**CITY OF HAMILTON**

**PUBLIC WORKS DEPARTMENT**
Transportation, Energy and Facilities Division

<table>
<thead>
<tr>
<th>TO: Chair and Members Public Works Committee</th>
<th>WARD(S) AFFECTED: CITY WIDE</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMITTEE DATE: April 2, 2012</td>
<td></td>
</tr>
</tbody>
</table>

**SUBJECT/REPORT NO:**
Authorization for Access to Ministry of Transportation Authorized Requester Information System (ARIS) Program (PW12026) - (City Wide)

**SUBMITTED BY:**
Gerry Davis, CMA
General Manager
Public Works Department

**PREPARED BY:**
Keith Andrews
Superintendent, Operations (Staff Development, Safety Training)
(905) 546-2424, Extension 1863

**SIGNATURE:**

**RECOMMENDATION**

(a) That the City of Hamilton renew the agreement with the Ministry of Transportation for authorization to access the Ministry of Transportation’s driver licence retrieval database program known as Authorized Requester Information System (ARIS) to obtain driver’s licence abstracts for City employees who operate city/transit owned/leased/rented vehicles;

(b) That the Mayor and City Clerk be authorized and directed to execute the required documents in a form satisfactory to the City Solicitor;

(c) That the General Manager of Public Works or designate be authorized to execute any further renewals and amendments to the said agreement as may be required by the Ministry from time to time providing the terms of any renewal or amendment are satisfactory to the City Solicitor.

**EXECUTIVE SUMMARY**

Everyone who operates a Transit owned/rented/leased vehicle is required to supply the employer with their driver’s licence number. The Transit Section obtains electronic driver’s licence abstracts approximately every two (2) months for each of these licence numbers to ensure that those who operate Transit vehicles have a valid licence of the appropriate classification and endorsement.
When the original agreement was made, the Ministry requested that the Mayor and the City Clerk be the designated signatory, however the 2008 agreement with the Ministry of Transportation and Central Fleet of the Energy, Fleet and Facilities Section has the designated signatory being the General Manager of Public Works or designate. Recommendation (c) of this report will authorize this change for future agreements.

**Alternatives for Consideration - See Page 4**

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** Continued access to ARIS allows us to obtain as many driver's licence abstracts as we need at no cost. Without the continued use of this program, abstracts would cost $12 each. There are currently 631 driver's licences in Transit’s training files.

Continued use of the ARIS program would potentially save the Section $45,432 annually, which does not include the staff time of imputing each individual abstract request on-line (at a cost of $12 each).

**Staffing:** None

**Legal:** The only information received on the abstracts is name, validity, classification, and conditions of licence, actions, demerit points, and expiry dates.

This information is kept confidential and kept locked. Only those named with the Ministry can obtain and have access to the information.

**HISTORICAL BACKGROUND**

Transit Operations Training Staff have monitored drivers licences as a duty imposed by the Commercial Vehicle Operator's Registration (CVOR) permit issued by the Ministry of Transportation.

Transit Operations Training Staff are Recognized Signing Authorities by the Ministry of Transportation to facilitate the Driver Certification Program (DCP) for the purpose of licence upgrades and renewals.

Transit Operations has Internet access to the Ministry of Transportation’s driver licence information retrieval database called ARIS to obtain abstracts of driver licence records. These abstracts confirm if the driver’s licence is valid, downgraded, suspended, revoked or cancelled, and lists any restrictions, and/or convictions under the Highway Traffic Act from the past three years.

Obtaining driver abstracts fulfils mandated requirements found in The Highway Traffic Act, Commercial Vehicle Operator’s Registration (CVOR), and the Ontario Human Rights Commission as well as Corporate Policy (i.e. Drivers Licence Class Policy, Driver's Licence Status Change and Suspension Policy), and the Driver Certification Program (DCP).
Under the Highway Traffic Act, Section 32, subsection 10: (in which the “owner” is the City of Hamilton and “highway” means all roads),

No person who is the owner or is in possession or control of a motor vehicle shall permit any person to drive the motor vehicle on a highway unless that person holds a driver’s licence issued in respect of the class of motor vehicles to which the motor vehicle belongs. 2002, c. 18, Sched. P, s. 12 (3).

No person who is the owner or is in possession or control of a motor vehicle or combination of vehicles shall permit any person to drive the motor vehicle or combination of vehicles on a highway where to do so would contravene a condition on the person’s driver’s licence. 2002, c. 18, Sched. P, s. 12 (3).

No person who is the owner or is in possession or control of a motor vehicle or combination of vehicles shall permit any person to drive the motor vehicle or combination of vehicles on a highway unless that person holds a driver’s licence containing any endorsements that are required to drive that motor vehicle or combination of vehicles under the circumstances in which the person will be driving. 2002, c. 18, Sched. P, s. 12 (3).

No person who is the owner or is in possession or control of a motor vehicle or combination of vehicles shall permit a novice driver, as defined under section 57.1, to drive the motor vehicle or combination of vehicles on a highway while contravening a condition or restriction imposed upon the novice driver by this Act or the regulations. 2002, c. 18, Sched. P, s. 12 (4); 2009, c. 5, s. 7.

As required by the CVOR system, driver files must be created and maintained with all required information including driver’s licence and abstracts. The Ministry of Transportation audits to ensure compliance with this regulation.

The Ontario Human Rights Commission, in their Policy on Requiring a Driver’s Licence as a Condition of Employment states, where driving is an essential duty of a job, the legitimate needs of the employer requires the employee to have a valid driver’s licence.

**POLICY IMPLICATIONS**

Corporate Human Resources Policy – Driver’s Licence Policy requires that employees that drive employer–owned vehicles must possess a valid Driver’s Licence with the required classification appropriate to the vehicle being driven; or specified by the department. Employees must show proof of a valid driver’s licence upon commencement of employment or at any time as requested by the supervisor. The City reserves the right to verify an employee’s driver’s licence with the MTO and at any time examine the driving record of an employee whose job function requires him/her to drive on the business of the City.
Requesting a driver’s licence number when it is required for employment does not fall under the protection of the Freedom of Information Act.

RELEVANT CONSULTATION

Corporate Services, Office of the City Clerk
City Manager’s Office, Legal Services
Public Works Department, Transportation, Energy & Facilities Division, Central Fleet

ANALYSIS / RATIONALE FOR RECOMMENDATION

In the event that abstracts are not run and files not maintained, upon a Ministry audit, the Transit Section (HSR) could lose its CVOR permit, which means the Transit fleet would be grounded.

ALTERNATIVES FOR CONSIDERATION

The Transit Section has Recognized Authority Status with the Ministry of Transportation, and all Transit Training Staff have Signing Authority for the Recognized Authority for the facilitation of the Driver Certification Program (DCP). The Ministry of Transportation approved Training Syllabus allows Transit Training Staff to train, test, renew, and upgrade Transit Staff to the licence appropriate for the class of vehicle operated by the Transit employee. Access to driver abstracts is imperative for functionality of the Transit Training Section.

CORPORATE STRATEGIC PLAN


Financial Sustainability

- Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner

Intergovernmental Relationships

- Maintain effective relationships with other public agencies

APPENDICES / SCHEDULES

None