

Asleep at the Wheel:

A critique of the Ontario Ministry of Transportation
Response to SPR's 2018 Highway Truck Parking Study
and an Action Plan for Discussion

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About SPR: *Public policy research* - SPR has a 25+ year track record conducting research for the Ontario and Federal government on challenging issues such: as Civilian Policing Oversight, national security programs, international trade, family violence shelters, child care, automobile manufacturing, housing, Indigenous affairs, health, reproductive technologies, racism, and other sensitive matters. *Surveys* - SPR has an extensive track record conducting multi-method surveys, reaching nearly all communities across Canada, and over 100,000 Canadians.¹

¹ SPR's longer-term public policy follow-up work includes: our \$1.2 million project spanning more than two decades for the Ontario Ministry of Labour on Occupational Health and Safety. This work aided the introduction of the *Ontario Occupational Health and Safety Act of 1990* and the development of *Ontario Health and Safety Certification Training*, with close to half a million Ontario worker and management health and safety representatives certified as of 2021. Similarly, multiple projects for Canada Mortgage and Housing Corporation, beginning in 1992, aided the development of Canada's system of family violence shelters.

1. Introduction and Background

Overview: This brief five-page report follows up on SPR's 2018 study for the Ontario Ministry of Transportation (MTO), regarding *Truck Parking and Rest Areas Along Southern Ontario Highways*. This report responds to MTO's press release and plan of January 7, 2021 and outlines SPR's *new recommendations* to address the severe parking shortage in Ontario.

The MTO and Key Issues: Ontarians are generally highly satisfied with the quality of their highways. This satisfaction is maximized by the efforts of over 3,500 personnel at MTO who plan and maintain the vast network of 16,000+ kilometres of Provincial highways. *However, there is one major problem which has remained unaddressed for over a decade.*

The problem is a *shortage of parking places* for long-haul truck drivers to stop and rest when they have driven too long. The shortage causes many truck drivers to "drive tired" and is evidenced in the OPP's reports of a 40% increase in transport truck crashes in the past year. This paper addresses these issues and the need for action, most importantly, by the Province as well as the trucking industry.

Background: Our 2018 study demonstrated that the truck parking shortage is a major one, with severe negative impacts on the trucking industry, the overall supply chain for Ontario Cities, and severe risks for public safety, from driver fatigue and its impacts in increasing collisions on our highways.

This update report emphasizes the inattention of MTO over the past 10+ years, to the issue of *Hours of Service (HOS)* (limiting the time drivers can go without rest) and other specifics. Significantly, MTO's neglect of HOS spans the current Conservative government, two previous Liberal governments and eleven Ministers of Transportation.

Severity of the truck parking shortage is suggested not only by our 2018 results, but also recent OPP reports. Currently, the OPP is reporting a significant increase in commercial motor vehicle (CMV) related fatal collisions – a clear sign that many drivers are disregarding the additional risks such collisions carry. For example, between January 1 and June 30, 2021, the OPP responded to 32 fatal crashes that involved a CMV, compared to 23 such collisions at this time last year. As well, the OPP reported a 40% increase in truck-collision-related fatalities over the past year.

SPR emphasizes that our 2018 assessment included truck drivers from all jurisdictions in North America, thus our findings are relevant to both Canadian provinces and the US.² Taking a broader view in 2021, this report emphasizes the importance of trucking to the supply chain for all Ontario cities and notes significant municipal participation which aided our research.

² Of our total survey sample of approximately 2,300 drivers, 27% were from other Canadian Provinces and Territories and 3% were from the U.S.

Highlights for 2021: SPR's 2021 recommendations to address these matters expand on our previous 2018 detailed recommendations and include:

1. The establishment of an *independent agency* to assume responsibility for truck parking, since MTO has been unable to effectively address this issue;
2. The creation of *regional task forces* focused on municipal partners and industry, to plan truck parking. Their role could include use of some part of the thousands of acres expropriated by the Province, in the 1970s, for the Pickering airport³ and also other public lands; and
3. The introduction of *new Provincial legislation* requiring trucking companies to ensure that parking is provided to their employee drivers as well as independent contract drivers and/or that the cost of parking is reimbursed to all drivers.

Where we started: Our research began in 2017 with a \$280,000 study which was completed for the Ontario Ministry of Transportation in May 2018. The study was state-of-the-art research, guided by a Canadian-US panel of experts, involving engineering studies, surveys of 2,300+ North American truck drivers and surveys and consultations, including some 200 trucking companies.

The study examined truck parking in relation to HOS regulations which limit the numbers of hours drivers can drive in a 24-hour period to ensure public safety (since fatigued drivers = collisions), and the new application of Electronic Logging Devices (ELDs), which can track every truck's movements in real time and make compliance more rigorous.⁴

³ Much of this land is currently being sold off by the Province for new suburban development.

⁴ The current regulations generally limit drivers to 13 hours of continuous driving, after which rest is required. As of writing, there have not yet been any changes to the Ontario HOS regulations. The Provincial regulations do not require ELDs - they are currently required for federally-regulated carriers only. Ontario is still consulting and plans to adopt the federal regulations, but it will be at least June 12, 2022 before federal regulations are fully integrated with provincial regulations. Generally, the federal regulations apply to a large portion of trucks using the 400 series highways, as so many regularly cross international or interprovincial borders.

Severity of the Truck Parking Shortage: The truck parking shortage is severe across all of Ontario, across Canada and in the US and internationally.⁵ Everyone sees the shortage problem differently:

- *For cities and the broader economy*, the truck parking shortage has implications for disrupting the supply chain, and endangering food security.
- *For individual trucking businesses*, it is a cost problem.
- *For the trucking industry*, other issues are substantial, such as the impact of shortages and stress on the attractiveness of this work and recruitment of drivers -- a severe driver shortage being imminent in trucking.
- *For drivers*, it is a working conditions problem, particularly for vulnerable groups such as new Canadian drivers, those nearing retirement, and independent operators who are generally at the mercy of the companies they work for. For drivers, the parking shortage creates endemic stress, fatigue, negative health impacts, the risk of crime and violence,⁶ fines and financial losses.
- *For the public at large*, public safety issues loom because, as research shows, accidents are frequently caused by driver fatigue.

Spaces to stop and rest are not the only need. Long-haul drivers must also stop to check the safety of their loads and mechanical soundness of their vehicles -- adding to the need for a place to safely park.

Safety as a core issue: *Truck crashes generally* are seen at their worst in the 2018 truck-bus collision which resulted in the deaths of 16 members of the Saskatchewan Humboldt-Broncos Junior 'A' hockey team. *Driver fatigue* is also illustrated in a 2016 Ontario truck crash where a driver with only 2 hours sleep killed 4 in a collision on a Toronto segment of Highway 400. Most recently, a newspaper report cites the OPP as finding a 40% increase in fatal transport truck crashes over the past year.⁷

⁵ For a view of recent US assessments see: "Survey: US Truck Parking Capacity Strained", Posted Friday December 4, 2020, at Ontario Trucking Association (web-site). For indications of recent US Federal emphasis on truck parking, see: "Truck Parking Legislation Introduced in US House", *Transport Topics*, March 30, 2021.

⁶ See, for example, "Highway Robbery" *Truck News*, <https://www.trucknews.com/features/highway-robbery/>. Also see references to *Jason's Law* -- a milestone murder of a truck driver in the US, who was robbed of \$7 when he stopped to rest on the side of the road.

⁷ Steph Crozier, "OPP campaign targets commercial motor vehicles", *Kingston Whig Standard*, July 9, 2021.

MTO's Response: After three years, the Ministry finally produced a response to our 2018 report. Their response, in January 2021, generally did little to address the main problems identified by our engineering studies and surveys -- the very severe shortage of truck parking in Central Ontario (SPR's report indicated a shortage of 1,200 - 2,600 parking spaces.)

In their response, MTO identified new potential parking to be developed in the next five years, including 178 new parking spots to be developed at ONroute areas. Problematically, only 2 of the 28 locations identified by the MTO were in Central Ontario. MTO's January 2021 plans focused mainly on Southwestern, Eastern and Northern Ontario -- areas also facing parking shortages, but not the very severe shortage facing the GTA and Central Ontario.

MTO's response also did not include SPR's recommendations on partnering with municipalities, land banking, use of some of the vast public lands held by the province and other strategies proposed in the 2018 report. It also did not address exploring partnerships with industry to remedy major HR problems which exacerbate negative impacts of the parking shortage. (Problems such as a shortage of drivers, the need for better training, high turnover, the uneven quality of working conditions across the industry, and exploitation of some drivers, such as new Canadians.) SPR notes that such problems in industry are commonly addressed by government-industry sector councils or other partnerships.

Analysis: MTO's Lack of Leadership and Lack of Serious Action: The continuing truck parking crisis is the result of more than a decade of inattention by MTO (under both Liberal and Conservative governments), who have not utilized any of the instruments available to solve this problem and prepare for HOS and ELDs.

Specifically, MTO has *not* developed meaningful provincial-municipal-other partnerships to address the parking shortage. Noting that land is the key cost obstacle to developing new parking, MTO has *not* moved in any clear way on land banking or use of the thousands of acres of expropriated land the Provincial government holds in Central Ontario (mostly in North Pickering) and around the GTA, to create new parking. MTO has *not* considered government-industry sector-council type efforts to improve HR and working conditions in the trucking industry. MTO has *not* introduced legislation to require trucking companies to ensure good access to parking for their drivers.

Remedying a History of Inattention: Overall, MTO's limited response to the findings from the 2018 truck parking study is consistent with more than a decade of Ministry inaction in preparation for the HOS & ELD regulations which came into effect on June 12, 2021. Ontario now needs to move beyond the MTO to fully support our truck drivers.

Enough Research! Truly bold action is needed now. Based on our 4 years of research on the truck parking issue, SPR has outlined an action plan as input to the conversation. Key parts of our suggested action plan are:

- ***The creation of an independent Provincial agency to manage truck parking,*** to assume responsibility from MTO to deal with the truck parking shortage.
- ***The creation of regional task forces to create truck parking:*** These would be established in the GTA, along Highway 401 and in other areas. These task forces would include municipalities and associations, with supporting MTO regional office participation.

The work of these task forces would begin with developing immediate emergency parking solutions and then identifying permanent solutions, for example, new parking located in the vast acreages which the Province now holds, some of which ideally could be 'swapped' for locations west of Toronto (or potentially in Toronto itself).⁸

- ***Passing legislation requiring employers to ensure adequate truck parking:*** Such legislation would make employers responsible for ensuring that there is parking for drivers or reimbursing parking costs for all who drive, including independent contract drivers. This would be aided by some capabilities of ELDs to report on when and where trucks are parked (if legal, safe?)

Other potential solutions to address the parking shortage include developing new strategies for the OPP to assist truck drivers to find safe, legal parking; and new strategies to enable MTO staff to play a more vital role in assisting drivers to find parking (at inspection stations, weigh scales). Additionally, the broader challenges facing the trucking industry could be aided through a sector-wide process to improve HR practices related to parking. This would reduce the impacts of a lack of parking on driver shortages, driver turnover, and related issues.

Discussion: SPR is aware that some of these recommendations, such as the creation of a new agency and new legislation for employer responsibilities in parking, will take time. However, this time will be modest compared to the time already lost as a result of inaction on the part of MTO.⁹

Action is needed now: E-mail your concerns to Premier Ford (premier@ontario.ca). Please also copy ted.harvey@spr.ca

⁸ For example, local task forces would be able to "make deals" with big box stores for measured use of their parking lots during off hours and coordinate other local businesses and governmental resources. Regional MTO resources could contribute their expertise to the task forces in developing new parking.

⁹ Another issue should be the establishment of an Inquiry under the *Ontario Public Enquiries Act*, to ascertain why Ontario's response to HOS and ELD deadlines has missed the long-established deadlines so drastically.