

Road-Building Machines Status Changes Proposed Regulation Amendments

Jobs for Today and Tomorrow Act (Budget Measures), 2016 (Bill 173) was introduced on February 25, 2016 and received Royal Assent on April 19, 2016. Among other things, Bill 173 makes changes to the treatment of road-building machines under the *Highway Traffic Act*. The Ministry of Transportation proposes to implement the legislation by introducing a new regulation under the *Highway Traffic Act* and amending existing regulations:

1. New Road-Building Machine Regulation

A new road-building machine regulation is proposed. The regulation would:

- Include a list of vehicles that are considered road-building machines under the *Highway Traffic Act*. The list includes vehicles that were traditionally considered road-building machines, such as asphalt spreaders, finishing machines, rollers, and power shovels.
- Provide that certain vehicles are motor vehicles (and not road-building machines), including the following:
 - a mobile crane built for highway use;
 - a vehicle constructed on a truck chassis or truck-type chassis;
 - a vehicle bearing a compliance label or manufacturer's information label within the meaning of the Motor Vehicle Safety Regulations (Canada) that identifies the vehicle as a complete or incomplete vehicle of a class intended for operation on a public highway; and
 - A vehicle bearing a label comparable to a label referred to compliance or information label from a jurisdiction outside Canada.
- Prohibit road-building machines from carrying a load, other than a load that is required at the time for the purpose of highway construction or maintenance.

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2. Proposed amendments to Regulation 628 (Vehicle Permits)

Currently, Regulation 628 allows for reduced registration fees for certain commercial motor vehicles that: (1) are used exclusively for the purpose of transporting a road-building machine owned by the permit-holder; or (2) have a machine or apparatus mounted upon their chassis and that are operated under certain circumstances.

The proposed amendments to Regulation 628 would:

- Eliminate the discounted registration fee for commercial motor vehicles used exclusively to transport a road-building machine owned by the permit-holder.
- Change and clarify the applicability of the reduced registration fees for commercial motor vehicles with attached machines or apparatuses. The changes would require that the apparatuses and machines be permanently attached, and prohibit such vehicles from carrying a load.

3. Proposed amendments to Regulation 555/06 (Hours of Service)

The proposed changes to Regulation 555/06 would provide a limited exemption to some vehicle types that, as a result of the road-building machine status change, are being reclassified from the road-building machine class of vehicles to the commercial motor vehicle class of vehicles. The proposed amendments would:

1. Provide a 5-year full exemption from Regulation 555/06's hours of service provisions for drivers of vehicles that were formerly classified as road-building machines (including mobile cranes), but would be reclassified as commercial motor vehicles as a result of the road-building machine status change.
2. Provide an ongoing full exemption from Regulation 555/06's hours of service provisions to mobile crane operators who hold a Hoisting Engineer — Mobile Crane Operator 1 certificate as required by the Ontario College of Trades while operating a mobile crane capable of raising, lowering or moving any material that weighs more than 30,000 lbs.

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3. Provide an ongoing exemption from the requirement to take 10 hours off-duty time in a day outlined in Regulation 555/06 for all concrete pump operators and any mobile crane operators not included in #2 above, in order to allow them to stay on the job site or location for as long as needed – all other existing hours of service rules will still apply and restrict a driver's ability to drive on the highway once any other regulatory hours of service limits have been reached.

Notwithstanding these proposed exemptions, time spent driving an exempted vehicle would constitute on-duty time if the same driver also drives non-exempted commercial motor vehicles (occasionally or on a regular basis).

4. Proposed Amendments to Regulation 413/05 (Vehicle Weights and Dimensions – For Safe, Productive and Infrastructure-Friendly Vehicles)

Proposed amendments to Regulation 413/05 would:

- Authorize the Registrar of Motor Vehicles to issue special configuration permits allowing certain former-road-building machines to be operated in excess of the *Highway Traffic Act's* weights and dimensions provisions. The special permits would be available to hydrovacs, sewer cleaners that have two tanks (one for water and one for debris), and street sweepers built on truck chassis'.
- A special permit would not exempt an eligible vehicle from being operated in excess of the gross or axle vehicle weight rating specified by the vehicle's manufacturer.
- The cost of a special permit would be approximately \$440 (one-time fee), and would be valid until the later of: (1) January 1, 2020; or (2) the date upon which the vehicle reaches an age of 15 years, as determined by the model year indicated on the vehicle's vehicle identification number. After this date, the vehicle would be required to operate within the *Highway Traffic Act's* weight and dimension restrictions.

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5. Proposed amendments to Regulation 611 (Safety Inspections)

The National Safety Code Standard 11B establishes criteria for annual, semi-annual and Safety Standard Certificate inspections of commercial motor vehicles. Certain vehicles moving from the road-building machine class to the commercial motor vehicle class, and that are built for highway use on a purpose-built chassis, may not be able to comply with all of National Safety Code Standard 11B's inspection requirements. In light of this, proposed amendments to Regulation 611 would:

- Exempt certain vehicles from the requirement to have an anti-lock brake system if such a system was not a manufacturing requirement.
- Allow for the recognition of Economic Commission for Europe (ECE) regulations relating to lighting and glass standards.

6. Proposed amendments to Regulation 419/15 (Definitions of Commercial Motor Vehicle and Tow Truck)

Regulation 419/15 would be amended to clarify that vehicles previously classified as road-building machines that have re-classified into the motor vehicle category will be treated as commercial motor vehicles under the *Highway Traffic Act*.