
Making Northern Ontario Highways Safer Act, 2019

Background
Document

Guy Bourgouin,
MPP for Mushkegowuk-
James Bay

Summary:

Too many Northern Ontarians have lost their lives, or suffered life altering injuries driving on poorly-maintained routes in the winter. Bill 125, *Making Northern Ontario Highways Safer Act, 2019*, seeks to reduce the number of winter closures on highways 11 and 17 that are oftentimes caused by poor road conditions and maintenance standards that are not on par with Southern Ontario highways.

It does so by:

- ✓ **Amending the *Public Transportation and Highway Improvement Act, 1990*;**
- ✓ **Setting out a classification system for Ontario highways consisting of five classes of highways;**
- ✓ **Classifying highways 11 and 17 at par with all 400 series highways and the QEW highway; and**
- ✓ **Ensuring the strictest requirements for snow removal and requiring that the pavement be bare of snow within eight hours of the end of a snowfall.**

The Ministry of Transportation's snow removal classification standards depend on the type of highway and traffic volumes, not on climate or vehicle size and weight. By enforcing robust winter maintenance standards, this bill can save lives in Northern Ontario by making Northern highways safer for drivers.

Background:

Rationale:

Northern Ontario highways pose distinct safety concerns, especially when it comes to the two major arteries in the region, highways 11 and 17. Multiple factors, including below-par winter maintenance standards, climate conditions, commercial vehicle traffic and the like, make travelling on these two Northern highways a perfect cocktail for collisions and fatalities.

Covering almost 2,000 kilometers in length each, highways 11 and 17 are a critical component of the Trans-Canada corridor. In most of their sections, highways 11 and 17 are two-lane, undivided highways with passing or climbing lanes in various locations along the route to allow faster traffic to pass slower vehicles.

Highways 11 and 17 are also the preferred truck route connecting Eastern Canada and Southern Ontario to Manitoba and Western Canada, and a large portion of goods and services travel by truck through the area.¹ The 11/17 corridor is also a lifeline and an economic hub for many communities that provide important natural resources to Ontario and Canada, especially in relation to mining and forestry.²

As a result of poor winter conditions, accidents occur on an on-going basis, which greatly affect the communities in the area. Most communities, towns and cities form corridors along these two highways. And there are very few opportunities for detours on either of these routes. When these highways are not maintained and kept passable, the country is thus cut in half and communities are left isolated from the rest of the province.

Reactions:

“Highway 11 is the only access point for our community and recurrent winter closures have major consequences on the lives of residents in the Kapuskasing area. The municipal council will be thus voting on a resolution to support Mr. Bourgouin’s bill on June 17.”

– Dave Plourde, Mayor of Kapuskasing

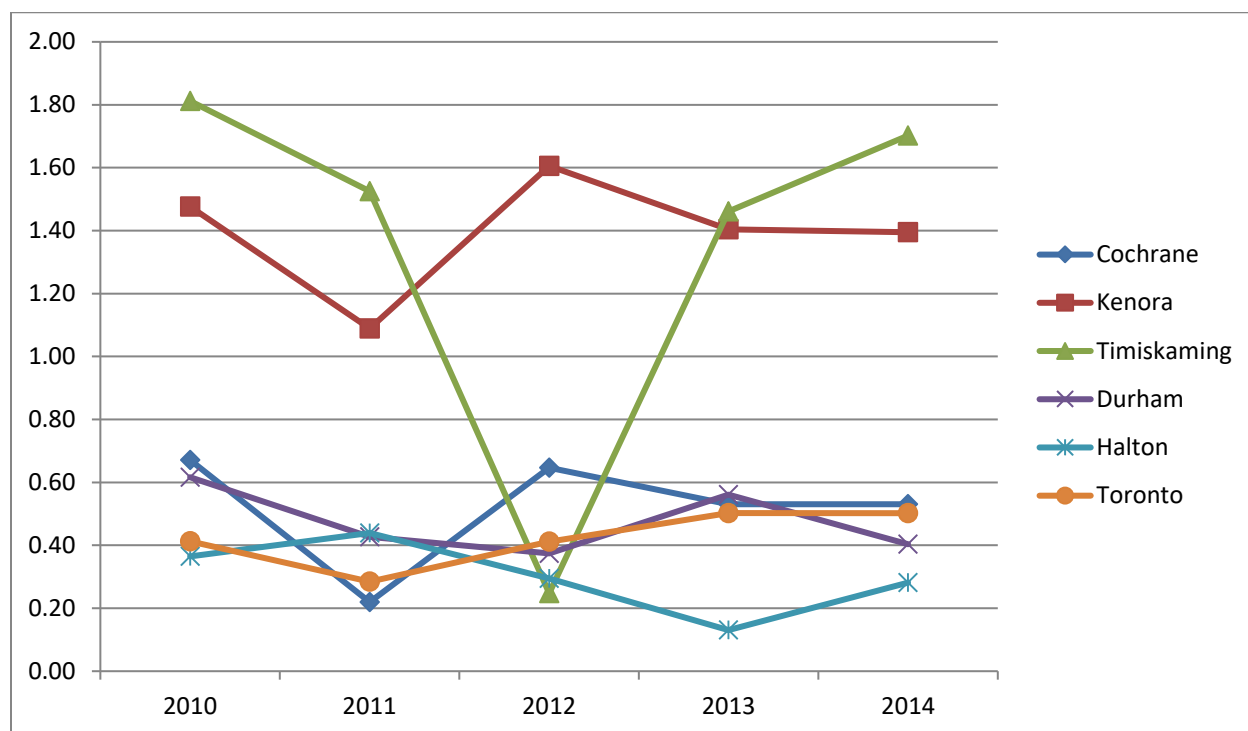
“Northern Ontario’s highways are filled with dangerous corners and hills. Lots of truckers are retiring or not working during winter months because they are scared. Winter, coupled with driver shortage, is taking a toll on the company’s operations.”

– Sue Dery, Safety Manager at Grant’s Transport Ltd., New Liskeard

¹ “An average of almost 54,000 truck trips per week travel along the Northern Ontario highway network and carry more than half a million tonnes of commodities with an estimated total value of \$1.24 billion. The average distance travelled per truck trip is almost 700 km.” Ministry of Transportation, [Northern Ontario Commercial Vehicle Travel Profile](#) (2013), p. 1.

² Ibid., p.21.

Figure 1: Fatalities per 10,000 registered motor vehicles by region (2010-2014)



Source: Ministry of Transportation, ORSAR, 2010-2014

A simple comparison of the MTO's [Ontario Road Safety Annual Report \(ORSAR\)](#) data between southern and northern districts shows the extent to which the number of fatalities is, on average, distinctly higher in those areas served by the Trans-Canada corridor highways (see, Figures 1 and 2).

For example, drivers with motor vehicles registered in the Cochrane region are twice as likely to be killed in a highway accident as those whose vehicle is registered in the Halton region.³ When it comes to motor vehicles registered in the Timiskaming region, the chances of a fatal collision

Reactions:

"The classification and treatment of Highways 11 and 17 have always concerned me, as both routes are integral for the Trans Canada corridor."

– Mark Andrews, former OPP North East Region Traffic and Marine Unit Commander, North Bay

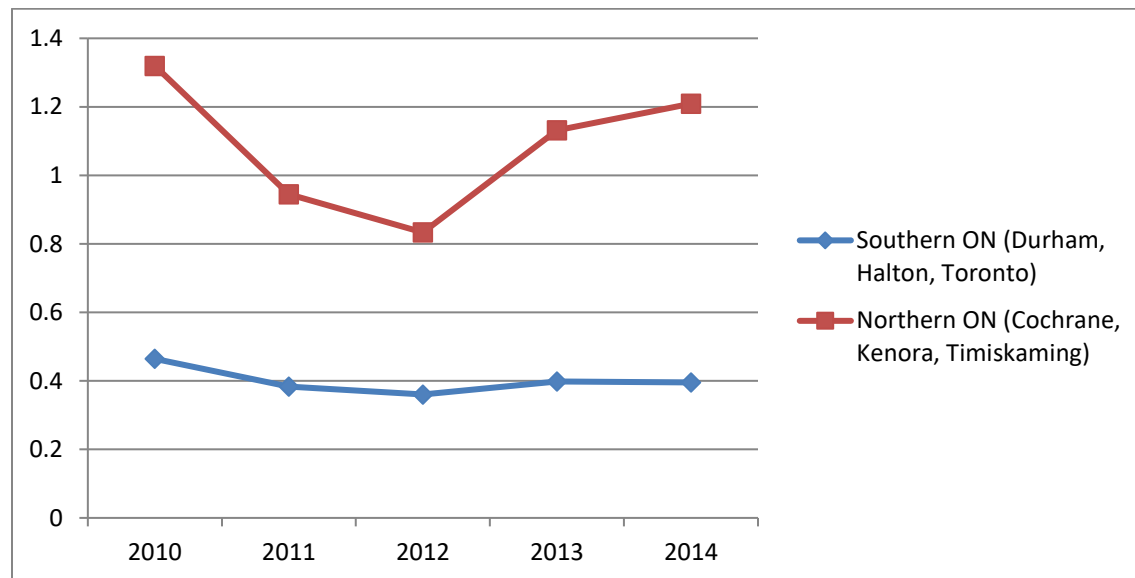
"Highways are shut down more often than before. Heavy-load traffic is increasingly using the Highway 11 corridor, which is causing inconveniences to communities and businesses."

– Mario Villeneuve, President of Villeneuve Construction, Hearst

³ According to the ORSAR 2014, there was one fatality per every 18,846 vehicles registered in the Cochrane District compared to one fatality per every 35,562 vehicles registered in the Halton region.

are almost four times higher than in the Toronto region.⁴

Figure 2: Fatalities per 10,000 registered motor vehicles by region, combined (2010-2014)



Source: Ministry of Transportation, ORSAR, 2010-2014

Current Situation:

Responsibility for maintaining highways in the areas around major urban centres and in rural areas (e.g., the King's highways, QEW, highways 11 and 17, etc.) falls to the province under the *Public Transportation and Highway Improvement Act, 1990*. Section 117(a) of the Act authorizes the MTO to make regulations "establishing standards for the planning, design, construction, maintenance, management and operation of highways and bridges and related structures and works."⁵ MTO has 21 contracts in place to provide winter maintenance services.

MTO snow clearing standards are based on vehicular traffic averages and highway classification (see, Appendix 1). Traffic Volume Information patterns used are defined as follows:

Annual Average Daily Traffic; defined as the average twenty four hour, two way traffic for the period January 1st to December 31st.

Briefly, the more traffic, the higher the frequency of plowing and salting, and the faster the highway surface is restored to normal conditions. This means that MTO's standards are purely grounded on traffic volume, thereby overlooking critical vehicular differences, such as number of axles, weight and size.⁶

⁴ Again, according to ORSAR 2014 data, there was one fatality per every 5,875 registered vehicles in the Timiskaming District compared to one per 19,904 vehicles in the Toronto region. Also, in the Kenora region there was one death per every 7,169 registered vehicles compared to one per 24,802 in the Durham region.

⁵ Government of Ontario, [Public Transportation and Highway Improvement Act](#), S.117(a).

⁶ It should be noted that winter highway maintenance standards in some Northern states in the U.S. are much more flexible. For example, in Michigan, levels of service are assigned according to "Corridors of Highest

Northern Ontario's highways account for a large portion of the commercial vehicle traffic in the province. According to the MTO data, 54,000 commercial trucks travel through the Northern Ontario highway network, with a large portion of the travel concentrated on the two Trans-Canada Highway routes.⁷ In addition, virtually all trips to/from Eastern Ontario and Eastern Canada using Northern Ontario roads represent through trips to the US (via Sault Ste. Marie) or Western Canada.

To this should be added that collisions involving large trucks account for over twenty percent of the fatalities occurring in the province (see, Table 1).

Table 1: Situations with the Highest Road Fatalities (2014)⁸

| CATEGORY | NUMBER OF FATALITIES | PERCENTAGE OF TOTAL FATALITIES* |
|-----------------------------|----------------------|---------------------------------|
| Pedestrians | 110 | 21% |
| Large Trucks | 109 | 21% |
| Inattentive Driving | 109 | 21% |
| Drinking and Driving | 98 | 19% |
| Speed-Related | 85 | 16% |
| Motorcyclists | 61 | 12% |
| Unbelted Occupants | 58 | 11% |
| Drug-Involved | 54 | 10% |
| Senior Drivers | 16 | 3% |
| Cyclists | 16 | 3% |
| Young Drivers | 16 | 3% |

*Some fatal crashes involve more than one of the factors listed. These percentages do not add to 100.

Also of significance is that, as a percentage of fatalities, personal injuries, and property damage, the 2014 figures for collisions on roads with loose snow, slush, packed snow, or ice were all higher than in 2010 (see, Table 2).

Table 2: Road Surface Condition by Fatalities, 2010 vs. 2014 (ORSAR Reports 2010 and 2014)⁹

| ROAD SURFACE CONDITION | FATAL 2010 | % 2010 | FATAL 2014 | % 2014 |
|------------------------|------------|--------|------------|--------|
| Loose Snow | 10 | 1.9 | 11 | 2.3 |
| Slush | 5 | 0.9 | 3 | 0.6 |
| Packed Snow | 6 | 1.1 | 14 | 2.9 |
| Ice | 6 | 1.1 | 8 | 1.7 |

Significance.” According to the State’s operation’s manual, corridor significance is based on several factors, including Average Daily Traffic (ADT), commercial ADT, population, employment, tourism, airports, carpool lots and intermodal freight. Clear Roads Pooled Fund Study, [Levels of Service in Winter Maintenance Operations: A Survey of State Practice](#), p.1.

⁷ Ministry of Transportation, Northern Ontario Commercial Vehicle Travel Profile (2013), p. 2.

⁸ ORSAR, 2014, p.12.

⁹ In 2010, collisions in winter conditions accounted for 5% of all fatalities, 7.1% of all personal injuries, and 11% of property damage (ORSAR 2010, p.51).

This suggests that, in spite of contractors fulfilling their responsibilities, winter roads have not been maintained as effectively as they were prior to the introduction of performance-based, private Area Maintenance Contracts (AMCs) in 2009.¹⁰

What the Legislation Does:

In light of this, the *Making Northern Ontario Highways Safer Act, 2019* (see, Appendix 2) seeks to reduce the number of winter closures on highways 11 and 17 that are oftentimes caused by poor road conditions and maintenance standards that are not on par with Southern Ontario highways.

It does so by:

- ✓ Amending the *Public Transportation and Highway Improvement Act, 1990*;
- ✓ Setting out a classification system for Ontario highways consisting of five classes of highways;
- ✓ Classifying highways 11 and 17 at par with all 400 series highways and the QEW highway; and
- ✓ Ensuring the strictest requirements for snow removal and requiring that the pavement be bare of snow within eight hours of the end of a snowfall.

The Bill has received multiple endorsements (see, Reactions and Appendix 3).

Reactions:

“The bill will, when passed, make the highways in our area much safer. The bill calls for highways 11 and 17 to be held to the same standards as the 400 series. Since 11 and 17 are Trans-Canada trade routes, this makes perfect sense.

The bill will result in northern highways being cleared of snow and ice sooner and more often. It will make these roads safer. Many northerners are fearful of the current winter road conditions. This will be a big step in the right direction. I sincerely hope that the government supports it.”

– John Vanthof, Timiskaming-Cochrane MPP

“[Bill 125] is definitely a great idea. We have been fighting this for some time.”
- Wendy Landry, Mayor of Shuniah Township and President of Northwestern Ontario Municipal Association

¹⁰ Auditor General, [Winter Highway Maintenance: Special Report: 2015](#), pp.3-8.

Appendix

Appendix 1: Current MTO Bare Pavement Standard for Highways¹¹

| HIGHWAY CLASS | EXAMPLES | SOUTHERN ONTARIO (VEHICLES PER DAY) | NORTHERN ONTARIO (VEHICLES PER DAY) | BARE PAVEMENT STANDARD |
|--|---|--|--|--|
| Freeway/Urban Highway (Class 1) | Highway 401 Queen Elizabeth Way (QEW) Highway 11 four-lane sections | More than 10,000 | More than 10,000 | Bare pavement within eight hours of the end of a winter storm. |
| Major Highway (Class 2) | Highway 17, Trans-Canada Highway in Ontario | 2,001-10,000 | 1,501-10,000 | Bare pavement within 16 hours of the end of a winter storm. |
| Intermediate Highway (Class 3) | Highway 35 | 1,001-2,000 | 801-1,500 | Bare pavement within 24 hours of the end of a winter storm. |
| Minor Highway (Class 4) | Highway 516 | 501-1,000 | 401-800 | Centre bare pavement within 24 hours of the end of a winter storm; fully bare pavement when conditions permit. (Centre bare means a 2.5m strip in the middle of the road.) |
| Local Highway (Class 5) | Highways 502 | Fewer than 500 | Fewer than 400 | Snow packed driving surface within 24 hours of the end of a winter storm. Excess snow is plowed off and sand is applied where required to improve friction. |

¹¹ Ministry of Transportation, [Meeting our Bare Pavement Standard for Highways](#)

Appendix 2: Bill 125 - Making Northern Ontario Highways Safer Act, 2019



Bill 125

**An Act to amend the Public Transportation and Highway Improvement Act
to make Northern Ontario Highways Safer**

Mr. G. Bourgouin

Private Member's Bill

1st Reading June 5, 2019

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Public Transportation and Highway Improvement Act* in relation to standards for road maintenance in winter. New section 100 sets out a classification system for Ontario highways consisting of five classes of highways. The section classifies all 400 series highways, the QEW highway and highways 11 and 17 as Class 1 highways. The section also sets out the time within which snow must be removed from each class of highway after each snowfall. Class 1 highways have the strictest requirements for snow removal, requiring that the pavement be bare of snow within eight hours of the end of a snowfall.

Bill 125

2019

**An Act to amend the Public Transportation and Highway Improvement Act
to make Northern Ontario Highways Safer**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 The *Public Transportation and Highway Improvement Act* is amended by adding the following section:

Winter road maintenance

100 (1) The Minister shall ensure that, after snow has fallen on a highway, the snow is removed in accordance with this section.

Class of highway

(2) For the purposes of this section, the following classes of highway are established:

1. Class 1, being any freeway, any highway with at least four lanes or any highway that having regard to traffic volume or traffic quality qualifies as a Class 1 highway.
2. Class 2, being any major highway that is not a Class 1 highway.
3. Class 3, being an intermediate highway.
4. Class 4, being a minor highway.
5. Class 5, being a local highway.

Classification

(3) The Minister shall make a regulation classifying all highways within the jurisdiction of the Ministry based on the quality and quantity of traffic on the highway and such other criteria as may be prescribed, subject to subsection (4).

Class 1 highways

(4) The following highways are Class 1 highways for purposes of this section:

1. Any highway that is a 400 series highway.
2. The QEW highway.
3. Highway 11 and highway 17, including portions of those highways that only have two lanes.

Bare pavement standard

(5) Every highway of the following class shall meet the following snow removal standard after the end of a snow fall:

1. Class 1 — the entire pavement shall be bare of snow within eight hours of the end of the snowfall.
2. Class 2 — the entire pavement shall be bare of snow within 16 hours of the end of the snowfall.
3. Class 3 — the entire pavement shall be bare of snow within 24 hours of the end of the snowfall.
4. Class 4 — a strip of 2.5 metres in the centre of the highway shall be bare of snow within 24 hours of the end of the snowfall.
5. Class 5 — the highway shall be ploughed to a snow packed driving surface within 24 hours of the end of the snowfall and sand shall be applied to improve friction.

Commencement

2 This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3 The short title of this Act is the *Making Northern Ontario Highways Safer Act, 2019*.

Appendix 3: Council Resolutions – Town of Hearst, Town of Kapuskasing and Municipality of Mattice-Val Côté

La Corporation de la
Ville de Hearst



The Corporation of the
Town of Hearst

May 16, 2019

Guy Bourgoin, MPP, Mushkegowuk – James Bay
P.O. Box 1216
123 Byng Avenue
Kapuskasing, ON
P5N 1W3

Mr. Bourgoin,

Please find enclosed a certified true copy of the Corporation of the Town of Hearst Municipal Council Resolution No. 151-19 in support to the proposed Bill requesting changes to the winter maintenance criteria of provincial highways.

Sincerely Yours,

Jenine Lecours
Clerk

Enc.

| | |
|---|--|
|  | Corporation de la Ville de Hearst/Corporation of the Town of Hearst |
| | 925, rue Alexandra St. / S.P./Bag 5000 |
| | HEARST, Ontario POL 1N0 |
| | Tel : (705) 362-4341 / Fax : (705) 362-5902 |
| | e-mail : townofhearst@hearst.ca / web : www.hearst.ca |
| | <u>COPIE CERTIFIÉE – CERTIFIED COPY</u> |
| | Résolution No. <u>151-19</u> |

Proposée par: Conseiller Daniel Lemaire

Appuyée par: Conseiller Gaëtan Baillargeon

CONSIDÉRANT que l'industrie forestière et l'industrie minière représentent des opérations considérables dans le nord de l'Ontario, et

CONSIDÉRANT que la route 11 est la route favorisée, voir souvent unique, pour le transport routier à longue distance, et

CONSIDÉRANT qu'un conducteur est deux fois plus susceptible à un accident mortel sur une route du nord de l'Ontario qu'une route dans le sud de l'Ontario, et

CONSIDÉRANT que la performance pour l'entretien hivernal des routes a souffert depuis l'instauration du programme d'entretien actuel en 2009,

QU'IL SOIT RÉSOLU que le Conseil appuie le projet de loi d'intérêt privé du député de la circonscription Mushkegowuk-Baie-James, Guy Bourgouin, demandant des changements aux critères d'entretien hivernal des routes provinciales.

ADOPTÉE

Proposed by : Councillor Daniel Lemaire

Seconded by : Councillor Gaëtan Baillargeon

WHEREAS the forest industry and the mining industry represent significant operations in Northern Ontario, and

WHEREAS Highway 11 is the preferred route, often the unique route, for long-distance road transportation, and

WHEREAS drivers are twice more susceptible of being involved in a fatal accident on a Northern Ontario highway than on a highway in Southern Ontario, and

WHEREAS the performance of highway winter maintenance has suffered since the introduction of the current maintenance program in 2009,

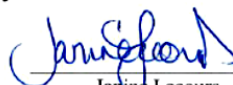
BE IT RESOLVED that Municipal Council hereby supports the private Bill of Guy Bourgouin, MPP of Mushkegowuk-Baie-James, requesting changes to the winter maintenance criteria of provincial highways.

CARRIED

Adoptée lors de l'assemblée du Conseil tenue le

Adopted by Council during a meeting held on

May 14 mai 2019



Janine Lecours, Greffier / Clerk



88 Riverside Drive
Kapuskasing, ON P5N 1B3
Tel: (705) 335-2341 Fax: (705) 337-1741

July 2, 2019

Mauricio Suchowlansky
Legislative Assistant
MPP Guy Bourgouin
Mushkegowuk-James Bay
via email: MSuchowlansky@ndp.on.ca

**Re: Private Bill requesting changes to the winter maintenance criteria of
provincial highways**

Mr. Suchowlansky,

Please be advised that Kapuskasing Council reviewed and gave consideration to the request for support from MPP Guy Bourgouin's Private Bill to making changes to the winter maintenance criteria of provincial highways at its Joint Committees of the Whole and Council meeting held June 17, 2019.

As Highway 11 is the only major highway servicing and providing access to our area, it is crucial that the maintenance criteria becomes and remains a top priority. Council approved and supported MPP Guy Bourgouin's Private Bill.

You will find attached a copy of Council's resolution in support of the Private Bill.

Kind regards,

Chantal Guillemette,
Municipal Clerk

c.c. Mayor D. Plourde



TOWN OF KAPUSKASING RESOLUTION

Date: 17 Jun 2019No: #2019-86Moved By: Councillor K. MunnochSeconded By: Councillor J. BoucherItem No: a)Description: To approve the recommendations from Committees of the Whole held May 27, 2019 and June 17, 2019.

RESOLUTION:

That the recommendations from Committees of the Whole held May 27, 2019 be approved as follows:

6. to support the private Bill of Guy Bourgouin, MPP of Mushkegowuk-James Bay requesting changes to the winter maintenance criteria of provincial highways;

Recorded Vote Requested by:

| | Yea | Nay |
|-------------------|-------|-------|
| Julien Boucher | _____ | _____ |
| Martin Credger | _____ | _____ |
| Sebastian Lessard | _____ | _____ |
| Ken Munnoch | _____ | _____ |
| Bruce Newton | _____ | _____ |
| Guylaine Scherer | _____ | _____ |
| David Plourde | _____ | _____ |


Clerk
Deferred ____ Tabled ____ Lost ____ Carried ☒

Declaration of Pecuniary Interest and general nature thereof:

Disclosed his/her/their interest(s), vacated he/her/their seat(s), abstained from discussion and did not vote

Municipalité de
Municipality of

**mATTICE-
VAL CÔTÉ**

Sac postal / P.O. Bag 129, Mattice, Ont. P0L 1T0
(705) 364-6511 – Fax: (705) 364-6431



Meeting no. 19-10

Resolution no. 19-152

Date: July 22nd, 2019

Moved by: Steve Brousseau

Seconded by: Daniel Grenier

WHEREAS highways 11 and 17 are often closed during the winter as a result of accidents caused by poor road conditions and subpar maintenance standards, and;

WHEREAS too many northern Ontarians have lost their lives or suffered life-altering injuries on poorly-maintained highways during the winter, and;

WHEREAS highways 11 and 17 are a critical component of the TransCanada corridor and the preferred truck route connecting our province to the rest of the country;

NOW THEREFORE BE IT RESOLVED THAT Council for the Municipality of Mattice – Val Côté strongly supports Bill 125, being an Act to amend the *Public Transportation and Highway Improvement Act* to make northern Ontario highways safer, and;

BE IT FURTHER RESOLVED THAT Council requests that all 400 series, the QEW highway and Highways 11 and 17 be considered Class 1 highways, with the strictest requirements for snow removal, and;

BE IT FURTHER RESOLVED THAT a copy of this resolution be forwarded to MPP Guy Bourgouin and to our federal representative, Carol Hughes.

Carried ☒ Defeated ☐ Deferred ☐

Mayor, Marc Dupuis
President Officer

Recorded Vote
(unanimous unless indicated below)

| Name | Yeas | Neas | Abstention |
|------------------|------|------|------------|
| Dupuis, Marc | | | |
| Brousseau, Steve | | | |
| Grenier, Daniel | | | |
| Lemay, Richard | | | |
| Malenfant, Joyce | | | |

Certified by:

Guylaine Coulombe, CAO/Clerk