

Changes to Ontario's CVOR System

The Ontario CVOR System changed dramatically on April 2, 2007 with very little fan fare and even less information available to carriers.

Unless carriers paid to attend the OTA Seminar on April 11, 2007, carriers are still relatively in the dark regarding how the changes will affect them. As of today's date, the Ministry's Public Guideline: Carrier Safety Rating & Commercial Vehicle Operator's Registration System on-line information still is not updated.

Why the Change?:

On January 1, 2006 amendments to the federal Motor Vehicle Transport Act ("MVTA") came into force. The intent of this federal regulation was that each province would register, safety rate and monitor the on-road safety performance of only its resident carriers. All provinces and territories agreed to "harmonize" their carrier safety rating and facility audit programs. As a result, significant changes were made to the Ontario CVOR system.

The new CVOR model takes a "proactive and predictive" approach rather than the "rehabilitative" approach of the old system. In short, the new system tries to identify and eliminate those events that seem to lead to collisions.

It appears the Ministry mandate now seems to focus on controlling "driver error" or "driver-related" issues. The Ministry seems to be taking the approach that the majority of collisions that occur are not as result of vehicle defects or maintenance related issues, rather, that the majority of collisions are caused by driver behavior.

Exposure to Risk/Jurisdiction:

The new CVOR system uses the number of kilometers traveled in Canada as the basis for assessing each carrier's exposure to on-highway risk, no longer is it based on the carriers' adjusted fleet size.

The carriers that travel east or west within Canada will see some benefit in terms having increased thresholds for collisions, convictions and inspections.

Although carriers that move within Canada will benefit from same, they must also keep in mind that their CVOR will include events all across Canada. This is good news in terms of being able to track driver performance, however, carriers will start to see points appear on CVOR Abstract for out-of-province incidents (collisions, inspections and convictions.)

Collisions:

Collision (formerly referred to as accident) points have been revamped. Additional points are no longer added if charges are laid. The maximum number of collision points now would be 6.

	Property Damage	Personal Injury	Fatality
Non-preventable	0	0	0
Preventable	4	4	6

Unlike the previous system, accidents reported to the Collision Reporting Centres can be assigned points if the officer at the Reporting Centre deems that there is sufficient information available to determine preventability. Drivers should be informed of this immediately and carriers should be aware that the application of collision points can be appealed through the Transportation Health and Safety Association, CVOR Review Panel. This process includes a \$250.00 fee, and certain limitations apply to the types of collisions that can be appealed. For further information, please visit www.thsao.on.ca and click on the CVOR Review Panel tab. and the carrier must obtain necessary documentation for the panel.

Collision points from other jurisdictions will appear on abstracts if the other jurisdiction forwards the police accident report to Ontario. If the police report is not forwarded, the collision will appear, but will not have any points assigned.

During the OTA presentation, it was suggested that the changes in collision pointing system would likely result in approximately 10% fewer collision points on the CVOR records for carriers.

It is important to remember that even if a carrier has fewer collision points appearing, it does not mean that their measure of performance will automatically improve. At this time, the standard for collisions (or maximum threshold) has not yet been set. It is entirely possible that the standard could be made more difficult.

Convictions:

Carriers will immediately notice that the number of conviction points assigned to offences have been changed in order that the Ontario system is comparable to other Canadian jurisdictions.

Carriers will notice that the CVOR points for some offences have substantially decreased, including log book charges, insecure load, push-rod, failing to remain at the scene of an accident or impaired driving.

Of more importance is the fact that the conviction points place more emphasis on driver actions, and driver related charges such as moving violations including speeding, the use of speed monitoring devices and improper use of left lane. All points for such offences have increased. In many instances, the ability for the carrier to attempt to resolve a moving violation matter by pleading guilty to a charge with lesser CVOR conviction points has been removed.

The following is a recap of some of the changes:

Charging	Short form wording	#	Points	#	Points
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Section:		under Old System:	under New System:
HTA 64.1	Defective Brakes	6	3
HTA 111 (2)	Insecure Load	6	3
	Dangerous Goods	6	3
HTA 190 (3)	Fail to Maintain Log	6	3
Reg. 587	Pushrod exceeds limit	6	3
HTA 79	Speed measuring device	1	5
HTA 150	Pass on right	3	5
HTA 148	Fail to share road	4	5
Reg 608	Operate vehicle Left Lane/Kings Highway	1	5
HTA 144	Fail to obey lane lights	2	5
HTA 158	Following Too closely	4	5
	Fail to yield	3	5
HTA 128 (1)	Speeding	2	5
HTA 142 (1)	Unsafe Move	3	5
HTA 130	Careless Driving	6	5

It was again proposed by the OTA that the changes in the conviction pointing system would likely result in approximately 10% fewer conviction points on the CVOR records for carriers. Again, it is important to remember that even if a carrier has fewer conviction points appearing, it does not mean that their measure of performance will automatically improve. At this time, the standard for carriers regarding convictions has not yet been set but is anticipated that carriers will be held to a much higher standard than previously.

For those events taking place prior to April 2, 2007 that resulted in charges being laid, but do not yet have a conviction registered, the conviction points assigned will be those in effect prior to April 2, 2007 under the "old" system.

Inspections:

Major changes have taken place in terms of inspections as well. Previously, only Level 1 inspections were recorded on the CVOR along with maximum limits for points per vehicle/unit or per inspection.

All levels of inspections are now include on the CVOR, and points are assigned for out-of-service (OOS) defects found for both vehicle/combination of vehicles **and** driver. The driver is considered a "unit" in terms of calculation of inspection threshold, and if driver defects are found (improper licence, log book infractions), out-of-service points will be applied.

The Ministry felt that the old inspection system made no distinction between a vehicle with many different violations and one with only one violation. As a result, the 2 point limit per unit has been removed and the Ministry has implemented a "surcharge" program regarding multiple defects being discovered during an inspection. Points assigned for inspection is bases on the number of OOS violations in each CVSA category (found on back of CVIR), plus a surcharge.

There is a point assigned for each category in which there is a defect found. A surcharge of 1 point is applied for every additional category of defect found after the initial defect found. For example, if 3 OOS found on a vehicle, the total number of points for that vehicle would be 5 (3 for each defect found, and 2 surcharge points).

Overall Violation Rate:

How a carrier's overall violation rate is determined has changed as well. Under the old system, the overall violation rate was determined basically by doubling the accident points, and then adding the conviction and inspection points, and dividing by 4. More precisely, accident threshold accounted for 50% of the overall violation rate, with convictions and inspection each accounting for 25%.

Under the new system, the accident threshold and conviction threshold each account for 40% of the overall violation rate.

Although, at first glance, it would appear that carriers will benefit from some of the charges having fewer conviction points, carriers need to realize that any conviction points have almost double the impact on their overall violation rate. The Ministry justifies this approach by stating that recent research has indicated a strong relationship between convictions and future collisions and this is the basis of the MTO approach to concentrate more on the driver.

Your CVOR Abstract will have a new look to incorporate all the changes, and a major aspect will be the "blending" of two violation rates. This blended method applies to the 2 year sliding window in that the old rules apply to the earlier portion of the 2-year period that took place before April 2, 2007, and the new rules to the 2nd portion that takes place afterwards. The overall violation rate for a carrier will include this "blended" approach until April 2, 2009 at which time only the new rules will apply. In the meantime, the two violation rates are combined in proportion to the amount of time associated with each period within the 2 year window. According to the Ministry, this blending of the old and new system prevents an immediate shift in safety ratings.

Safety Ratings and Facility Audits:

Additional changes to the Safety Rating System and Facility Audit program are also underway and currently under discussion.

Carriers with an overall violation rate in excess of 70% will be considered Conditional. It is suggested that facility audits will only be conducted on carriers that have an overall violation rate in excess of 50%, with some exceptions of course. (Fatality, wheel off, vehicle impoundment.)

It is further proposed that those carriers who are conditional and fail a facility audit undergo another facility audit within 12 months. In practice this would mean that a carrier could possibly fail two audits within the 24 month period, and as such, all resulting conviction points would be considered in determining the carriers' conviction threshold and overall violation rate.

A carrier with an overall violation rate less than 50% who fails an audit now will be classified as "Conditional pending" and has an opportunity to dispute the change in safety rating but there are specific criteria that have to be met and the carrier must request another audit.

Although these changes have not yet been posted on the Ministry web-site, they are in effect as of April 2, 2007. As such, it is imperative that carriers educate their drivers on the new CVOR system. Drivers need to be aware of the increased focus on their actions and behavior in terms of conviction points. For those carriers over 70%, it is highly likely that your company will undergo at least 1 facility audit in the next 2 years and HOS monitoring needs to be stepped up. Drivers need to be reminded of how important vehicle maintenance and proper daily pre-trip inspections are, especially given how the new inspection system applies "surcharge" points.

Given the fact that the new CVOR system came into effect as of April 2, 2007, it is unfortunate that specific details are not available on the Ministry web-site at this time. Given the extensive changes made to the CVOR System, all CVOR holders should have received a clear, concise explanation of all changes prior to the effective date of April 2, 2007.

Until the Ministry updates the web-site or publishes a guide explaining the new CVOR system, I would suggest that you contact your CVOR Analyst in St. Catharines if you have questions. For those of you who may be uncomfortable in doing so, I would be pleased to try to explain the changes to you.