



Reportable Collision Threshold & Pointable Collisions

June 18, 2014

OWMA's Policy Position:

The Ontario Waste Management Association supports changes by the Ontario Ministry of Transportation in the following areas:

- Amend Ontario Regulation 596 (section 11) to increase the reportable accident threshold to \$2000 to be in line with the direction of most Canadian jurisdictions with the intention of moving towards tow-away criteria, which the Canadian Council of Motor Transport Administrators (CCMTA) recommends.
- Change the definition of pointable collisions under the Commercial Vehicle Operator's Registration (CVOR) Guideline to be in line with a tow away standard.

These changes would alleviate much of the adverse and unfair impacts that recent changes to the Commercial Vehicle Operator's Registration (CVOR) program have had on low-kilometric fleets.

Background

Each Canadian province and territory requires the reporting of vehicle collisions to enforcement agencies when there has been an injury, fatality, or property damage of a specified extent. In Ontario, the reporting threshold for property damage only (PDO) collisions is \$1000 and has not been adjusted since 1998. The lack of adjustment to this threshold has had a particularly negative impact on low kilometer fleets including waste management vehicles.

Ontario

Jurisdiction for Reportable Collision

The reportable collision threshold in Ontario is established through [Part XIV Section 199 \(1\) of the Highway Traffic Act](#), which states that:

Duty to report accident

199. (1) Every person in charge of a motor vehicle or street car who is directly or indirectly involved in an accident shall, if the accident results in personal injuries or in damage to property apparently exceeding an amount prescribed by regulation¹, report the accident forthwith to the nearest police officer and furnish him or her with the information concerning the accident as may be required by the officer under subsection (3). R.S.O. 1990, c. H.8, s. 199 (1); 2002, c. 17, Sched. F, Table.

Changes to minimum reportable collision threshold as shown in Figure 1 have been relatively infrequent with the gap between adjustments continually growing.

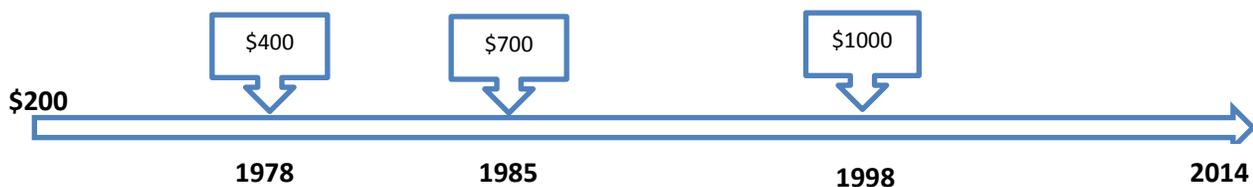


Figure 1: Changes to Minimum Reportable Collision Threshold in Ontario

¹ The prescribed value for the reportable collision threshold is set under [Ontario Regulation 596 Section 11](#).

Accounting for inflation

The dollar based threshold is a static figure and is not indexed to inflation. Given the threshold has not kept pace with inflation (Figure 2), it would be reasonable to assume that there are many more accidents now captured which were not before. A collision worth \$1000 in 1998 is likely more severe than a collision worth \$1000 today due to inflation.

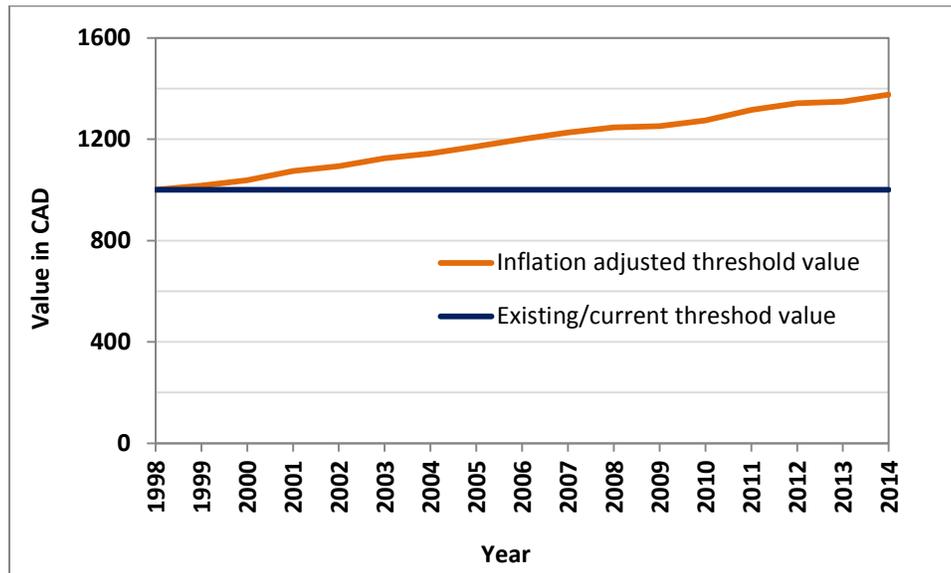


Figure 2: Inflation adjusted Threshold Value vs Current Threshold Value (1998-2014)

Reporting threshold and Impact on Collision Reporting

Much has changed over sixteen years since the threshold was last increased to \$1,000 including vehicle composition and the value of repairs. It is likely more minor accidents are being captured as a result. While this means more data is being gathered, it can skew models like that built for the CVOR program. According to Ontario Road Safety Annual Report, almost half (47%) of all accidents involve no damage to light² (Figure 3)).

The threshold for mandatory reporting of collision under the CVOR program was set at \$1000 to avoid minor accidents affecting a carrier's rating. The devaluation of this threshold over time, has rendered the \$1000 threshold too low to eliminate superficial/minor collisions. This was never the original intent of the program and can be especially detrimental to carriers with a policy of reporting every collision to limit liability

² **Light:** Slight or superficial damage. Includes scratches, small dents, minor cracks in glass that do not affect safety or performance of vehicle.

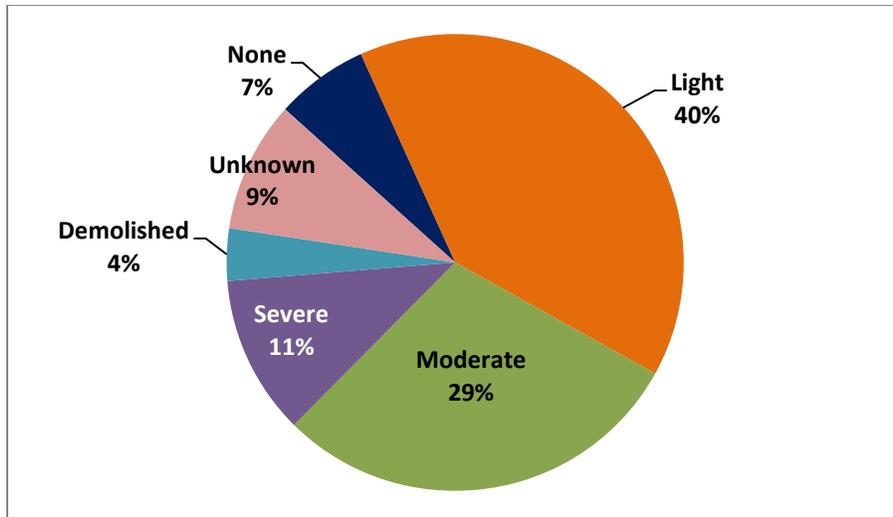


Figure 3: Percentage of total Vehicle Damage by Class of Collisions³

Low kilometric fleets like waste management vehicles tend to travel at low speeds and move in and out of traffic. As a result, these fleets tend to have a higher percentage of types of minor accidents with light damage. They also have been adversely impacted with the move to a kilometric model for the CVOR program as they are generally afforded less points.

These issues were acknowledged in Deloitte’s *CVOR Effectiveness Study*, and Deloitte specifically recommends the Ministry of Transportation should consider changing the threshold to better reflect the intent of the Program.⁴

³ Retrieved from Ministry of Transportation’s Ontario Road safety Annual Report, 2010. Available at: <http://www.ontario.ca/orsar>

⁴ Deloitte. *CVOR Effectiveness Study*, May 2013. Available at <http://multibriefs.com/briefs/omca/mto%20effectiveness%20study%20%20final%20report.pdf>

Jurisdiction Review of Other Canadian Provinces

Each province and territorial areas has legislation specifying the threshold (typically dollar based) for property damage only (PDO) collision reporting (Table 2).

Table 2: Accident Reporting by Province/Territory

	Applicable statute	Applicable Regulation	Current Threshold	Since
SK	Traffic Safety Act (253 (4) d)	None	Tow-away	
MB	Highway Traffic Act (155 (4))	None	no reporting on property damage	
QC	Highway Safety Code (176)	Regulation respecting accident reports (2 a-c)	no reporting on property damage	1996
AB	Traffic Safety Act (70)	Operator Licensing And Vehicle Control (147)	\$2,000	2010
NT	Motor Vehicles Act (261)	None	\$2,000	2011
PE	Highway Traffic Act (3 b)	None	\$2,000	2012
NS	Motor Vehicle Act (98 (1))	None	\$2,000	2013
NL	Highway Traffic Act (170 (1))	None	\$2,000	2013
YK	Motor Vehicles Act (95 (1))	None	\$1,000	
NU	Motor Vehicles Act (262)	None	\$1,000	
BC	Motor Vehicle Act (249 (1) b)	Accident Report Threshold	\$1,000	2008
ON	Highway Traffic Act (199 (1))	Damage to Property Accident Report (11)	\$1,000	1998
NB	Motor Vehicle Act (130 (1))	None	\$1,000	

Three provinces, Manitoba, Quebec and Saskatchewan, have no requirement for reporting on property damage or have adopted a tow away standard; five other provinces and territorial areas (Alberta, PEI, Nova Scotia, Newfoundland & Labrador and the Northwest Territories) are using a threshold value of \$2,000; while the Yukon, British Columbia, New Brunswick, and Nunavut remain at a threshold value of \$1,000 with Ontario.

Transport Canada and Canadian Council of Motor Transport Association's Task Force on Commercial Vehicle Transport recommend a move to a tow away threshold. The US National Safety Code #14 also recommends moving towards a tow away threshold.⁵

⁵ Canadian Council of Motor Transport Administrators. *National safety Code Standard 14*. Available at: <http://www.ccmta.ca/english/pdf/Standard%2014.pdf>.

Appendix

The Canadian Council of Motor Transport Administrators (CCMTA): CCMTA recommends the following definition for ‘reportable accidents’

“reportable accident” (*accident à la déclaration obligatoire*) means any accident involving a commercial vehicle that results in an injury or death to a person, or a property damage accident that either appears to be \$1,000 or more or where any of the vehicles involved is required to be towed away from the scene (at the discretion of the jurisdiction, with the ultimate goal of moving to the tow-away criteria)⁶.

The US Federal Motor Carrier Safety Administration defines that a reportable collision involves the following:

- Any truck having a gross vehicle weight rating of more than 10,000 pounds or a gross combination weight rating over 10,000 pounds used on public highways; OR
- Any motor vehicle designed to transport more than eight people, including the driver; OR
- Any vehicle displaying a Hazardous Materials (HM) placard (regardless of weight). A vehicle discovered to be transporting HM without a required placard should also be included.

AND

- That vehicle is involved in a crash while operating on a roadway customarily open to the public, which results in any of the following:
 - **A fatality:** any person(s) killed in or outside of any vehicle (truck, bus, car, etc.) involved in the crash or who dies within 30 days of the crash as a result of an injury sustained in the crash; OR
 - **An injury:** any person(s) injured as a result of the crash who immediately receives medical treatment away from the crash scene; OR
 - **A tow-away:** any motor vehicle (truck, bus, car, etc.) disabled as a result of the crash and transported away from the scene by a tow truck or other vehicle⁷.

⁶The Canadian Council of Motor Transport Administrators. National safety Code for Motor Carriers: Standard 14, August 2009. Available at http://ccmta.ca/images/publications/pdf/Standard_14.pdf

⁷The US Department of Transportation. The US Federal Motor Carrier Safety Administration. Available at

Saskatchewan (Traffic Safety Act (253(4)d))

(4) The duty to report an accident to a peace officer pursuant to subsection (3) applies if the accident:

- (a) involves bodily injuries or death;
- (b) involves a motor vehicle for which no certificate of registration has been issued pursuant to this Act;
- (c) involves an unidentified motor vehicle;
- (d) involves a motor vehicle that was towed from the scene of the accident as a result of the accident; or
- (e) involves a person in charge of a motor vehicle who was apparently under the influence of alcohol or drugs so as to be incapable for the time being of having proper control of the motor vehicle.

Manitoba (Highway Traffic Act 155 (4))

Criteria for making a police report

155(7) A police report must be made if the driver (referred to in this subsection as the "first driver") is aware or has reason to believe at the time of the accident, or is later made aware,

- (a) that a person, including the first driver, was injured in the accident and was admitted to hospital for observation or treatment for the injury;
- (b) that a person injured in the accident has died;
- (c) that the driver of another vehicle involved in the accident did not hold a valid driver's licence or out-of-province driving permit at the time of the accident;
- (d) that another vehicle involved in the accident was not validly registered under The Drivers and Vehicles Act or a similar Act in another jurisdiction despite being required to be registered;
- (e) that the driver of another vehicle involved in the accident did not provide the first driver with the information required by subsection (3);
- (f) that the driver of another vehicle involved in the accident did not stop the vehicle at the place of the accident for the purpose of this section or in contravention of the Criminal Code; or
- (g) that the consumption of alcohol or another intoxicating substance by the driver of another vehicle involved in the accident was a cause or contributing factor of the accident.

Quebec (Highway Safety Code (176))

2. Every peace officer who is called to the scene of an accident shall, in the following cases, report the accident by filling out section I of the form provided for in Schedule I:

(1) (subparagraph revoked);

(2) the accident caused only property damage in excess of \$2,000 in one of the following situations:

(a) the accident involved a heavy vehicle other than a bus used for urban transport under a contract with a public transport body, an intermunicipal transport commission, an intermunicipal board, a municipality or a group of municipalities;

(b) the accident occurred on an autoroute or a provincial, regional or feeder road the Minister of Transport is responsible for under Order in Council 292-93 dated 3 March 1993; or

(c) the accident occurred on a road under municipal management within a 100 m stretch giving access to a highway or a road referred to in subparagraph b.