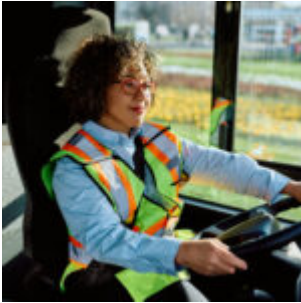


Transportation Safety – 2023 Year in Review



FEDERAL

LAWS & ANNOUNCEMENTS

Dec 21: On the roads, quiet can be dangerous. That's why Transport Canada issued [new regulations](#) requiring hybrid and electric vehicles to emit minimum noise levels so that other motorists, cyclists, and pedestrians can hear them coming and steer clear of traffic collisions and incidents.

Jan 1: Newly effective federal *Commercial Vehicle Drivers Hours of Service Regulations* require drivers of commercial buses and trucks that cross provincial/territorial lines to have an electronic logging device installed in their vehicle to accurately record their driving time and document that they comply with maximum hours restrictions guarding against driver fatigue.

Feb 21: With skilled truck drivers in short support, the Minister of Transport announced that the government will invest up to \$46.3 million to provide training and wage subsidies to recruit, train and onboard up to 1,400 new truck drivers and 1,200 workers in other in-demand trucking sector occupations via the Sectoral Workforce Solutions Program. The project will also develop a national standard for driver training.

Mar 10: The Assembly is debating [Bill C-33](#) to beef up the port system and railway security across the country. Among other things, the legislation would ban behavior that endangers the safety of a station, railway equipment, or persons at the station or on board the railway equipment, as well as unruly behavior toward railway employees, agents or mandataries.

Jun 21: The Canadian Air Transport Safety Authority is replacing Trusted Traveler with a new Verified Traveler program designed to make the air travel screening process faster and more efficient. Verified Traveler screening lines will initially open in Montreal, Toronto, Vancouver, Calgary and other select international airports across the country.

Jul 10: Effective today, federal officials can issue administrative monetary penalties against companies and drivers who violate the [Commercial Vehicle Drivers Hours of Service Regulations](#). Previously, a warning was the only penalty that could be issued to offences under these regulations, which are designed to prevent commercial driver fatigue.

Action Point: How far can you go in [disciplining workers for fatigued and distracted driving](#)?

Aug 10: Public consultations closed on a [proposal](#) to eliminate the 3 categories of flight disruptions currently used to determine compensation to which passengers are entitled under the *Air Passenger Protection Regulations*. The changes would require airlines to compensate passengers for all flight disruptions, unless they can show they were due to an "exceptional circumstance."

CASES

Transportation Safety: Talking on Cell Phone & Lying to Investigator Is Just Cause to Fire Train Engineer

The 60 demerit points a locomotive engineer received for using her cell phone on 4 different occasions cost her her job. The

engineer also admitted to not being honest in her statements to investigators. The company contended that all of this was enough to permanently breach its trust in her and the federal arbitrator agreed. While violating the “cardinal rule” of not using cell phones isn’t automatically grounds for termination, the engineer’s lack of honesty was a decisive and aggravating factor [[*Teamsters Canada Rail Conference v Via Rail Canada Inc.*](#), 2023 CanLII 17658 (CA SA), March 9, 2023].

Action Point: How far can you go in [disciplining workers for distracted driving](#)?

ALBERTA

LAWS & ANNOUNCEMENTS

Mar 1: Alberta announced that *Traffic Safety Amendment Act* changes and higher penalties to protect construction and other roadside workers and emergency responders will take effect on September 1, 2023. Meanwhile, the government will carry out a 3-month campaign to educate the public about the changes.

Jun 27: Alberta drivers ages 18 and over who’ve completed their 24-month driving period with no suspensions or demerits in the past 12 month will now automatically exit from the Graduated Driver Licence program without having to take another driving test and shell out the \$154 GDL exit fee.

Sep 1: Effective today, if a roadside worker’s vehicle is stopped at the side of the road with its lights flashing, the driver in the lane closest to the vehicle must slow down to 60 km/hour or the posted speed limit, whichever is lower and move over to the far lane if it’s safe to do so. Previously, move-over rules applied only to tow trucks.

CASES

Transportation Safety: City Can’t Make Transit Operators Pay for their Own Traffic Tickets

Edmonton issued a new policy requiring transit operators to

pay the City for any red-light violations caught on camera via the Automated Traffic Enforcement (ATE) system they commit while operating a City vehicle. The City contended the policy was a legitimate safety measure; the union said it violated the disciplinary provisions set out in the collective agreement. The arbitrator agreed with the union. The Alberta Labour Relations Board found the arbitrator's ruling reasonable and rejected the City's appeal [[Edmonton \(City\) v Amalgamated Transit Union, Local No. 569](#), 2023 CanLII 16166 (AB LRB), March 6, 2023].

Transportation Safety: Fatal Icefield Bus Rollover Results in \$475,000 Fine

A bus rolled over on an off-road at the Columbia Icefield resulting in fatalities and serious injuries. The penalty: \$475,000 for 2 OHS violations: (1) Failing to mandate use of seat belts; and (2) Not controlling the hazard posed by the grade of lateral moraine slope [*Brewster Inc.*].

Action Point: Find out more about [hazardous rollovers](#) and how to prevent them

BRITISH COLUMBIA

LAWS & ANNOUNCEMENTS

Feb 13: To comply with new federal rules to combat fatigued driving, BC is [requiring](#) operators of provincially-regulated commercial vehicles to use electronic logging devices (ELDs) to track drivers' time the wheel, effective August 1, 2023.

Apr 5: Newly tabled [Bill 23](#) requires drivers in BC to take special safety precautions when pedestrians and cyclists are using a roadway, including maintaining a 1-metre safe-passing distance and a 3-metre minimum following distance.

Apr 26: [Bill 23](#), which just passed Third Reading, requires drivers in BC to take special safety precautions when pedestrians and cyclists are using a roadway, including

maintaining a 1-metre safe-passing distance and a 3-metre minimum following distance.

May 11: [Bill 23](#) requiring drivers in BC to take special safety precautions when pedestrians and cyclists are using a roadway, including maintaining a 1-metre safe-passing distance and a 3-metre minimum following distance received Royal Assent and is now in effect.

Aug 1: New safety [rules](#) requiring commercial vehicle operators to install electronic devices (ELDs) in trucks to monitor drivers' hours behind the wheel and prevent fatigue that can lead to traffic accidents officially took effect in BC.

CASES

Transportation Safety: OK to Fire School Bus Driver for Using Cell Phone While Driving Kids

A part-time employee got fired for using her cell phone while driving a bus full of children. The union agreed that discipline was in order but contended that termination was excessive for what amounted to a 3-minute conversation. The BC arbitrator disagreed and tossed the grievance. "Driving a school bus with children in it on a public highway violates both the Employer's clear policy and also the law." This wasn't an emergency situation. The employee knew about and had signed off on the school's Cell Phone/Electronic Device but made a deliberate decision to disobey by answering a call from her son [[Standard Bus Contracting Ltd. v Teamsters, Local Union No. 31](#), 2022 CanLII 100821 (BC LA), October 13, 2022].

Action Point: Find out how far you can go in [disciplining workers for distracted driving](#)

MANITOBA

LAWS & ANNOUNCEMENTS

Mar 8: Newly tabled [Bill 21](#) would amend the *Highway Traffic Act* to make it easier to crack down on "chameleon carriers,"

or motor-carrier businesses that close down and reopen later to avoid safety regulations. Manitoba carriers will have to get a safety fitness certificate by, among other things, designating a compliance officer and submitting a safety plan.

Apr 17: Second Reading for [Bill 21](#), which would amend the *Highway Traffic Act* to make it easier to crack down on “chameleon carriers,” or motor-carrier businesses that close down and reopen later to avoid safety regulations. Manitoba carriers will have to get a safety fitness certificate by, among other things, designating a compliance officer and submitting a safety plan.

May 30: Newly passed [Bill 21](#) amends the *Highway Traffic Act* to make it easier to crack down on “chameleon carriers,” or motor-carrier businesses that close down and reopen later to avoid safety regulations. Manitoba carriers will have to get a safety fitness certificate by, among other things, designating a compliance officer and submitting a safety plan.

May 30: Newly passed [Bill 8](#) requires persons who register snow mobiles and other off-road vehicles to pay a new \$25 fee.

Jul 1: New *Highway Traffic Act* fines for driving on a road that’s been closed to traffic took effect: i. \$298 for driving a car, SUV, pick-up truck or other light vehicle on a closed road; ii. \$672 for directing an employee or other person to drive a light vehicle on a closed road; iii. \$672 for driving a heavy vehicle on a closed road; and iv. \$1,296 for directing a person to drive a heavy vehicle on a closed road.

Nov 3: Newly passed [Bill 46](#) amends *The Highway Traffic Act* to give peace officers and traffic authorities in Manitoba the power to close highways due to road conditions,

Nov 24: Newly tabled [Bill 8](#) would require persons who register snow mobiles and other off-road vehicles to pay a new \$25 fee.

NEW BRUNSWICK

LAWS & ANNOUNCEMENTS

Mar 28: Under [Bill 33](#), driving 50-80 km/h over the speed limit would result in vehicle impoundment for 7 days, in addition to a \$500 fine and 5 points off a licence. The bill also requires people whose licences have expired for 5 years or more to re-take the written and road test to get a new one.

Jun 7: Under newly passed [Bill 33](#), driving 50-80 km/h over the speed limit will result in vehicle impoundment for 7 days, in plus a \$500 fine and 5 points off a licence. People whose licences have expired for 5 years or more must now re-take the written and road test to get a new one.

NEWFOUNDLAND & LABRADOR

LAWS & ANNOUNCEMENTS

Jan 1: Newfoundland weigh stations began enforcing mandatory use of electronic logging devices rules for commercial vehicle drivers that cross provincial borders. Electronic logging devices don't have to be installed in commercial vehicles that operate solely within Newfoundland and Labrador.

Apr 3: Speeding in construction and school zones will now cost at least \$100 or more, depending on how far over the speed limit you're driving. There are also \$100 increases in the fines for racing vehicles or bikes on highways and performing stunts while driving.

Jun 27: Newfoundland carriers that travel more than 160 km outside their home terminal or temporary worksite, or that are required to keep a "record of duty status" to track hours worked will have to ensure that their commercial vehicles have an [approved](#) electronic logging devices by Dec. 1, 2023.

Action Point: How far can you go in [disciplining workers for fatigued and distracted driving](#)?

Aug 7: Newfoundland announced plans to phase out a controversial rule denying school bus services to children who live closer than 1.6 kilometers from their school. The about-face in policy is based on safety concerns and will be implemented in 2 stages, starting in September.

NOVA SCOTIA

LAWS & ANNOUNCEMENTS

Jan 1: New Nova Scotia *Motor Carrier Act* regulations require drivers of commercial buses and trucks to have an electronic logging device installed in their vehicle to record driving time and document compliance with maximum hours restrictions designed to prevent driver fatigue. The requirement doesn't cover drivers who stay within the province or travel less than a 160-kilometre radius from base.

Mar 31: [Bill 273](#), the *Road Trails Act*, establishing new safety rules for off-highway vehicles (OHVs) is through Second Reading and just 2 steps from passage. As under pilot program rules, all OHV riders would have to have a valid driver's licence, insurance, registration and a licence plate.

Apr 12: Newly passed [Bill 273](#), the *Road Trails Act*, establishes new safety rules for off-highway vehicles (OHVs) is through Second Reading and just 2 steps from passage. As under pilot program rules, all OHV riders must have a valid driver's licence, insurance, registration and a licence plate.

Apr 12: [Bill 273](#), the *Road Trails Act*, establishing new safety rules for off-highway vehicles (OHVs) has received Royal Assent. As under pilot program rules, all OHV riders must have a valid driver's licence, insurance, registration and a licence plate.

Sep 29: New *Road Trails Act* rules allowing off-highway vehicles (OHVs) to use designated road shoulders and roadways to access trails and services officially took effect. OHV

riders must obey helmet rules and have a valid driver's licence, insurance, registration and licence plate.

NORTHWEST TERRITORIES

LAWS & ANNOUNCEMENTS

Apr 13: [Comments](#) ended on proposed *Motor Vehicles Act* regulatory changes that would require employers to install electronic logging devices in commercial vehicles of 4,500 kg or more to ensure that drivers comply with Hours-of-Service safety rules designed to prevent driver fatigue.

Jun 1: Proposed changes to *Hours of Service Regulations* (under the *Motor Vehicles Act*) require commercial vehicles weighing 4,500 kilograms or more to use Electronic Logging Devices (ELDs) when operating in the Northwest Territories, as opposed to paper mileage driven logs required under current rules. Exemptions apply to vehicles of 11,794 kg or less driven only in NWT.

NUNAVUT

LAWS & ANNOUNCEMENTS

Aug 31: That's the deadline for Nunavut school bus service providers to [submit](#) their [School Bus Mechanical Inspection Certificates](#) to the Department of Economic Development and Transportation or face the risk of fines.

ONTARIO

LAWS & ANNOUNCEMENTS

May 8: Newly tabled [Bill 105](#) requires psychologists, optometrists, medical practitioners and nurse practitioners to report to the Registrar the name, address and medical condition of any patient age 16 or older who has a medical condition that they believe makes it dangerous for the patient

to drive a motor vehicle and who continues to drive the motor vehicle after being warned of the danger.

PRINCE EDWARD ISLAND

LAWS & ANNOUNCEMENTS

Jan 1: To guard against commercial driver fatigue, PEI implemented new [regulations](#) that incorporate federal *Commercial Vehicle Drivers Hours of Service Regulations* requiring bus and truck drivers operating a commercial vehicle crossing provincial boundaries to install electronic recording devices in vehicles to track driver hours.

Sep 23: New [traffic safety regulations](#) took effect in PEI allowing operators of power-assisted bicycles to have children ages 6 and under as passengers, provided that they ensure the passenger is wearing a properly fitted and fastened bicycle safety helmet that meets specific safety standards.

Nov 26: To guard against commercial driver fatigue, PEI proposed new [regulations](#) that incorporate the federal Commercial Vehicle Drivers Hours of Service Regulations for bus and truck drivers operating a commercial vehicle in the province. Rather than keeping paper logs, employers will also have to install electronic recording devices in vehicles to track driver hours.

QUÉBEC

LAWS & ANNOUNCEMENTS

Apr 30: New rules requiring operators of heavy vehicles to install an electronic logging device (ELD) officially took effect. Data from the ELD enables employers and inspectors to verify whether drivers are complying with mandatory hours of work and rest regulations.

Jul 3: The government proposed a 3-year [action plan](#) listing 22

measures to improve the safety of workers or roadwork sites via training, signage, traffic and restraint devices, monitoring of vehicle speeds and reducing exposure of traffic flaggers.

Action Point: Find out about the [traffic signaling and control requirements](#) across Canada.

Aug 7: With the construction holidays coming to an end, CNESST called on employers and motors to be extra vigilant near construction sites. In 2022, there were an alarming 215 workplace injuries to road signallers in Québec, an increase of 258% as compared to 2017.

Action Point: Find out about the [traffic signaling and control requirements](#) across Canada.

SASKATCHEWAN

LAWS & ANNOUNCEMENTS

Jan 9: The Saskatchewan Provincial Traffic Safety Fund will be awarding grants for speed display signs, crosswalks and other pedestrian and traffic safety enhancements to 65 projects across the province. The deadline [to apply](#) for the next round of grants is March 31.

Action Point: Find out about the [traffic signaling and control requirements](#) across Canada.

Jun 2: New [Traffic Safety Act Regulations](#) give the government the authority to make exclusions to mandatory motorcycle or three-wheeled vehicle helmet rules during special events for bona fide members of the Sikh religion.

Action Point: Find out [how far you must bend PPE rules to accommodate workers' religion](#).

Sep 21: Saskatchewan Government Insurance extended reciprocity to 24 countries that use the same European driver's license, allowing nationals from those countries to exchange their foreign driver's license for a Saskatchewan Class 5 regular

license without having to complete any testing or training:
Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia,
Finland, Greece, Hungary, Iceland, Italy, Latvia,
Liechtenstein, Lithuania, Luxembourg, Malta, Norway, Poland,
Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.