SUBJECT: Authorization for Access to Ministry of Transportation Authorized Requester Information System (ARIS) Program (PW08070) - (City Wide)

RECOMMENDATION:

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

(b) That the General Manager of Public Works be the Authorized Signatory and be directed to appoint designates in the Central Fleet section of the Energy, Fleet and Facilities Division, and the Transit Division, to access the ARIS program for the above-noted purposes;

(c) That the General Manager of Public Works be authorized and directed to execute the required documents in a form satisfactory to the City Solicitor.

Scott Stewart, C.E.T.
General Manager
Public Works

EXECUTIVE SUMMARY:

Everyone who operates a City owned/rented/leased vehicle is required to supply the employer with their driver’s licence number. Central Fleet obtains written driver’s licence abstracts on a quarterly basis for each of these licence numbers to ensure that
those who operate City vehicles have valid licences. The Transit Division also does this for their employees.

**BACKGROUND:**

The information/recommendations contained within this report have City wide implications.

Central Fleet has monitored driver's licences as a duty imposed by the Commercial Vehicle Operations Registration (CVOR) permit issued by the Ministry of Transportation. Police, Transit, Fire and EMS have separate CVOR permits and maintain their own driver's licence records separately.

Until recently, Central Fleet had 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, suspended, revoked or cancelled, and lists any convictions under the Highway Traffic Act or Criminal Code of Canada for the past two years. Earlier this year, the Ministry noted Central Fleet had not filed a Signatory form approved by Council, and has denied access to ARIS until such time as the Signatory is filed with the Ministry.

Obtaining driver abstracts fulfil mandated requirements found in The Highway Traffic Act, Commercial Vehicle Operating Registration (CVOR), and the Ontario Human Rights Commission as well as the Central Fleet's Driver Policy currently in draft form.

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.* R.S.O. 1990, c. H.8, s. 32 (10).

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 the City of Hamilton from time to time 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.*

In Central Fleet’s Policy Manual, section CF 14 it states, *Each employee who operates a City vehicle must provide their driver’s licence number to the Manager Central Fleet upon request. Employees who do not wish to provide their driver’s licence number must sign a statement that they do not drive a City vehicle.*

Abstracts are the spine of the Driver Training section of Central Fleet. Driver evaluations, licence renewals, and all drivers training stem from valid drivers licences.
ANALYSIS/RATIONALE:

In the event abstracts are not run and files not maintained, upon a Ministry audit, the City may lose its CVOR permit, which means there would be no City vehicles weighing over 4500 kg allowed on the road. This would put a halt to most Public Works operations, including traffic aerial vehicles, waste collection vehicles, plow/sanders, dump trucks, etc.

There are other divisions within the City that also use the ARIS program for their own operations. It has been mentioned to Fleet by the Ministry as they update their files, these City divisions will also undergo a halt to their operations until they also have a Signatory in place. For that reason, this report asks that the authority given upon approval be extended to the Transit Division.

ALTERNATIVES FOR CONSIDERATION:

Access to ARIS allows us to obtain as many driver’s licence abstracts as we need at no charge. Without the use of this program, abstracts would cost $12 each. There are currently 1,389 driver’s licences in Central Fleet’s driver licence files.

1,389 x $12 each x 4 (quarterly) = $66,672 annually.

Using the ARIS program would potentially save the City $66,672 annually, which does not include the man-hours of either inputting each individual abstract request on-line (at a cost of $12 each) or chasing down each and every driver to sign a consent form to take into the Ministry, at which time each signature would be checked with what they have on file to ensure that signatures match (also costing $12 each).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There is no additional cost to of the ARIS program as the one-time application fee of $250 has previously been paid.

The only information received on the abstract is name, validity of licence, 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.

POLICIES AFFECTING PROPOSAL:

Human Resources has a policy for responding to situations where an employee’s driver’s licence is suspended or cancelled and the employee’s duties include operating a City vehicle.

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:
Public Works Department, Transit Division
Corporate Services, Office of the City Clerk

CITY STRATEGIC COMMITMENT:
By evaluating the "Triple Bottom Line", (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

**Community Well-Being is enhanced.**  ☑ Yes  ☐ No
Licence numbers are checked quarterly and are acted upon to prevent drivers with suspended licences from operating City vehicles until such time the suspension is lifted. Depending on the type of suspension, any required remedial driver training and/or evaluation would take place to enhance public safety.

**Environmental Well-Being is enhanced.**  ☑ Yes  ☐ No
The ARIS program reduces paper use as two to three abstracts are printed on one sheet rather than one sheet per abstract.

**Economic Well-Being is enhanced.**  ☑ Yes  ☐ No
Using the ARIS program is economically advantageous to the City.

**Does the option you are recommending create value across all three bottom lines?**  ☑ Yes  ☐ No

**Do the options you are recommending make Hamilton a City of choice for high performance public servants?**  ☑ Yes  ☐ No
By running quarterly abstracts, we are not only practicing due diligence but also limiting embarrassment to the City in the event of an incident involving a driver without a valid licence.