipment places significant additional fiscal pressure on transit systems, at a time when operating budgets are already strained to meet other new provincial legislative requirements and constrained municipal finances. The estimated cost to replace existing equipment, including interfaces with smart bus technology, ranges between \$30 and \$50 million. The impact is especially severe for those systems that recently upgraded or replaced their voice communication equipment at a cost of between \$5,000 and \$6,000 per bus.

In light of the above, the Ontario public transit industry respectfully requests the Minister, working in concert with the industry, to undertake as expeditiously as possible, an assessment of the effect that the transit industry's current practices respecting the use of mobile radio phones has had on the industry's safety record and operating performance. We would also recommend that this review should include an assessment of the information used in other jurisdictions where similar legislation exists and where a decision was made to grant an exemption for transit. The outcome of this review would either re-enforce the basis for the Ministry's decision calling for mobile phones to be phased out or, alternatively, provide

the basis for the Minister to reconsider the industry's request for a permanent exemption to Bill 118 in respect of the use of mobile radio phones by public transit systems.

Finally Minister, we would welcome an opportunity to discuss this idea, and/or other options associated with this proposal further with you. Please advise.

Sincerely,



Larry E. Ducharme  
Chair, Ontario Committee  
CUTA



Kelly S. Paleczny  
Chair, OPTA

Enclosure - May 27, 2009 Submission

c.c. Norman Cheesman, OPTA  
Michael Roschlau, CUTA