

Chapter 1

Section 1.04

Ministry of Transportation

Commercial Vehicle Safety and Enforcement

Follow-Up on VFM Section 3.04, *2019 Annual Report*

RECOMMENDATION STATUS OVERVIEW

	# of Actions Recommended	Status of Actions Recommended				
		Fully Implemented	In the Process of Being Implemented	Little or No Progress	Will Not Be Implemented	No Longer Applicable
Recommendation 1	5	1	2	2		
Recommendation 2	3		1	2		
Recommendation 3	2			2		
Recommendation 4	2			2		
Recommendation 5	3	3				
Recommendation 6	3	3				
Recommendation 7	2		2			
Recommendation 8	3	1		2		
Recommendation 9	3		2	1		
Recommendation 10	2	1	1			
Recommendation 11	4		2	2		
Recommendation 12	2			2		
Recommendation 13	3		1	2		
Recommendation 14	3		2	1		
Recommendation 15	2			2		
Recommendation 16	3			3		
Recommendation 17	2			2		
Recommendation 18	2			2		
Recommendation 19	2			2		
Total	51	9	13	29	0	0
%	100	18	25	57	0	0

Overall Conclusion

The Ministry of Transportation (Ministry), as of August 9, 2021, has fully implemented only 18% of the actions we recommended in our *2019 Annual*

Report. The Ministry has also made progress in implementing an additional 25% of the recommendations in our report.

The Ministry has fully implemented or made progress in implementing recommendations such as significantly reducing its bus inspection backlog while

focusing on high-risk bus terminals. The Ministry also implemented a process to identify potentially unreasonable kilometric travel reported by commercial vehicle carriers in Ontario and has begun following up on such instances. As well, the Ministry has implemented processes to recalculate the safety ratings of carriers who have not been subject to a roadside inspection. In these instances, a carrier is assigned an inspection score of zero, whereas previously, carriers who had not been subject to a roadside inspection were assigned a perfect inspection score.

To improve consistency during roadside inspections, the Ministry was also working to develop a digital checklist to be completed by enforcement officers when conducting roadside inspections so that it is documented that all components and steps of an inspection have been completed. The Ministry expects to complete its work on this checklist and have all enforcement officers utilizing it by January 2022.

The Ministry was also in the process of addressing our recommendations related to determining and setting a target for the optimal number of annual roadside inspections needed to address commercial vehicle safety, studying the causes for the increased collision risk associated with municipalities, reviewing the effectiveness of the Mandatory Entry-Level Training (MELT) program in improving the safety of drivers who complete it, and studying the potential road safety benefits of mandatory pre-employment and random drug and alcohol testing for commercial vehicle drivers.

However, the Ministry has made little progress on 57% of the recommendations in the report, including taking action to improve enforcement officer recruitment, evaluating why differences exist between districts related to the laying of charges during roadside inspections, and analyzing whether enforcement officers are laying charges in accordance with the Ministry's guidelines.

While the Ministry has taken steps to begin addressing our recommendations related to Motor Vehicle Inspection Stations (MVIS), the Ministry's plans to modernize its MVIS program and address our recommendations are in their early stages. The

Ministry does not expect to fully address them until November 2023 when it plans to implement its modernized MVIS program.

The Ministry has also yet to take steps to determine if MELT, which is only required for those obtaining a Class A driver's licence, should be extended to other commercial vehicle class licences. In addition, the Ministry has yet to develop commercial vehicle safety-specific performance indicators and associated targets, even though it collects a great deal of carrier and collision-related statistics.

The status of actions taken on each of our recommendations is described in this report.

Background

The Ministry of Transportation (Ministry) has estimated that Ontario's truck traffic increased 10% from 2009 to 2018. Truck traffic is daily truck volumes on Ontario roads, including trucks not registered in Ontario. Collisions involving commercial vehicles have a higher risk of injury and death due to the size of the vehicles involved.

Although Ontario compares favourably to Canada as a whole and the United States for overall road safety, Ontario had a higher fatality and injury rate than Canada as a whole and the United States in the majority of years between 2008 and 2017 when evaluating only commercial vehicles.

According to the Ministry, the direct social cost of large truck collisions in Ontario from 2011 to 2015 (the most recent data available) was \$2 billion. This includes costs related to property damage, health care, police, courts, fire and ambulance services, tow trucks and traffic delays.

From 2016/17 to 2020/21, the Ministry spent over \$189 million (over \$200 million from 2014/15 to 2018/19) on commercial vehicle enforcement.

Some of our significant findings included the following:

- The number of roadside inspections of commercial vehicles the Ministry conducted decreased from over 113,000 in 2014 to fewer than 89,000 in 2018.

If the Ministry had continued to conduct as many inspections between 2015 and 2018 as it did in 2014, it could have removed as many as 10,000 additional unsafe commercial vehicles or drivers from Ontario's roads.

- Although the Ministry introduced a framework in 2015 to increase the consistency of the decisions its enforcement officers make, we found significant differences across the province in the rate at which officers laid charges and removed unsafe vehicles from the road. For example, in 2018, one district laid charges in over 30% of roadside inspections, while another laid charges in fewer than 8% despite finding violations in over 40% of inspections.
- The majority of carriers (operators of commercial vehicles) had not had a vehicle inspection in the past two years, including carriers with poor collision histories. The Ministry had not inspected any of the commercial vehicles of 56% of Ontario's 60,000 carriers in the last two years. This included many carriers at the highest risk of future collision.
- Most roadside inspections were performed on provincial highways, allowing "local haulers" to avoid inspection. Over 90% of roadside inspections were conducted by Ministry enforcement officers, usually at truck inspection stations on provincial highways. This indicates that drivers and carriers could purposely avoid roadside inspection by driving on municipal roads.
- All drivers must complete Mandatory Entry-Level Training before they can apply for a Class A licence, required to drive a tractor-trailer, but the Ministry had not extended this requirement to other licence classes. We found that drivers of large trucks that do not require a Class A licence—for example, a dump truck—were involved in more collisions and injuries per registered truck than drivers of tractor-trailers.
- The Ministry approves colleges, government organizations, safety organizations and private businesses, including carriers, to train and test drivers for commercial drivers' licences under the

Driver Certification Program. We analyzed carriers that test their own drivers and found that drivers who took their road test with carriers between 2014/15 and 2018/19 had a pass rate of 95% compared with just 69% at DriveTest centres. We found that 25% of the 106 carriers testing their own drivers under the program ranked among the worst 1% of all carriers for at-fault collision performance.

- At the time of our audit, in Ontario, commercial vehicle drivers were not subject to mandatory drug and alcohol testing either before or during their employment. In addition, Ontario drivers who hold a prescription for medical marijuana may operate a commercial vehicle with marijuana present in their system as long as they are not legally impaired, unlike those who use it recreationally.
- Many Motor Vehicle Inspection Station garages were ordering excessive quantities of inspection certificates without investigation by the Ministry. Excessive ordering creates the risk that garages could be distributing or selling inspection certificates they order but do not need, or are issuing certificates without actually inspecting vehicles. We made 19 recommendations, consisting of 51 action items, to address our audit findings. We received commitment from the Ministry of Transportation that it would take action to address our recommendations.

Status of Actions Taken on Recommendations

We conducted assurance work between April 2021 and August 2021. We obtained written representation from the Ministry that effective November 8, 2021, it has provided us with a complete update of the status of the recommendations we made in the original audit two years ago.

Roadside and Bus Terminal Inspections

Recommendation 1

To increase the effectiveness of roadside inspections in preventing future collisions and improving commercial vehicle safety, we recommend that the Ministry of Transportation:

- study and determine the optimal number of total annual roadside inspections needed to address commercial vehicle safety in Ontario and establish a target;

Status: In the process of being implemented by December 2021.

Details

In our 2019 audit, we found that the Ministry had not established a formal target for the total annual number of roadside inspections needed to address commercial vehicle safety in Ontario. Although the Ministry did establish productivity targets in 2012 for the number and type of roadside inspections it expects its enforcement officers to individually conduct each year, we found that most enforcement officers did not meet these targets for the five years preceding our audit.

In our follow-up, we found that the Ministry completed an analysis to determine the targeted number of roadside inspections needed to address the prevalence of out-of-service issues present in commercial vehicles (defects and drivers who have committed violations that pose an immediate safety risk) throughout Ontario. Based on this analysis, the Ministry determined that approximately 160,000 annual roadside inspections are needed to enhance its enforcement model. The Ministry informed us that it planned to engage enforcement partners by summer 2021 in order to better define the role of enforcement officers and the role of police in relation to commercial vehicle safety. The Ministry plans to use this information to set the targeted number of inspections it will complete and to determine the

staffing complement needed to complete these inspections by December 2021.

- create a province-wide staffing plan for enforcement officers based on a target sample size of commercial vehicle traffic to be inspected;

Status: Little or no progress.

Details

In our 2019 audit, we found that the Ministry had produced a draft internal report in 2012 that it presented to its senior management that highlighted that the Ministry had an insufficient number of enforcement officers. Based on 2011 traffic data, the Ministry calculated in this report that 264 enforcement officers were required full-time to strictly perform roadside and bus terminal inspections, and Motor Vehicle Inspection Station (MVIS) audits. We compared this target with the actual number of enforcement officers who were assigned to those duties between 2014 and 2018 and found that the number of such enforcement officers actually decreased. For 2018, we found that the Ministry employed approximately 34% fewer enforcement officers (175) than the target in the Ministry's 2012 report (264).

In our follow-up, we found that the Ministry had not made progress toward implementing this recommendation. The Ministry informed us that it plans to develop a draft provincial staffing plan for enforcement officers based on the annual target it will set for inspections by December 2021.

- evaluate options and implement actions to improve enforcement officer recruitment;

Status: Little or no progress.

Details

In our 2019 audit, we found that there had been an unplanned reduction of 19% in the total number of enforcement officers from 287 in 2014 to 233 in 2018, due to vacancies not being filled. We also found that the Ministry had produced a draft internal report in 2012, that highlighted that the Ministry had an insufficient number of enforcement

officers to deliver roadside inspections, MVIS garage investigations, facility audits and bus terminal inspections. The Ministry informed us that despite efforts to hire additional officers in 2015, 2017 and 2018, it had been unsuccessful in filling enough positions to offset retirements and officers leaving for other opportunities. In the fall of 2018, the Ministry also identified that an additional 21 enforcement officers would be reaching their retirement date by March 2020. However, we found that the Ministry did not have a long-term strategic plan to identify and hire the number of enforcement officers that may be needed to conduct a sufficient number of roadside inspections.

In our follow-up, we found that the Ministry had made little progress in implementing the recommendation. We noted that the Ministry created a new presentation that it presented at career fairs, events and educational institutions, to assist with the recruitment of enforcement officers. The Ministry also completed work on its Transportation Enforcement Officer Diversity Recruitment strategy, which includes targeted outreach and relationship building with specific communities to be representative of the drivers and the Ontarians they serve. As part of this work, the Ministry also implemented a Diverse Interview Panel Program in March 2021, which focuses on hiring staff who are representative of the diversity of the public they serve.

- *regularly review whether enforcement officers are meeting productivity targets for roadside inspections and take corrective action when they are not;*

Status: In the process of being implemented by December 2021.

Details

In our 2019 audit, we noted that in 2012, the Ministry set targets for enforcement officers who perform roadside inspections to complete at least 600 inspections per year. However, we found that most enforcement officers had not met these targets between 2014 and 2018, with productivity particularly low in 2018, when only 36% of enforcement

officers achieved the 600-inspection target. While the Ministry told us that failing to meet targets is considered during an officer's annual performance evaluation, the Ministry had not analyzed the impact that missing its targets had on the safety of commercial vehicles and Ontario's road users. It also had not identified the specific steps needed to meet its overall inspection targets.

In our follow-up, we found that effective July 2020, the Ministry implemented a formal process to monitor the productivity of its enforcement officers as part of their annual performance evaluation. As part of an enforcement officer's annual performance evaluation, enforcement managers are now required to include a discussion of whether the officer met their inspection targets, and to provide support to do so where targets have been missed. To implement this coaching model and improve productivity, the Ministry held leadership training for managers and supervisors five times between March and September 2020. The Ministry is currently reviewing the impact of these one-on-one evaluations on its performance evaluation process to address concerns identified. This is expected to be completed and communicated to staff by December 2021.

- *implement the recommendations of its truck safety oversight study by formally encouraging enforcement officers to lay charges during inspections where possible and warranted.*

Status: Fully implemented.

Details

In our 2019 audit, we found that even though enforcement officers continued to find a significant number of violations in the inspections they performed from 2014 to 2018, the proportion of instances where they laid charges decreased from 46% in 2014 to 41% in 2018. The Ministry's draft truck safety oversight study concluded that the collision prevention associated with laying charges during a roadside inspection is substantial, preventing a minimum of 25%, and possibly up to half the collisions that inspected carriers would otherwise be involved

in. The study stated that the Ministry should consider encouraging officers to lay charges during inspection wherever warranted.

In our follow-up, we found that the Ministry had fully implemented this recommendation. In July 2021, the Ministry formally encouraged its enforcement officers to lay charges during inspections when violations are found, in order to prevent future collisions.

Recommendation 2

To ensure that roadside inspections are consistent throughout the province, we recommend that the Ministry of Transportation:

- *develop a checklist for all key steps to be undertaken during each inspection and require enforcement officers to complete it;*

Status: In the process of being implemented by January 2022.

Details

In our 2019 audit, we noted that the performance of roadside inspections is largely at the discretion of each individual enforcement officer who conducts them. Although enforcement officers are to conduct inspections in accordance with North American Commercial Vehicle Safety Alliance (CVSA) standards, enforcement officers do not complete a checklist during an inspection that indicates they examined all of the required vehicle and driver components. In addition, which vehicles are inspected, the level of inspection and enforcement action taken is up to the judgment of each enforcement officer.

In our follow-up, the Ministry advised us that it intends to implement a digital checklist for roadside inspections so that inspectors have to indicate that they completed all components and steps of an inspection. The Ministry intends to include this checklist in its new Roadside Data Capture (RDC) system, which will be used to document inspections and ensure each part of an inspection is completed. Enforcement officers will be required to check off and verify whether their inspection has been completed in accordance with CVSA procedures for each inspection completed.

The Ministry expects to roll out the RDC system for use, including the new digital inspection checklist, by January 2022.

- *evaluate why enforcement action differs among districts and take corrective action where such differences are not reasonable; and*
- *analyze whether enforcement officers are laying charges, placing vehicles out-of-service and impounding vehicles in accordance with the Ministry's informed judgment matrix guidelines.*

Status: Little or no progress.

Details

In our 2019 audit, we found significant differences across the province in the rate at which enforcement officers lay charges and place vehicles out-of-service during roadside inspections. For example, in 2018, one district laid charges in over 30% of roadside inspections they conducted, while another laid charges in fewer than 8%. We also found that the districts that laid the fewest charges had many opportunities to lay more charges. Officers in the five districts with the lowest percentage of inspections where a charge was laid identified violations in 43% of their inspections, near the average for all districts of 46%. However, these five districts collectively laid charges in just 12% of roadside inspections. The Ministry had not performed an analysis of why different regions seem to lay fewer charges given similar opportunities, and to determine whether corrective action is needed.

We noted in our 2019 audit, that for greater consistency in roadside inspections, the Ministry developed an Informed Judgment Matrix framework in 2015 that provides guidance for when officers should lay charges based on criteria such as the type of violation and history of the carrier and driver. However, we found that the rates at which districts lay charges have become no more consistent since the matrix was developed. For example, in 2014, the difference between the districts with the lowest and highest percentage of inspections with charges laid was 22%, ranging from 14% to 36%. By 2018, the

difference had actually risen slightly to 23%, ranging from 8% to 31%.

In our follow-up, we noted that the Ministry had not made progress in addressing these recommendations. Nevertheless, the Ministry indicated that it plans to establish the scope for an analysis to evaluate why enforcement action differs amongst districts, as well as the scope for an analysis of whether enforcement officers are laying charges, placing vehicles out-of-service and impounding vehicles in accordance with the Ministry's Informed Judgment Matrix guidelines. The Ministry expects to have established the scope that will allow for these analyses to be undertaken on an ongoing basis by the end of December 2021.

Recommendation 3

To maximize the effectiveness of its inspection resources and move toward risk-based inspections, we recommend the Ministry of Transportation:

- *perform a cost-benefit analysis on making the Drivewyze program mandatory for all carriers;*

Status: Little or no progress.

Details

In our 2019 audit, we found that the Ministry implemented two technology systems—Drivewyze and pre-screening—to enable officers working at inspection stations to concentrate on high-risk carriers, trucks and drivers. Drivewyze is a voluntary GPS-based program that determines if a vehicle is eligible to bypass an inspection station using risk-based rules designed by the Ministry. Because Drivewyze is voluntary, as of September 2019, only 71 carriers had enrolled. The Ministry had not set targets for enrolment and had not evaluated the possibility of making Drivewyze mandatory, but did indicate the program would be evaluated at a time that had yet to be determined.

In our follow-up, we found that the Ministry had completed a jurisdictional scan of Canada and the United States and found that no other jurisdictions have mandated Drivewyze. In February 2021, the Ministry developed an outline for performing

a cost-benefit analysis on making the Drivewyze program mandatory for all carriers in Ontario, but work on this has not yet commenced. The Ministry plans to complete this cost-benefit analysis and to determine if Drivewyze should be made mandatory by December 2021.

- *evaluate the results of inspections at the four stations piloting pre-screening technology after one year, and compare results to other stations.*

Status: Little or no progress.

Details

In our 2019 audit, we noted that in 2018, the Ministry selected four inspection stations based on traffic volume to pilot pre-screening technology. This pre-screening technology is activated once a truck pulls into a station and automatically examines safety elements such as tires, brakes and weight. For example, the technology uses thermal imaging to scan the vehicle for hot spots associated with unsafe and defective equipment such as inoperative brakes, failed bearings and underinflated or damaged tires. The technology also scans the licence plate of the vehicle and retrieves safety record information, such as previous inspections, from the Commercial Vehicle Operator Registration system. The Ministry indicated a formal plan to evaluate the pilot and to consider any expansion would be developed in 2020.

In our follow-up, we found that the Ministry had developed an approach to analyzing and evaluating the results of inspections at the four stations piloting pre-screening technology. However, we found that it had only begun analyzing data at one of the four stations. The Ministry plans to undertake and complete analysis at all four pre-screening station locations. The Ministry expects to complete this work and prepare a recommendation on whether or not to expand pre-screening technology to other stations by the second quarter of 2022.

Recommendation 4

To increase the effectiveness of roadside inspections in preventing collisions and improving commercial

vehicle safety, we recommend that the Ministry of Transportation:

- *analyze carriers that avoid roadside inspection, whether purposely or inadvertently, and develop a strategy for targeting these carriers for inspection;*

Status: Little or no progress.

Details

In our 2019 audit, we found that while most commercial vehicle collisions occur on municipal roads, the vast majority of roadside inspections are conducted on provincial highways. We noted that from 2014 to 2018, approximately 68% of collisions involving trucks belonging to Ontario registered carriers occurred on municipal roads. However, over 90% of roadside inspections were conducted by Ministry enforcement officers, usually at truck inspection stations, on provincial highways, indicating that “local haulers” who operate primarily on municipal and urban roads, are unlikely to be subject to roadside inspection, and that drivers and carriers could purposely avoid roadside inspection by operating on municipal roads.

In our follow-up, we found that the Ministry had made limited progress toward implementing the recommendation. The Ministry identified that it enhanced its IT systems to be able to create a quarterly report that will extract a list of carriers that have not been subject to an inspection in the previous 24 months. The report includes each carrier’s collisions and convictions performance. The Ministry plans to use these reports to develop a strategy with its enforcement team and partners to target these carriers for inspections. The Ministry anticipates that this will be completed by December 2021.

- *work with police services to develop a co-ordinated area patrol strategy that covers municipal and urban roads with high commercial vehicle traffic.*

Status: Little or no progress.

Details

In our 2019 audit, we found that while most commercial vehicle collisions occur on municipal roads, the

Ministry’s enforcement officers and the Ontario Provincial Police primarily conduct roadside inspections on provincial highways. The small portion of roadside inspections on municipal roads were primarily conducted by the various municipal police services with North American Commercial Vehicle Safety Alliance (CVSA)-trained officers. We found that the Ministry did not regularly co-ordinate or have a strategy with police services to inspect commercial vehicles that operate on high-traffic municipal and urban roads. We also found that the number of CVSA-trained officers and roadside inspections conducted by each police service varied significantly. For example, while Hamilton and Windsor police services had no CVSA-trained officers to conduct roadside inspections, the Halton Regional Police had five CVSA-trained officers and conducted over 1,400 roadside inspections in 2018.

In our follow-up, we found that the Ministry had not yet worked with police services to develop a co-ordinated area patrol strategy that covers municipal and urban roads with high commercial vehicle traffic. The Ministry indicated that it expects to develop a co-ordinated area patrol strategy with other police services to target municipal and urban roads with high commercial vehicle traffic by December 2021, and that the strategy will include consideration of carriers that have not been subject to a roadside inspection.

Recommendation 5

To reduce the risk to road safety posed by the backlog in Ministry of Transportation (Ministry) bus terminal inspections, and to ensure buses and bus terminals are inspected at least annually as required, we recommend that the Ministry:

- *prioritize high-risk bus operators when clearing the inspection backlog, such as those with a history of collisions and those that have never been inspected;*

Status: Fully implemented.

Details

In our 2019 audit, we found that 21% of the 1,863 bus terminals in the province were overdue for an inspection by the Ministry. On average, these terminals were 86 days overdue, with some terminals being over one year overdue, including two bus operators that had never been inspected. We also noted that 30 of these overdue bus operators had been in at-fault collisions in the last five years. The Ministry uses its Bus Information Tracking System to automatically track buses registered in the province, as well as bus terminals. Bus terminals are to be inspected at least once per year. The Ministry explained that the backlog was due to a large increase in the number of terminals and buses added to the Bus Information Tracking System once it was updated in 2018, resulting in the addition of over 14,000 buses and hundreds of bus terminals.

In our follow-up, the Ministry advised us that it had established a process to assess bus terminals on a quarterly basis to prioritize bus operators with the highest safety risk—those who have not been subject to an inspection and those who have been involved in collisions. Although the Ministry suspended bus terminal inspections following the onset of the COVID-19 pandemic, it issued a directive in March 2021 resuming inspections, focusing on high-risk bus terminal operators. Since March 2021, the Ministry has significantly reduced the number of overdue bus inspections, with only 65 of 1,158, or 6% of terminals overdue at the end of July 2021, by on average 60 days. Of these, only two terminals were identified as having a high-risk rating—aligned with the Ministry’s policy which states that no more than 10% of overdue inspections can be terminals with a high-risk rating.

- *implement controls to prevent the alteration of bus inspection terminal due dates; and*
- *ensure employees only change bus terminal inspection due dates for legitimate reasons.*

Status: Fully implemented.

Details

In our 2019 audit, we found that the bus terminal inspection backlog was longer than Ministry backlog

reports indicated because in some cases Ministry employees were manually changing inspection due dates in the Ministry’s Bus Information Tracking System. According to the Ministry’s bus tracking system manual, due dates are only to be changed if the due date does not match the seasonal operating schedule of a bus operator. However, since the system update in 2018, we found that 55 terminal inspections had been changed without proper justification, including 41 inspections where the date was changed after the inspection was already overdue.

In our follow-up, we found that in February 2020 the Ministry revised its policies so that inspection dates can only be changed when appropriate by limiting the authority to change dates to a district appointed administrator or the District Manager. In addition, the Ministry informed us it has implemented an audit function to monitor due date changes. This includes a quarterly review process to identify and address any inappropriate changes. The first of these reviews took place in July 2021, which examined due dates that were changed in the 2021 calendar year. The Ministry review found that all due date changes between January and July 2021 were documented appropriately and in line with the Ministry’s policy.

Carrier Oversight and Monitoring

Recommendation 6

To improve the accuracy of carrier violation rates and the effectiveness of Ministry of Transportation (Ministry) enforcement efforts, we recommend that the Ministry:

- *implement controls that identify potentially unreasonable kilometres travelled for follow up;*

Status: Fully implemented.

Details

In our 2019 audit, we found that the Ministry did not have a process in place to ensure kilometres reported by carriers are reasonable. As a result, the accuracy of the Ministry’s carrier safety ratings, which are affected by kilometres travelled, are subject to

error. It also creates the opportunity for carriers to over-report kilometres travelled to avoid reaching violation thresholds that would trigger Ministry enforcement action, such as a facility audit of the carrier's premises, or sanctions. The Ministry advised us that a carrier's reporting annual travel in excess of 250,000 kilometres per vehicle in its fleet was likely to be unreasonable. We examined a sample of 30 carriers that reported over 250,000 kilometres per vehicle and shared our results with Ministry staff who confirmed that 70% had reported unreasonably high kilometres.

In our follow-up, the Ministry informed us that it redesigned the carrier reporting process in April 2020 so that reported kilometric travel that exceeds an expected range will prompt the carrier with a pop-up window requesting the carrier review and correct the data as necessary. The Ministry also advised us that it updated its systems so that a system-generated email sends an automatically generated weekly report to the Ministry's Carrier Sanctions and Investigations Office that identifies carriers that exceed a predetermined threshold of 12,500 kilometres per vehicle per month, or 150,000 kilometres per vehicle per year. According to the Ministry's new policy, starting in October of 2020, Ministry staff are to follow up on the carriers in this weekly report and obtain evidence to support the reported number of kilometres.

- *explore options to validate carrier-reported kilometres in cases where kilometres travelled do not appear reasonable;*

Status: Fully implemented.

Details

During our audit in 2019, we found 767 instances of carriers reporting annual travel in excess of 250,000 kilometres per vehicle from 2014 to 2018. In addition, a 2013 report to the Ministry by an external consultant identified over 380 carriers that appeared to have reported kilometres per truck that were in excess of what was possible and made recommendations to the Ministry to validate kilometres travelled. However, we found that the Ministry could not demonstrate that it had taken specific actions

to address these recommendations. We also noted that the Ministry could work with Service Ontario to verify and record information from annual inspection certificates when carriers renew commercial vehicle licence plates. Inspection certificates include odometer readings that are recorded by the mechanic who performed the inspection.

In our follow-up, the Ministry advised us that in October 2020, it implemented a new process which generates a weekly report that identifies instances where a carrier's vehicle travelled over 150,000 kilometres per year. Ministry staff are expected to follow up with these carriers for documentation to support any unreasonable kilometric travel, which typically involves requesting annual inspection certificates, which list odometer readings, for two or more years, and calculating the mileage travelled between inspections.

- *review and revise how it calculates carrier violation rates when a carrier has not been subject to a roadside inspection.*

Status: Fully implemented.

Details

In our 2019 audit, we found that there was a risk that more than half of carrier violation rates could be inaccurate. The Ministry's formula for calculating carrier violation rates uses Commercial Vehicle Operator Registration data on collisions, convictions and results of roadside inspections. Violations discovered during roadside inspections account for 20% of the carrier's overall violation rate. However, we found that rather than omitting carrier inspection results from the calculation when there have been no inspections, the formula assigns the carrier a perfect score for results from roadside inspections. We recalculated violation rates at the time of our audit for all carriers who had not received an inspection in the previous two years. Through adjusting the calculation to exclude the inspection component, we found, for example, that 94 carriers moved into a range that would trigger a warning letter and three carriers would potentially trigger a sanction.

In our follow-up, we found that starting in May 2021, the Ministry began to produce a report that it intends to repeat quarterly, that identifies carriers that have not been inspected over the past 24-month period. This report is used to recalculate a carrier's risk profile by assigning the carrier with an inspection score of zero, so that intervention such as a warning letter, can be taken based on this revised risk rating, when warranted.

Recommendation 7

So that convictions are fully reflected in carrier safety records, we recommend that the Ministry of Transportation:

- *include convictions in the calculation of carrier safety records from the date of conviction rather than the date of the offence;*

Status: In the process of being implemented by March 2022.

Details

In our 2019 audit, we noted that convictions are intended to remain on a carrier's safety record for a period of two years. However, the Ministry uses the date the offence occurred as the starting point for the two-year period instead of the conviction date, thus making the actual monitoring period shorter than intended. Our analysis of 2017 and 2018 data showed that on average, convictions remained on a carrier's record for 20 months, meaning delays in obtaining convictions and adding them to a carrier's safety rating reduced the time carriers were affected by those convictions by four months. In addition, if an offence takes longer than two years to result in a conviction and be added to the carrier's safety record, it will not count against a carrier's violation rate at all.

In our follow-up, the Ministry advised us that because its treatment of convictions is aligned with the National Safety Code Standards, which is a set of nationally agreed-upon standards covering a number of vehicle- and driver-related areas, the Ministry cannot include without agreement from other parties, a carrier's convictions in their safety rating for a full 24 months after the date of conviction. However,

we were informed that in April 2021, the Ministry updated its system to allow it to retroactively assess a carrier's safety record for a full two-year period by assessing the carrier's record as if the conviction occurred on the date of the offence. The Ministry noted that this process is automatically triggered on a carrier-by-carrier basis upon receiving notice of a conviction. The Ministry advised us that it began using these reassessed safety records to determine if Ministry enforcement interventions, ranging from warning letters to sanctions, are warranted for carriers in April 2021. By March 2022, the Ministry will assess the effectiveness of this process in ensuring that convictions impact the safety records of carriers for a two-year period.

- *evaluate why some convictions are significantly delayed in being added to the Commercial Vehicle Operator Registration and take action to correct the delays.*

Status: In the process of being implemented by December 2021.

Details

In our 2019 audit, we found that for more serious offences it took longer to obtain convictions, and consequently, these affected carrier safety ratings for a shorter period of time than less serious convictions. Offences accompanied by five violation points (the most serious) against the carrier's safety rating took almost one-and-a-half months longer than those accompanied by zero violation points. The Ministry is also slow to add offences to a carrier's safety record after a conviction. Although the Ministry informed us that new convictions are added overnight or the next day to the carrier's record, we found that, on average, it actually took 12 days.

In our follow-up, the Ministry informed us that it had identified and addressed two key reasons that were responsible for delays to adding convictions to a carrier's safety record. The Ministry advised us that in August 2020, it addressed a system interface failure issue where convictions were not included in the carrier's record in some cases. The Ministry also informed us that in May 2021, it implemented a

system rule that will flag delayed conviction events for additional review. The system has been designed to amend a carrier's Overall Violation Rate calculation and activate a trigger for staff to review and act as necessary. The Ministry has committed to assessing the impact of these changes to the delay in adding convictions to carrier records, to ensure that the recommendation has been fully addressed by December 2021.

Carrier Enforcement

Recommendation 8

To improve the effectiveness of its carrier oversight, and the accuracy and completeness of carrier safety ratings, we recommend that the Ministry of Transportation:

- *evaluate why wait-time targets for the completion of facility audits are not being met and take corrective action;*
- *assess whether it has a sufficient number of enforcement officers who perform facility audits to meet its wait-time targets and take corrective action if it determines that it does not;*

Status: Little or no progress.

Details

In our 2019 audit, we found that the number of enforcement officers who are trained for and spend the majority of their time conducting facility audits decreased from 30 in 2014, to 24 by the end of 2018. This coincides with a reduction in the number of facility audits conducted over the same period, which decreased from 649 in 2014, to 476 in 2018—a 27% drop. The Ministry expects to perform a minimum of 600 facility audits per year—both voluntary and non-voluntary—but has not reached this mark since 2014. The Ministry informed us that the drop in the number of facility auditors has contributed significantly to facility audit wait times and an overall backlog. The Ministry has set a target for completing facility audits within 60 days of being

assigned, but at the time of our audit, the average wait time for facility audits exceeded 150 days.

In our follow-up, we found that the Ministry had made little progress toward implementing these recommendations. However, the Ministry advised us that it implemented an Alternative Safety Rating Assessment to remove low-risk voluntary audits (typically requested by carriers who had received a Conditional rating) from its backlog of facility audits. This assessment involves a digital review of submissions from a carrier as well as a carrier's performance data. If the carrier passes the assessment, the carrier's safety rating is upgraded from Conditional to Satisfactory – Unaudited. The Ministry advised us that a carrier cannot receive a rating of Excellent unless the carrier undergoes an audit. The Ministry indicated that this led to the removal of nearly 20% of outstanding audits from its backlog, and allowed its enforcement officers to focus on higher-risk audits.

In January 2021, the Ministry also began a Remote Facility Audit pilot project aimed at addressing regional differences in outstanding facility audits. Under the pilot, enforcement auditors are to complete audits in order of risk, regardless of location, whereas prior to this, they would only complete audits in their own region. The Ministry plans to review the impact of these processes on wait times by December 2021 to determine if additional actions and enforcement officers are required to meet its facility audit wait-time targets.

- *focus and prioritize the use of its resources on completing facility audits of the carriers that pose the greatest risk to road safety in Ontario.*

Status: Fully implemented.

Details

Our audit found that in 2018, voluntary audits, those requested by the actual commercial vehicle carriers, represented 20% of all audits that enforcement officers performed. The pass rate for these audits was 82%, compared with 50% for non-voluntary audits. Enforcement staff we spoke to at district offices agreed that audit resources were increasingly being over-directed toward voluntary audits;

in 2018, voluntary audits represented 20% of all audits that enforcement officers performed, compared with 7% in 2014.

In our follow-up, the Ministry informed us that it had developed a manual process to prioritize and assign facility audits based on the carrier's safety rating. The Ministry also advised us that it implemented an Alternative Safety Rating Assessment to remove low-risk voluntary audits from its backlog of facility audits. This assessment involves a digital review of submissions from a carrier as well as a carrier's performance data. The Ministry indicated that this led to the removal of 115, nearly 20%, of outstanding audits from its backlog, and allowed its enforcement officers to focus on higher-risk audits.

Recommendation 9

To improve the effectiveness of facility audits in improving carrier safety, we recommend that the Ministry of Transportation (Ministry):

- *evaluate and establish a score that carriers must pass during a facility audit that supports improving commercial vehicle safety;*

Status: In the process of being implemented by December 2021.

Details

In our 2019 audit, we noted that a carrier needs to achieve an overall score of 55% on its facility audit to pass, despite the fact that most facility audits are conducted in response to a carrier having a poor safety rating. We noted that other jurisdictions require a higher score to pass this type of audit. For example, British Columbia requires a score of 70% to pass an audit and Manitoba requires 85%.

In our follow-up, the Ministry informed us that it had started a review of facility audit scoring based on 2017 data to assess correlations between audit scores and positive safety outcomes in the following 24 months. The Ministry informed us that it plans to consult with stakeholders and complete a jurisdictional scan on facility audit scores by the fall of 2021. The Ministry indicated that it expects to develop and implement a new scoring model by December 2021.

- *evaluate why differences exist between districts in charges laid during facility audits and take corrective action where such differences are not reasonable;*

Status: Little or no progress.

Details

In our 2019 audit, we noted that the Ministry's draft truck safety oversight study found that facility audits, specifically failed facility audits, were significantly more effective at preventing future collisions when they were accompanied by charges. However, we found that 37% of non-voluntary failed audits between 2014 and 2018 did not result in charges against the carrier, despite the fact that many violations, and therefore, opportunities to charge, must be present in order for a carrier to fail.

In our follow-up, we noted that in May 2021, the Ministry had developed a new Post-Audit Review Report, consisting of a report to be completed after the completion of a facility audit along with guidance on appropriate action to be taken when non-compliance is found, including for laying charges. The Ministry informed us that it plans to collect data from these reports as audits are completed and analyze differences in charges laid between districts. However, the Ministry has not established a timeline for completing this analysis or for taking the necessary corrective action.

- *assess whether enforcement officers are laying charges during facility audits in accordance with the Ministry's Informed Judgment Matrix guidelines and take corrective action where they are not.*

Status: In the process of being implemented by March 2022.

Details

In our 2019 audit, we noted that the Ministry developed an Informed Judgment Matrix framework in 2015 that provides guidance for when enforcement officers should lay charges, including in the case of facility audits. Nevertheless, we noted significant variances between districts subsequent to the framework's implementation. For example, in 2018, one district

laid charges in 83% of failed audits, while another laid charges in just 29%. We also noted that the Ministry has no quality assurance process that ensures audits are conducted consistently and that appropriate charges are laid.

In our follow-up, the Ministry informed us that its enforcement officers will use the Post-Audit Review Report that it developed in May 2021 to guide decisions when non-compliance is found during facility audits, including with respect to laying charges. The Ministry noted that it expects this will result in greater consistency in laying charges in accordance with its guidance. The Ministry plans to begin analyzing whether enforcement officers are laying charges in accordance with the guidance in the Post-Audit Review Report beginning in fall 2021. The Ministry also indicated that in May 2021, it created a quality assurance process that will examine the results of facility audits relative to the guidance in the Post-Audit Review Report to determine if appropriate actions were taken where non-compliance was found during an audit and facilitate corrective action where appropriate action was not taken. The Ministry expects to have assessed whether enforcement officers are laying charges during facility audits in accordance with guidelines, and to take corrective action where they do not by March 2022.

Recommendation 10

So that municipalities are held to the same standards as other carriers, and have incentive to improve poor safety performance, we recommend that the Ministry of Transportation:

- *study the causes for the increased collision risk associated with municipalities;*

Status: In the process of being implemented by December 2021.

Details

In our 2019 audit, we found that, on average, the collision violation rate for the 50 largest Ontario municipalities that operate commercial vehicles was almost 250% higher than the average rate for all carriers travelling a similar amount of kilometres. Of the

50 municipalities we reviewed, 28% had exceeded 100% of their collision points threshold at the time of our audit. Moreover, 18% of these municipalities had not had a vehicle inspected at roadside in the previous two years.

In our follow-up, we found that the Ministry had completed a jurisdictional literature review in fall 2020 to study the causes of increased collision risks associated with municipalities. The Ministry also identified that it was conducting a study to assess whether municipal carriers have meaningfully higher collision rates than other comparable carriers, and if so, the reasons why. As well, the Ministry indicated that it was conducting an analysis of Ontario collision data for municipal carriers. The Ministry expects to complete these analyses and report on them by December 2021.

- *develop alternative options that encourage safety improvement where sanctions, such as cancellation and suspension of municipal carrier registration certificates, are not feasible.*

Status: Fully implemented.

Details

In our 2019 audit, we noted that although the Ministry issues warning letters, carries out facility audits and conducts interviews in response to high violation rates in municipal carriers, we found that the Ministry does not impose sanctions on municipalities—such as suspending or cancelling the registration of municipalities, regardless of how poor their safety record is. Regardless of their violation rates, the Ministry informed us that it does not suspend or cancel the registration of municipalities because of the essential nature of the services they provide to their local communities. Municipalities, therefore, can operate under poor safety ratings with few consequences and have little incentive to improve.

In our follow-up, we found that in January 2021, the Ministry made policy changes aimed at managing municipal safety performance. The Ministry has assigned a Senior Program Administrator to review municipal safety performance when a municipality's violation rate triggers the need for an intervention by

the Ministry's system. In addition, when a municipality's violation rate necessitates an interview with the Ministry, under the new policy, the Chief Administrative Officer of the municipality must now attend and sign off on any commitments to the Ministry on behalf of the municipality, to ensure that the safety risks are known at the municipality's executive level. The Ministry also explained that poorly performing municipal carriers are required to report back to the Ministry on any progress made on action items and safety risks within their communities.

Driver Licensing and Training

Recommendation 11

To improve the consistency with which Mandatory Entry-Level Training (MELT) is delivered across the province, we recommend that the Ministry of Transportation work with the Ministry of Colleges and Universities to:

- *review and standardize curriculum approval and audit policies for organizations delivering MELT;*

Status: Little or no progress.

Details

In our 2019 audit, we found that Mandatory Entry-Level Training (MELT) is delivered by two different types of organizations: private career colleges and the Driver Certification Program. However, the two are subject to different delivery and oversight standards. While the Ministry of Transportation (Ministry) developed the MELT program and standard and oversees the organizations delivering MELT under the Driver Certification Program, the majority of students complete MELT at private career colleges, which are regulated by the Ministry of Colleges and Universities. The Ministry did not have a memorandum of understanding with the Ministry of Colleges and Universities to deliver MELT or to share information on the program.

In our follow-up, we found that the Ministry had not made significant progress toward implementing this recommendation. The Ministry advised us that in January 2021, it began developing options to enhance

its audit and inspection programs to ensure consistent delivery of MELT. The Ministry has also begun discussions with the Ministry of Colleges and Universities concerning options to facilitate consistent delivery and oversight of MELT, including with respect to curriculum approval and audit policies for organizations delivering MELT. The Ministry plans to discuss its developed options with stakeholders once the options have been finalized between the Ministry and the Ministry of Colleges and Universities.

- *develop an instructor certification process for all instructors delivering commercial vehicle training;*

Status: In the process of being implemented by January 2022.

Details

In our 2019 audit, we noted that neither the Ministry of Colleges and Universities nor the Ministry of Transportation had a certification program for MELT instructors. These instructors can teach without any formal education or training in teaching. Multiple stakeholders we spoke to expressed their concern that the quality of MELT was not consistent, due in part to a lack of required training or certification for instructors.

In our follow-up, we found that in November 2020, the Ministry drafted a document outlining qualifications and requirements for instructors administering MELT in order to promote consistency across all private career colleges and Driver Certification Program organizations that are delivering MELT. These draft qualifications include a criminal background check, three years of commercial driving experience within the last five years, as well as knowledge and practical assessments. The Ministry plans to work with stakeholders, including the Ontario Trucking Association and the Private Motor Truck Council, to obtain additional input on instructor qualifications and requirements. The Ministry expects to implement its qualifications and requirements for instructors delivering MELT by January 2022.

- *evaluate whether offering advanced standing at private career colleges and not at organizations*

operating under the Driver Certification Program is fair and justified;

Status: Little or no progress.

Details

In our 2019 audit, we noted that while private career colleges can grant students advanced standing, Driver Certification Program organizations cannot. Advanced standing allows students with previous recognized training or acquired skills to skip some of the hours required in MELT. The Ministry did not have a well-defined policy on how to evaluate prior experience, or how much advanced standing should be granted. Some stakeholders we spoke with expressed concern that advanced standing might be granted too easily at some schools.

In our follow-up, we found that the Ministry had not made significant progress toward implementing this recommendation. We found that effective March 1, 2021, the Ministry imposed a moratorium on the provision of advanced standing to students by private career colleges. The Ministry advised us that by March 2023, it plans to evaluate and determine whether it should allow the granting of advanced standing in the future, including at Driver Certification Program organizations, and plans to engage with industry stakeholders to make this decision.

- *periodically review the effectiveness of MELT in improving the safety of drivers who complete it.*

Status: In the process of being implemented by December 2021.

Details

In our 2019 audit, the Ministry informed us near the completion of our audit that in September 2019, it began to evaluate the effectiveness of MELT. However, this evaluation was still in progress by the end of our audit, and a final conclusion on its effectiveness had yet to be reached.

In our follow-up, we noted that the Ministry contracted a vendor to survey drivers on the impact of MELT, and that it is undertaking an analysis of Ontario commercial drivers, and collision and conviction data to determine if MELT for Class A drivers is

producing road safety benefits, and whether improvements are required. The Ministry expects to complete its work by December 2021. The Ministry also advised us that it has committed to a seven-year cyclical evaluation of its safety programs, including MELT.

Recommendation 12

To help improve commercial driver safety on Ontario roads, we recommend that the Ministry of Transportation (Ministry):

- *evaluate the benefits of requiring additional classes of new commercial drivers to take Mandatory Entry-Level Training (MELT); and*
- *extend MELT to the classes of new commercial drivers where the Ministry determines it would be beneficial.*

Status: Little or no progress.

Details

In our 2019 audit, we found that the Mandatory Entry-Level Training (MELT) only applies to obtaining a Class A licence. Some of the industry stakeholders we spoke to believed that MELT should be extended to all commercial vehicle class licences, some of which pose a comparable safety risk to the tractor-trailers typically operated under a Class A licence. Overall, we found that drivers of large trucks that do not require the completion of MELT appear to pose a significant risk to road users.

In our follow-up, we found that the Ministry has not yet evaluated the benefits of requiring additional classes of new commercial drivers to take MELT, nor has it extended MELT to additional classes of new commercial drivers. The Ministry informed us that it will first complete its review on the effectiveness of MELT for Class A drivers by the end of 2021 before evaluating the benefits of extending such training to additional classes of new commercial drivers.

Commercial Driver Testing and Drug and Alcohol Regulations

Recommendation 13

So that only drivers who demonstrate the required skills and knowledge to operate commercial vehicles are able to obtain a commercial vehicle driver's licence, we recommend that the Ministry of Transportation:

- *analyze the difference in pass rates between the Driver Certification Program and DriveTest to determine whether they are reasonable and identify instances that require follow up or corrective action;*

Status: Little or no progress.

Details

In our 2019 audit, we noted that in Ontario, individuals can obtain a commercial driver's licence at DriveTest centres or through organizations that include private carriers under the Driver Certification Program. We found that carriers that test their own drivers had a significantly higher pass rate of 95%, compared to just 69% at DriveTest centres. In Ontario, there were 106 carriers registered to test employees for commercial driver licences at the time of our audit. We found several instances of carriers with a poor collision history that were allowed to continue testing drivers under the Driver Certification Program. We also found that 27 of these 106 carriers were ranked among the worst 1% of carriers in terms of at-fault collisions. These 27 carriers performed over 7,800 road tests for commercial vehicle licences between 2014/15 and 2018/19 and failed just 9% of drivers tested.

In our follow-up, we found that the Ministry had begun to address the recommendation but had not yet made significant progress. The Ministry identified that it is analyzing driver licensing, carriers, and collision and conviction data to determine whether Driver Certification Program trained and tested drivers present a different level of road risk than other commercial drivers, and if this relates to differences in pass rates between the two programs. Specifically,

it has begun comparing the crash risk of Driver Certification Program drivers with MELT-trained drivers tested via DriveTest. The Ministry expects to complete this analysis by December 2021. Once this analysis is completed, the Ministry will determine what follow-up and corrective action is needed and set a timetable for doing so.

- *review whether allowing carriers to administer driver's licence testing through the Driver Certification Program constitutes a conflict of interest;*

Status: Little or no progress.

Details

In our 2019 audit, multiple stakeholders we spoke to indicated that there was a shortage of qualified drivers for carriers to hire. Because private carriers under the Driver Certification Program are allowed to test their own drivers, there could be incentive to pass drivers who otherwise would have failed in order to get trucks and commercial vehicles on the road. The Ministry also indicated that it is not uncommon for the same instructors who deliver training programs to then administer their students' knowledge and road tests for licensing, posing a potential conflict of interest.

In our follow-up, the Ministry informed us that it has not yet reviewed whether allowing carriers to administer driver's licence testing through the Driver Certification Program constitutes a conflict of interest. The Ministry noted it plans to complete an assessment to make this determination by the end of 2022.

- *obtain data on drivers testing and driving different transmission types, and study any related safety implications to inform policy decisions on driver licensing.*

Status: In the process of being implemented by July 2022.

Details

In our 2019 audit, we found that Ontario was the only jurisdiction in Canada that allowed drivers to obtain a Class A equivalent licence by performing their road test in a vehicle with an automatic transmission and

does not restrict those drivers from operating trucks with manual transmissions. All other Canadian provinces and the United States do not allow drivers who obtain their licence using a vehicle with an automatic transmission to operate a tractor-trailer with a manual transmission. We also noted that in 2019, two other Canadian provinces changed their Class A licence equivalent to require the use of a manual transmission truck when performing a test.

In our follow-up, we found that the Ministry had drafted Ontario Regulation 340/94, to be included in the *Highway Traffic Act*. The regulation proposed that Class A drivers get tested on the vehicle transmission they will operate once licensed. If a driver completes their road test in a commercial vehicle with an automatic transmission, a restriction will appear on their licence, preventing them from operating a commercial vehicle with a manual transmission. In order to remove this restriction, drivers must pass the Class A road test in a vehicle with a manual transmission. The Ministry anticipates that this regulation will take effect in July 2022.

Recommendation 14

To reduce the risk of collisions involving commercial vehicle drivers under the influence of drugs and alcohol, we recommend that the Ministry of Transportation:

- *study and report on the potential road safety benefits of mandatory pre-employment and random drug and alcohol testing for commercial vehicle drivers;*

Status: In the process of being implemented by December 2021.

- *where road safety benefits are identified in the study, work with federal and provincial governments to establish pre-employment and random drug and alcohol testing guidelines for commercial vehicle drivers;*

Status: Little or no progress.

Details

In our 2019 audit, we noted that in Ontario, drivers operating a vehicle that requires a commercial licence are prohibited from having any presence of alcohol, marijuana, or any other prohibited drug in their system. However, there is no requirement in Ontario for commercial vehicle drivers to be subject to mandatory testing either before or during their employment. Our research did not find any Canadian provinces enforcing mandatory testing of commercial vehicle drivers. The Ministry informed us that the only testing conducted in Ontario is at roadside, if police suspect that a driver is impaired. However, in the United States, federal regulations require pre-employment drug testing as well as random drug and alcohol testing for commercial drivers throughout the year by the carriers that employ drivers. From 2014 to 2018, 244 collisions in Ontario involving commercial vehicle carriers listed the driver as under the influence of drugs or alcohol, 21% of which resulted in injury or a fatality.

In our follow-up, we were informed that in 2020, the Ministry conducted a literature review and jurisdictional scan to study the potential road safety benefits of mandatory drug and alcohol testing for commercial vehicle drivers. The Ministry also contracted a vendor to survey commercial vehicle operators and transit operators in May 2021 regarding drug and alcohol policies and prevalence in the commercial vehicle sector. In addition, the Ministry informed us that it is analyzing driver, carrier, collision and conviction data to estimate the road safety improvement attainable through the implementation of mandatory drug and alcohol testing of commercial vehicle drivers. The Ministry also indicated that it is planning to obtain and analyze drug and alcohol testing data from transit agencies that have already implemented similar testing. Upon the completion of these analyses, which the Ministry expects to complete in December 2021, if there is found to be a clear safety benefit, the Ministry plans to engage in conversations with its provincial and/or federal counterparts concerning establishing pre-employment and random

drug and alcohol testing guidelines for commercial vehicle drivers by December 2022.

- *study the risks to road safety of exempting commercial vehicle drivers with medical prescriptions for marijuana from the same standards applied to recreational users, and develop a strategy to mitigate these risks.*

Status: In the process of being implemented by December 2022.

Details

In our 2019 audit, we found that Ontario drivers who hold a prescription for medical marijuana may operate a commercial vehicle with marijuana present in their system as long as they are not legally impaired, unlike those who use it recreationally. The Ministry does not track information on the number of commercial vehicle drivers using medical marijuana. We found that some transportation organizations in Canada have come out against the use of medical marijuana for operators of vehicles such as buses, trains and airplanes, including Metrolinx and Transport Canada, who have each banned the use of the drug, including for medical purposes.

In our follow-up, we were informed that in 2020, the Ministry conducted a literature review and jurisdictional scan, for reasons that included studying the risks to road safety of exempting commercial vehicle drivers with medical prescriptions for marijuana from the same standards applied to recreational users, and developing a strategy to mitigate these risks. The Ministry also hired a vendor that surveyed commercial vehicle operators in May 2021 about drug use behaviours and patterns of commercial vehicle operators and drivers in Ontario. The Ministry informed us that it is also planning to obtain other transit agency data and examine commercial vehicle collisions pre- and post-implementation of zero drug tolerance policies for commercial vehicle drivers implemented by these organizations. The Ministry indicated that after it completes its analysis of road safety risk, if it identifies clear benefits, it plans to develop a strategy to mitigate risks by December 2022.

Motor Vehicle Inspection Stations

Recommendation 15

To support the licence renewal of only commercial vehicles that have passed an annual or semi-annual inspection and to improve the efficiency and effectiveness of its oversight of Motor Vehicle Inspection Stations (MVIS), we recommend that the Ministry of Transportation:

- *work with Service Ontario to include proof of inspection certificates as a requirement when licence plates are renewed for commercial vehicles;*

Status: Little or no progress.

Details

In our 2019 audit, we found that the Ministry does not require Service Ontario to ask for proof of a valid annual or semi-annual inspection certificate when renewing commercial vehicle licence plates. Therefore, the Ministry does not know how many commercial vehicles are operating without an up-to-date annual or semi-annual inspection certificate. The only way to catch these vehicles is for police or enforcement officers to review the certificate during a roadside inspection. During roadside inspections in 2017 and 2018, officers found nearly 7,500 instances where commercial vehicles did not have a valid annual or semi-annual inspection certificate.

In our follow-up, we found that the Ministry had taken steps to begin addressing the recommendation, but it had not yet worked with Service Ontario to include proof of inspection certificates when renewing commercial vehicle licence plates. The Ministry informed us that it is in the process of modernizing its Motor Vehicle Inspection Stations (MVIS) program into a digital program modelled after its former Drive Clean program. The Ministry noted that it issued a Request for Proposals in October 2020 and signed an agreement with a vendor based on this process in May 2021. The selected vendor will be responsible for the new program's information systems, training of inspection staff, maintenance and support service, and audit function. The Ministry

advised us that once the modernization process is complete, it will require carriers to complete an annual emission and safety inspection prior to renewing their plates. The inspection will be completed digitally by a technician at an MVIS garage, and the Ministry plans to implement a hard-stop in its systems, which will be utilized by Service Ontario, to prevent those who have not passed their emission and safety inspection from renewing their licence plates. However, the Ministry does not expect this process to be in place until November 2023.

- *implement electronic inspection certificates to be issued by MVIS garages using a central system, using the Drive Clean program and its controls as an example.*

Status: Little or no progress.

Details

In our 2019 audit, we noted that the Ministry was unable to track annual and semi-annual inspection certificates because they are paper-based. The Ministry has no information on the annual inspection of commercial vehicles performed by MVIS garages or the certificates they issued. For example, the Ministry cannot link a particular annual or semi-annual inspection certificate number to the vehicle it was issued to, or the mechanic who performed the inspection. Our audit compared the MVIS system to the province's Drive Clean program, which had significantly stronger controls, such as inspection reports that are completed electronically, electronic data on individual inspections, and the ability to lock out inspection facilities such as those that have been suspended, from the Drive Clean inspection system—preventing them from issuing inspection reports.

In our follow-up, we found that the Ministry had taken steps to begin addressing the recommendation. The Ministry advised us that it had signed an agreement with a vendor to modernize its MVIS program in May 2021. The Ministry advised us that the modernized MVIS program will be modelled on the Ministry's former Drive Clean program. As part of the modernization, the Ministry plans to eliminate the current

paper-based inspection certificates by implementing digital inspection certificates. Technicians will be able to issue these digital certificates after completing an inspection. However, the Ministry does not plan to complete the modernization, including the implementation of digital inspection certifications until November 2023.

Recommendation 16

To help identify and take enforcement action on high-risk Motor Vehicle Inspection Station (MVIS) garages, we recommend that the Ministry of Transportation:

- *add inspection certificate information to the data captured during roadside inspections;*

Status: Little or no progress.

Details

During our audit, we noted that the Ministry was not utilizing roadside inspections to record inspection certificate information or identify high-risk MVIS garages. Part of a roadside inspection is checking for a valid inspection certificate; however, we found that enforcement officers did not record details of the certificate, such as the issuing MVIS garage, signing mechanic or when the certificate was issued.

In our follow-up, we found that the Ministry has made little progress toward implementing this recommendation and had not yet added inspection certification information to data captured during roadside inspections. The Ministry indicated that as part of its MVIS modernization plans (described in **Recommendation 15**), it plans to make inspection details available to officers conducting roadside inspections, allowing officers to review the location, station, technician and data entry elements of the inspection. If concerns are identified in an inspection, there will be a process for findings to be communicated to the Ministry. The Ministry expects to complete the MVIS modernization, including these inspection enhancements, by November 2023.

- create a process that allows enforcement officers to easily flag concerning inspection certificates for follow up with the MVIS garage; and
- develop a system for assigning risk levels or scores to MVIS garages and use this information to drive investigations and audits.

Status: Little or no progress.

Details

In our 2019 audit, we found that the Ministry did not have a formal process that allowed officers to flag a vehicle with a recently issued inspection certificate that they had found to have significant mechanical defects. Such a process could identify and allow for the investigation of MVIS garages that are potentially inspecting commercial vehicles improperly or the fraudulent signing of inspection certificates. In our 1997 audit of Commercial Vehicle Safety and Regulations, we expressed concern about the absence of an inspection process for MVIS garages and the Ministry committed to developing criteria for choosing high-risk MVIS garages for inspection audits. However, by our 2008 audit the Ministry had made no progress in developing guidelines or a process for identifying high-risk MVIS garages, or for taking enforcement action against them. In our 2019 audit, we found that the Ministry had still not made any progress toward implementing a process to identify high-risk MVIS garages.

In our follow-up, we found that the Ministry had made little progress toward implementing these recommendations and had not yet developed a process to flag concerning inspection certificates, nor had it developed a system for assigning risk levels or scores to MVIS garages to drive investigations and audits. The Ministry indicated that it plans to address these recommendations as part of its MVIS modernization plan which it expects to complete by November 2023. The Ministry plans to transition to printed inspection decals for vehicles that have a scannable feature that will allow officers to scan and review the most recent inspection results for the vehicle as well as the MVIS garage and technician who completed the inspection.

As part of the MVIS modernization plan, the Ministry informed us that MVIS garages will sign a contract with the Ministry to join the program and the Ministry will retain the authority to terminate the contract with these MVIS garages or to take action such as freezing an MVIS garage's ability to purchase and issue digital certificates if compliance violations are found. A risk-based system of intervention will be created to address MVIS garage fraud and non-compliance. The Ministry indicated that the modernization plan will also include the development of an MVIS garage report card, that will score an MVIS garage's compliance history relative to its peers. The Ministry indicated that MVIS garages with poorer compliance records will be subject to more frequent audits.

Recommendation 17

So that Motor Vehicle Inspection Station (MVIS) garages are not ordering excessive inspection certificate stock that could be sold, distributed, or issued inappropriately, we recommend that the Ministry of Transportation:

- create automated controls in the inspection certificate ordering system that flag excessive ordering based on factors such as registered mechanics and prior order history; and
- create guidelines and train order processors to identify excessive ordering, and follow up when investigation requests are submitted by these processors.

Status: Little or no progress.

Details

In our 2019 audit, our analysis of orders made by MVIS garages in 2018 revealed that many seem to be ordering far more certificates than they could be issuing based on the number of registered mechanics they have. For instance, 211 garages ordered over 528 certificates per licensed mechanic during 2018, which is 10 times the amount ordered by the average garage. Despite this, the Ministry only requested 18 investigations related to excessive

ordering in 2018. Our audit also found that the MVIS inspection certificate ordering system has no automated controls to flag excessive ordering of inspection certificates. We noted that the Ministry had no benchmark or guideline to assist order processors in identifying these orders, nor was there a requirement for order processors to report any anomalies in ordering.

In our follow-up, we found that the Ministry had made little progress toward implementing these recommendations. The Ministry indicated that once digital certificates are implemented through its MVIS modernization project, stock controls will not be required, nor will training of order processors, as certificate stock will not be bulk ordered. In the interim, the Ministry has advised MVIS garages to limit purchases to only immediate needs, and provided order processors with instructions on what to do when excessive ordering is suspected. The Ministry plans to begin to phase out paper copies of inspection certificates by late 2022 and expects all MVIS garages to be fully digital by December 2023.

Recommendation 18

So that audits and investigations of Motor Vehicle Inspection Station (MVIS) garages are performed consistently, we recommend that the Ministry of Transportation (Ministry):

- provide vehicle inspectors with standardized training on conducting audits and investigations; and
- update its MVIS policy manual, audit reports and checklists to reflect current practices and Ministry systems.

Status: Little or no progress.

Details

In our 2019 audit, we found that there was no standardized training for vehicle inspectors on how to effectively audit or investigate an MVIS garage. Managers we spoke to expressed concern over the lack of training for vehicle inspectors. They indicated that when hired, vehicle inspectors have no experience in investigations, gathering evidence

or laying charges against MVIS garages. We also found that the Ministry had not updated the MVIS Policy Manual or its MVIS audit reports and checklists since 2009. This was problematic given that changes have occurred since, and the manual refers to information systems no longer used by the Ministry. Our review of MVIS files found that audit requirements were not being met consistently. For example, inspectors did not check for all the required tools in 47% of the files we tested and inspectors did not complete the audit checklist in 53% of the files we tested.

In our follow-up, we found that the Ministry has not yet provided vehicle inspectors with standardized training on conducting audits and investigations, nor has it updated its MVIS policy manual, audit reports and checklists to reflect current practices and Ministry systems. The Ministry indicated that it plans to address these recommendations with the implementation of the MVIS modernization plan which it expects to complete by November 2023.

Performance Measurement

Recommendation 19

To more effectively assess Ontario's performance in commercial vehicle safety and allow for informed decision-making in regard to commercial vehicle safety policy, we recommend that the Ministry of Transportation:

- develop relevant commercial vehicle safety-specific performance indicators and associated targets and take steps toward meeting those targets; and
- report these performance measures to the public.

Status: Little or no progress.

Details

In our 2019 audit, we noted that the only commercial vehicle specific performance indicator in place was compliance rates during Road Check, which is not publicly reported. We noted that the Ministry tracks extensive data on carriers, commercial vehicles and

drivers that could be used to establish performance indicators that would help measure the effectiveness of its enforcement activities. As well, we noted that the province's road safety annual report provides extensive road safety statistics for Ontario that could be used to measure performance, including commercial vehicle-specific statistics.

In our follow-up, we found that the Ministry had made limited progress toward implementing these recommendations. The Ministry informed us that it planned to develop key performance indicators by December 2021 that address collision risk factors in the trucking industry. Thereafter, the Ministry indicated that it would assess which of these indicators would be most relevant for public reporting and release these results related to these indicators in documents such as the province's road safety annual report.