

# Gummy laws

By Martin Cowie

I recently came back from attending a learning seminar. This is, in my opinion, one of the better ways to learn and exchange ideas with your peers. The highly acclaimed THSAO holds the Fleet Safety Council meetings in the southern parts of Ontario each month. With so many chapters, including bus division and transport, you are bound to be close to one.

While I was attending the Central Chapter of the Fleet Safety Council meeting to witness the presentation of an MTO administrator revealing the particulars of the New Facility Audit, I was listening to a co-safety individual, when suddenly he made a statement that I did not grasp at first. It was one of those 'wait for it' annotations.

He stated that he thought the new speed limiter law was a "Gummy Law." We all stopped and thought about it. Oh yes, a law that has 'no teeth.' Well it caught a couple of us off-guard and I must admit that it was funny, at the time. With the anticipation of the MTO auditor getting ready to explain and present a PowerPoint presentation, in regards to the new Facility Audit to all in attendance, we were like school children waiting to see what Bad Little Johnny brought for show-and-tell. Anticipation mixed with a little adrenalin, can get you giggling.

Later at home, while I reflected on the presentation of that day, it hit me. There are a lot of Acts and Laws that have just that, "No Teeth." Makes me wonder about the time, money and energy wasted, not to mention the wasted resources whether people or nature.

As I thought more about the Gummy Laws, I was bewildered at the time spent by the Politicians who rallied for the change, the people who opposed it, the commissions who looked it over, the experts that studied the outcome and the past events, the organizations that held meetings to try to stop it or help it along, the lawyers who had a hand in trying to close each and every loophole, which in itself is almost impossible. And then to list it on Web sites, include it in the Acts, train the proper personnel, print the new proposal, print the new law and the list goes on.

As I drove down the 401 to work today, I noticed that there were several trucks in the centre lane. All were doing about 115 km/h. I had to pull into the far right lane to let them pass. At first I thought that they were all from the same company, however to my amazement, they were not. So when do these companies comply? Do all the big companies comply with laws and let the little Ma and Pa Transport run down the road with no speed limiters on their units.

It seems to me that Ma and Pa Transport has the advantage over all big companies. First, they can have a truck that does not have a speed limiter installed on their unit. Second, if they do not have a GPS tracking system and receive an audit by the MTO or DoT, they will not have to show what they do not have. It seems like an unfair playing field, to me.

Any company or good trucker can make paper logs look beautiful. While GPS can tell me, or the auditor, exactly where that driver is/was at each minute of the day. UNFAIR. Even without GPS, our drivers would be scrutinized, in regards to their logs and they would have to comply with all Hour-of-Service regulations. However, under the Highway Traffic Act of Ontario there is a regulation that even some of the big companies do not know about:

**Regulation 587, Section 5, sub-section 5 and 6 states,**

(5) All the wheels of a vehicle manufactured after April 30, 1995 that is equipped with wheel brake air chambers shall have wheel brakes each of which is automatically adjustable. O. Reg. 229/95, s. 1.

(6) Each wheel brake referred to in subsection (5) that is equipped with an external adjustment mechanism and has an exposed push rod shall have an indicator that indicates the condition of service brake under-adjustment. O. Reg. 229/95, s. 1.

How many trucks and trailers are going down the road right now without the “tattle tales” or some kind of facsimile? Another “Gummy Law.” I could go on, however I do not want to waste the resource and I do not want to awaken a serpent.

Should this new speed limiter law have no teeth, then what are we, and the governments who make these laws, telling everyone, including truckers and the average worker? It could be a lack of understanding, lack of confidence, lack of control over new laws or if the government is not going to enforce laws, why waste all of the resources, man hours and natural resources?

*- Martin has three decades of over-the-road experience. He has over three years as a manager and instructor of a driving school, training safety and compliance theory to students through a private career college. He carries an impressive number of certifications to his name including NATMI CSS & CDS. He manages four terminals as a safety and compliance supervisor and works for one of the ‘50 Best Employers in Canada.’*