

Winter Highway Maintenance - Ontario's Auditor General's Report Reveals Some of the Truth

Posting Date: 8-May-2015



Figure 1: Highbury Ave entrance ramp onto Hwy 401 in London, Ontario on January 25, 2014. Unplowed ramps and shoulders along the 400 series of highways was one of the winter road maintenance problems identified in the Auditor General's report of April, 2015.

The April, 2015 report of Ontario's Auditor General (AG) entitled " Winter Highway Maintenance" revealed the secrecy with which major changes are made to the functioning Ontario's transportation systems without the public's knowledge. So many problems were identified that one can only conclude that the government and its transportation ministry is nothing more or less than a band of outlaws in a lawless frontier town, doing whatever it pleases, with no repercussions to its actions. Decisions were made by unidentified individuals that reduced the quality of winter maintenance of Ontario's Highways. Clearly those decisions led to the deaths and needless injury to an unknown number of users of Ontario's roadways. This present article will review the highlights of the Auditor General's report and will follow with a commentary on those findings.

1.0 Summary of Auditor General's Report

1.1 Evolution of Winter Highway Maintenance in Ontario

In this section of the report the AG provided a history of winter road maintenance in Ontario. It indicated that "Before the 1980's, the Ministry of Transportation in Ontario performed all winter highway maintenance activities in-house, through its own maintenance staff of patrollers and equipment operators, its own equipment fleet and its own stores of materials at its own patrol yards." In the 1980s the Ministry began to "privatize" highway maintenance operations such that, by 1996, maintenance of about half of the provinces network of highways was privatized. In 1996 the Ministry's winter maintenance activities involved 2800 ministry staff and expenditures totalled about \$149 million.

In 1996, via a directive of the Conservative government of Mike Harris, highway maintenance was to be fully outsourced to the private sector. Two types of contracts were developed, Managed Outsourcing (MO) and Area maintenance Contracts (AMC).

It is revealing to note that in 1996 the AG report indicated that 700 maintenance contracts were awarded to 130 contractors and these were for three to five year durations. Yet, by the year 2000, when all the maintenance had been privatized, the provincial roadway system had been divided up into sixteen areas with contracts being awarded to only six contractors. These contracts also became of a longer duration of seven to nine years.

While the AG report claimed that contracting road maintenance was a government saving, the reality was the opposite. The AG report indicated that the Ministry 's costs for road maintenance for the 2009/10 fiscal year were \$202 million. Thus in the approximate 13 years (1996 to 2009) those maintenance costs rose by \$53 million, or an increase of about 36 %. Thus the AG report has not provided a clear explanation of this fact.

1.2 Introduction of Performance-Based Contracts

The AG report made it known that the introduction of Performance-Based contracts, commencing in 2009, was the primary reason why winter road maintenance began to deteriorate. A Performance-Based contract was defined in the AG report as follows:

"In a performance-based contract, the awarder of the contract sets standards and outcome targets for the contractor to meet. The contractor, not the awarder of the contract, performs the patrols to determine what's needed, and plans and manages all the work. In other words, rather than being told in the contract what means to use to get the end result, the contractor decides how to deliver the end result."

Amongst many other problems we note the report's wording:

"Other best practices and procedures, however, such as the maximum length for plow circuits, the maximum speeds for operating equipment, and patrolling highways at least once a day, were not part of the new contracts."

While allowing the contractors complete freedom to reach specified targets, the primary factor that would have been obvious to anyone is that there had to be a reliable method of determining that those contractors had reached the targets. The Ministry's review of data provided by the contractors themselves would obviously not be a reliable method of determining that the targets were met. Even data gathered by Ministry staff themselves should be treated as suspect because that staff would have a vested interest in demonstrating that the system that was devised by the Ministry was functioning properly.

Furthermore, the AG report fails to inform that, as winter road maintenance moved into privatization, the government lost key manpower and equipment. That is, the whole area of the Ministry which conducted road maintenance was gone. Should the need arise to retain the ability to publicly maintain roads, there would be an obvious cost in procurement of the equipment, re-hiring of staff and redevelopment of that lost public department. If road maintenance had not been privatized that additional cost would not exist.

The AG report also fails to inform that privatization of road maintenance also led to the loss of jobs for the 2800 public employees that performed that function in 1996. The loss of good-paying and stable incomes meant a terrorization of these families and their extended family and friends. Relocation, retraining and numerous other adjustments must have occurred that was not taken into account.

Thus it was not only the Performance-Based contracts that were the problem, but privatization itself had its additional costs that were not identified in the AG report.

The AG report claimed the following:

"After the performance-based AMCs were introduced, winter maintenance service levels across the province decreased, leading in some cases to hazardous driving conditions. This created significant safety concerns both among the general public and for those delivering emergency services such as the Ontario Provincial Police (OPP)."

In fact there were no "significant safety concerns" that were widely and openly revealed when the Performance-Based contracts were introduced. The only concerns that became public were those after the harsh winter of 2013-14. One only needed to review the various news items of that era to note that very little mention was made of deterioration of road maintenance prior to the winter of 2013-14. If those concerns were directed to the Ministry those concerns were not made public.

The AG report indicated that "The Ministry began taking action to address these concerns in 2012". The report indicated:

*"In 2012, the Ministry changed the outcome target for truck-climbing and passing lanes to address the previously reduced service levels for plowing (as we noted in **Section 5.1.1**, the reduced outcome target was to plow only after an accumulation of more than 15 cm of snow)."*

The absolute nonsense of this target needs particular focus. According to the agreed targets, the contractor was to plow the main lanes of highway to bare pavement while leaving any accumulated snow in the secondary lanes such as truck-climbing and passing lanes until a threshold of 15 centimetres (6 inches) was reached. Clearly a snow depth of 6 inches would make any lane of a typical highway inoperable. But more dangerously, drivers might choose to pass a truck using such lanes when there would be a major difference between the conditions of the main lane versus the secondary lane. The decision to make a passing motion might not be done with 6 inches of snow in the passing lane yet many drivers might consider that option if one or two of snow existed. Such changes in the surface would likely cause a number of vehicles to travel out of control and in some instances collisions would occur. This is combined with the propensity of the OPP to fault the driver of a loss-of-control vehicle while often ignoring the changing road condition as this would only lead to a defense being made available to the driver to avoid the citation. Thus under-reporting of these road surface problems by police makes the problem worse. Any reasonably minded person with any familiarity with collision causation should have recognized that there was a significant danger in creating lanes that are side-by-side with very different road surface treatments when vehicles using those lanes are travelling at highway speed.

Drag caused from driving through homogenous, deep snow is one thing, however a much more dangerous condition is asymmetric drag which occurs when the tires on one side of a vehicle may be on bare pavement when the tires on the other side encounter deep snow. A driver travelling on the bare pavement of a lane will not understand the danger that is posed when the adjacent lane, very close to their travel path, contains a large accumulation of snow. A deviance of the travel path can lead the vehicle onto that deep snow and a loss of control would become highly likely. It is inconceivable that a person in the responsible position of authority at Ontario's Ministry of Transportation would be unaware of this danger yet allow these road surface conditions to be created through the noted targets agreed to with the private contractors.

Reportedly, when the Ministry became aware of the lacking maintenance in 2012 they wanted to change the targets to cause the contractors to begin the additional plowing. However, being locked into a contract the negotiations became difficult and the Ministry had to resort to paying the private contractors for new, additional equipment. As the AG report indicated:

*"To enable contractors to provide the increased plowing services for truck-climbing and passing lanes, the Ministry paid for contractors to procure 55 additional pieces of winter equipment for 11 contract areas. This equipment was procured through direct negotiations with the contractors for these 11 areas and has incurred an annual cost to the Ministry of \$9 million (see **Figure 5**). Because the negotiation process took so long, most of the equipment was not deployed until winter 2013/14."*

"As a result of being locked into these performance-based AMCs, the Ministry had to pay to procure these additional pieces of equipment through negotiations with the contractors."

So, while the Ministry reportedly "...began taking action..." in 2012, the reality is that the actions did not occur until the winter of 2013-14. Yet it was the poor maintenance in the winter of 2013-14 that brought on the impetus requiring the AG special report. Thus although the Ministry completed the corrective action before the winter of 2013-14, this did not alleviate the problems that came about in that winter season.

For example the AG report noted:

"We found that, despite the additional equipment, nine out of the 20, or almost half, of the contract areas are still being serviced with less equipment than was being used before the performance-based AMCs. Specifically, 13% fewer spreaders and 8% fewer plows are in use."

This was despite the revelation that the Ministry had already completed an additional detailed study in the summer and fall of 2013:

"Between July and November 2013, the Ministry conducted a high-level review of its own performance in the delivery of winter road maintenance services."

Thus, while "taking action" in 2012 and conducting a "high-level" review in 2013, the Ministry was still unable to prevent the poor maintenance conditions in the winter season of 2013-14 that led to calling for the AG investigation.

1.3 Problems With Data Gathering and Accuracy

The AG report failed to acknowledge a very basic problem with the Ministry's activities. In all cases the AG is relying on information and data supplied to it from the Ministry. However, whether the data or information is with respect to the activities of the private contractors or its own activities, the Ministry has a conflict of interest as it is to its advantage to report information and data that suggests the winter road maintenance program is functioning properly. Thus there is no independent oversight to confirm the accuracy of anything that is reported. Field investigations of the winter maintenance program must be made by completely independent observers who have no ties to the Ministry, but that is not the case.

The AG report indicated that audits of the private contractors' performance are not based on actual inspections in the field, but by Ministry personnel conducting "desk audits", as noted below:

"Most audits are "desk audits," conducted a few weeks after a storm. Desk audits are an effective way to review contractors' performance, but whether contractors met certain outcome targets can be verified only through in-field observations made during and immediately after snowstorms."

The AG report claims that desk audits "...are an effective way to review contractors' performance..." however it does not explain how that conclusion was drawn. If the whole purpose of the audit is to confirm that the contractors are meeting their targets, and if desk audits cannot verify whether targets were met then clearly the desk audit cannot be effective.

Never-the-less, the AG report has reported instances of inaccuracy and blatant wrongdoing that should not have been tolerated from the first instance:

"We were also concerned about the accuracy of the information the Ministry receives from contractors on their performance against the bare-pavement target. In winter 2013/14, Co-ordinator audits identified over 200 instances of contractors submitting inaccurate information to the Ministry. In our audit, we noted instances where some contractors either failed to input bare-pavement data for an entire winter season or reported inaccurate information to the Ministry. We also noted instances where the Ministry, after identifying bare-pavement-data errors, did not correct the information in the system used for public reporting."

How could it be accepted that a contractor could get away with not reporting any bare-pavement data for a full season? It is easy to understand when the Ministry itself fails to correct errors in the data that is sent for public consumption. Again, any reasonable person would understand that when the Ministry is working under a conflict of interest it will behave as it has, knowing that there is no other source of independent investigation that can divulge it improper activities.

When the Ministry was required to apply fines to the contractors for failure to meet various performance targets the AG report confirmed that many of those fines were waived, often inconsistently. Furthermore, the AG report indicated:

*"We attempted to obtain from the Ministry the amounts of fines assessed and fines waived since the introduction of performance-based AMCs in 2009. However, as discussed in **Section 5.3.6**, due to the incompleteness of the information the Ministry collects and compiles, the Ministry was unable to provide us with these amounts."*

How can it be accepted that the Ministry did not maintain records of what fines it assessed or waived? In any business, a manager who could not provide the owner of a business with such basic information would be terminated. However, in this case, the persons who should be accountable for these actions are not even identified.

The AG report correctly emphasized that the failure by the Ministry to collect fines from contractors "...undermines the effectiveness of fines as a deterrent to prevent poor contractor performance". These matters are not a light-hearted affair but they involve the likely death and injury of innocent travellers on Ontario's highways.

It is noteworthy that even though the winter road maintenance program resulted in worsening road conditions, the Ministry was confident that any increased legal costs could be absorbed by the fines obtained from the contractors:

"The Ministry informed us that it believed that the shift to performance-based AMCs in 2009 would not affect the Province's liability risk. It further believed that fines collected would be sufficient to cover the actual loss or damage that the Ministry could accrue as a result of failure to provide the service. Nevertheless, the deterioration in service under performance-based AMCs increases the risk of higher legal costs for the Province."

This is an example of the accounting that the Ministry undertook when it delved into privatizing of road maintenance. It had already recognized that whatever civil penalties it received from court judgments it could still make the deteriorated maintenance "profitable" by collecting money from the contractors. So why bother to make any changes or improvements? Clearly, a government's unethical behavior of making a profit from the innocent public's misfortune is disgraceful.

2.0 Response in January 2012 by Transportation Minister Bob Chiarelli

While the maintenance failures were occurring the Ontario Transportation Minister, Bob Chiarelli, was busy with defensive responses to the concerns that were being expressed. For example, in January, 2012, he was interviewed by Christina Blizzard of the North Bay Nugget newspaper with respect to the road maintenance issue. Blizzard's article is attached in its entirety:

"McGuinty cab min says deaths are Harris' fault

Ten people — most of them teenagers — die within 10 days on northern highways.

And apparently, it's all Mike Harris' fault.

That's the disgusting implication Transportation Minister Bob Chiarelli appeared to make in a recent letter to the North Bay Nugget.

Responding to concerns about the role road conditions may have played in the deaths of so many young drivers, Chiarelli wrote to the paper.

After expressing his condolences to the families, he launched into an explanation.

"In 1996, the Harris Conservatives divested road maintenance across the province to third party contractors," he said.

This is just the latest blast in an eight-year "Blame Harris" barrage from the Liberals.

They've turned Harris into a bogeyman who's to blame for everything that goes wrong in this province.

In 10 days after Christmas, 10 people died on roads in the North Bay-Renfrew area, including four teenagers who died on Hwy. 69 between Parry Sound and Sudbury. Three other teens died on Hwy. 17 near Hagar, Dec. 27.

Memo to Chiarelli: Harris hasn't been premier since 2002. Liberals have been in government for eight years. If they don't like the way snow's cleared from highways, they can change the delivery of road clearance any time.

Nipissing MPP Vic Fedeli has written to Chief Coroner Andrew McCallum asking for an inquest into the deaths.

He's incensed by Chiarelli's comments.

"To use that tragedy to try to make a political point or a political gain is reprehensible.

"It just signals everything that's bad about politics and politicians," Fedeli said Wednesday.

Renfrew-Nipissing-Pembroke MPP John Yakabuski said communities have been devastated by the deaths, and called Chiarelli's comments a cheap shot.

"It has a tremendously sobering impact on your communities when you face the reality that some of your kids with the greatest potential have now been lost," Yakabuski said Wednesday.

Chiarelli was on the defensive when I called him, saying his comments were in response to New Democrat claims that the Liberal government lowered standards and contracted out maintenance.

"That comment was not in any way, shape or form to criticize the Harris government for doing it, but to correct the record with respect to us lowering our standards," Chiarelli said, adding road maintenance standards are the same now as they were when Harris was premier.

"I agree with you that it would be inappropriate to put that in the context of criticizing the Harris government. It was to correct that part of the record," he said.

OK, I'll give him the benefit of the doubt. But given the Liberal record of blaming everything from to global warming to male pattern baldness on the Harris government, you can certainly see where veteran observers around here simply roll their eyes when we hear a Liberal slamming a 16-year-old policy.

The Liberals need to get a grip — and grow up.

Stop pointing fingers and start taking responsibility for your own actions.

They've had plenty of time to change any of Harris' policies they don't like."

3.0 Police and News Media Response

While the AG report may give the appearance that there was a great deal of concern expressed about road maintenance when it changed over to Performance-Based contracts in 2009, the reality was much different. The reality is that, when many roads were being poorly maintained police and the news media ignored the evidence and blamed poor driving behavior for the collisions that occurred.

As an example, on January 19, 2012, a multi-vehicle collision occurred in the eastbound lanes of Highway 402 near Forest, Ontario. On Friday, January 20, 2012, Daniel Punch of the Sarnia Observer newspaper provided the following article on the collision:

"Two dead in Highway 402 crash

Two people were killed in a massive vehicle pileup on Highway 402 involving more than 25 commercial, passenger and emergency vehicles Thursday.

An OPP cruiser was among the vehicles involved in the crash east of Forest Road, resulting in Ontario's Special Investigation Unit being called in.

The marked cruiser was destroyed, police told the Observer. Two Warwick fire engines and a Lambton EMS vehicle that responded were also damaged in the chain-reaction, and a propane tanker flipped on its side.

Emergency vehicles responded to the first crash involving a tractor trailer and a passenger car around 10 a.m.

Shortly after, other transport trucks and passenger vehicles skidding out of control on the slippery road surface, causing a pileup in the eastbound lanes.

"Vehicles started sliding and crashing into each other," said Lambton OPP Const. John Reurink.

Information about the deceased had yet to be released.

Highway 402 was shut down between Oil Heritage Road (County Road 21) and County Road 79 (Nauvoo Road).

"Given the magnitude of what we're dealing with ... It's going to be a mess for a long time," Reurink said.

The SIU said it sent two investigators, two forensic investigators and one collision deconstructionist to the scene.

Only emergency personnel were allowed anywhere near the site. A number of jackknifed transport trucks could be seen in ditches on both sides from a distance on Forest Road.

At least seven tractor trailers were involved, including a propane tanker that upended. The tanker did not leak its contents, Reurink said.

All passengers were taken to hospital or to warming stations in Warwick.

Watford and Warwick firefighters responded to numerous collisions in the area Thursday morning. Blowing snow and slick conditions resulted in multiple collisions and requests were made for additional aid, police said.

Poor visibility made it extremely difficult for emergency response crews to reach stranded motorists.

A mobile command unit was set up at the site of the crash. Firefighters from several municipal departments were called to their respective stations on standby.

For many, Thursday's tragedy on Highway 402 brought back memories of the so-called Snowmageddon blizzard 13 months earlier that left hundreds of motorists stranded for days in one of the worst winter storms in Lambton County history.

Any witnesses to the crash are asked to contact the SIU lead investigator at 416-622-1806 or 1-800-787-8529, ext. 1806."

The above article is typical of the reporting that was taking place regarding many collisions where road surface conditions were likely a factor. At no place in the article was it stated that road conditions were the result of poor maintenance and that maintenance crews failed to make the road safer. In fact, information about the road conditions was kept secret as "*Only emergency personnel were allowed anywhere near the site*". The AR report should have placed more emphasis on collisions such as this to ask why the condition of the road on the day of the crash needed to be kept secret.

While police had the opportunity to raise the alarm they did not. In a London Free Press article of January 20, 2012 OPP Constable John Reurink was interviewed about the collision and his comment was: "*Vehicles started sliding and crashing into each other...*". This was an obvious fact. But the article did not mention that Constable Reurink believed that the poor winter road maintenance was the problem. In the same article OPP Constable Michelle Murphy was interviewed and the following was noted:

"Oxford OPP Const. Michelle Murphy said drivers weren't taking proper precautions.

"The bottom line is drivers are not driving for the conditions and they are not prepared for the changes happening. They are not slowing down," she said.

Murphy described the scene on the 401 as chaotic and said drivers were reckless as they tried to make it to their destinations.

"I don't know how many times we can tell people, they need to slow down when bad weather hits. There were people out there trying to pass cruisers," she said.

A police cruiser was struck by a motorist on the 401 while trying reach another collision. Murphy said no damage was done and the officer was uninjured.

"All of what's happened today can be traced back to driver error," she said."



Figure 2: View on January 20, 2012, looking from the westbound lanes of Highway 402 toward the accident site in the eastbound lanes. Snow is present in the passing lane of the westbound lanes suggesting a similar condition existed in the eastbound lanes.



Figure 3: Snow in the westbound passing lane of Highway 402 suggests similar conditions at the collision site.

Figures 2 and 3 above provide an indication of some of the road surface conditions on the afternoon of Friday, January 20, 2012 on Highway 402 near Forest, Ontario. Although it was not possible to enter the lanes where the collision occurred one can note in the above photos the deep snow that existed in the westbound passing lane of the highway. Nothing was mentioned in the police interviews whether the conditions seen on the road surface were related to poor road maintenance practices.

An investigation was commenced by Ontario's Special Investigations Unit (SIU) with respect to this collision however, again, nothing was mentioned about whether poor road maintenance was a factor. The SIU made the following conclusion:

"The investigation determined that the OPP cruiser was driving eastbound toward the scene of a motor vehicle collision. The cruiser's roof lights were activated, and as the cruiser stopped, the officer seemed to be in control of his vehicle. As soon as the cruiser came to a stationary position, it was struck from behind by a tractor trailer. Several other collisions followed, which resulted in the deaths of Mr. Brown and Ms. Millar. There is no evidence that the OPP officer caused or contributed in any way to the collisions which resulted in the fatalities."

Certainly the evidence indicated that vehicles failed to stop and that was obvious. If poor road maintenance was a factor in causing drivers to have difficulty in stopping then one would think the SIU would have been obligated to report that important fact. Either way, something should have been mentioned about the road conditions yet the SIU was silent on this point.

The issue is that the OPP are a police agency of the Province of Ontario, The SIU is an agency of the Province of Ontario and the Ministry of Transportation is also an agency of the Province of Ontario. It is abundantly clear that investigating agencies were making efforts not to place blame on the Province of Ontario for poor road maintenance. News media also did not conduct independent investigations for themselves often because they likely did not have the resources and because they were prevented from examining collision sites for themselves because police did not allow them access to the collision site.

Thus secrecy was also a major factor that led to the continued existence of the winter road maintenance problems. Had there been an open channel of reporting that informed the public of what was taking place the problem would likely have been identified sooner and lives might have been saved.

4.0 Discussion

If not for the unusually harsh winter of 2013-14 a call for the Auditor General's (AG) investigation into winter road maintenance in Ontario would not have been made. The many problems uncovered by the AG would never have been revealed to the public. These problems were not just minimal and expected in an otherwise well-run system. The AG report illuminated facts that reached the threshold of criminality as the

repercussions likely led to the deaths of an unknown number of innocent users of Ontario's roads. The procurement of maintenance contracts for their lowest cost was a primary factor that led to these problems. As indicated in the AG report:

"...the Ministry procured private-sector contractors primarily on the basis of the lowest price bid, without properly ensuring that the contractors chosen were fully equipped to provide effective winter highway maintenance services. Even though ministry staff, including engineers, raised serious concerns during the procurement process that the majority of winning contractors would not be able to meet their winter maintenance commitments because of insufficient equipment, these lowest-price contractors were still awarded the contracts."

The AG report concluded that there were three factors that led to the deterioration of maintenance services:

"We identified three key factors that contributed to winter highway maintenance services deteriorating under performance-based contracts: contractors not using enough equipment, contractors not using enough treatment material (salt, sand and anti-icing liquid) and contractors not doing enough patrolling to ensure that equipment is deployed soon enough before and during a storm."

The Ministry continues to mask these facts while failing to acknowledge that their monitoring of the contractors' performance is lacking. This obvious fact was stated in the AG report:

"...it is not in the contractors' interest to report if they have not achieved outcome targets, and contractors are aware that the Co-ordinators' in-field presence is limited".

Select persons in Ontario's Ministry of Transportation crossed the threshold of criminality when the AG report indicated the following:

"For most of the 20 performance-based AMCs, some of the regional ministry staff and engineers evaluating the proposals expressed serious concerns about awarding contracts to the contractors with the lowest-priced proposals. The reason was the inadequate level of equipment and the likelihood of contractors not consistently meeting outcome targets. Examples of the documented concerns were:

- *"The equipment complement does not appear to be adequate."*
- *"Plow route is close to the maximum circuit time allowed...circuit times on this route may not be achieved."*
- *"Route does not have sufficient equipment to service the multi-lanes through the town."*
- *"There is insufficient equipment to service all lanes."*
- *"Route may have insufficient equipment to plow all lanes and shoulders on Hwy 401 east-bound express."*

These concerns were formally brought to personnel at the Ministry's head office. We found, however, that these concerns were not fully resolved. Personnel at the Ministry's head office instructed regional staff and engineers to accept the lowest-priced bids regardless of their concerns. The head office position was that a key attribute of performance-based contracting is that contractors are to be given full autonomy to fulfill their responsibility for achieving stated outcomes. Requiring them to add more equipment during the procurement process to address the Ministry's concerns does not align with their having full autonomy to get the job done."

It is clear from this statement that certain unidentified persons at the Ministry's head office ignored any reasonable advice that forewarned of the dangers that eventually unfolded. While the AG report has chosen to withhold the names of these individuals it is our opinion that this secrecy is clearly improper. The public has a right to know who was responsible for the deficiencies that were created.

The AG report stated that the OPP were involved in complaints about the road maintenance conditions. The AG failed to emphasize that, while complaints may have been made, none of those complaints reached the public. The AG report noted:

"An internal review the OPP conducted on winter highway maintenance and public safety in winter 2013/14 reported the frustrations of front-line police officers with these reduced service levels. The report cited examples of OPP officers having to pull over vehicles or park in active traffic lanes while responding to accident victims, because freeway shoulders had not been cleared of ice and snow."

The important, qualifying word in the above quotation is that the OPP review was "internal" or hidden from the public. Had the police made their complaints known to the public the process of correcting the problems could have been commenced earlier. Instead, innocent persons were injured or killed because of the delay.

The AG report noted further:

"Our findings on poor contractor performance are corroborated by an internal review the OPP conducted on winter highway maintenance and public safety in winter 2013/14. Based on information from front-line police officers, the review reported that "road maintenance, as it pertains to snow and ice removal, has not been consistent across the province and road conditions have on occasions been one contributing factor to fatal collisions." The report included examples of the frustration with winter highway maintenance service levels experienced by OPP officers across the province, such as:

- *OPP officers asking contractors to apply sand and salt to roads covered in ice, and waiting for hours for a response, with many collisions taking place in the meantime; and*
- *highways being covered in ice and snow for days at a time."*

Again, none of these concerns were relayed to the public. This secrecy likely led to additional injuries and lost lives.

The opinion of Gorski Consulting is not isolated on this point, as others share the same concerns. In a recent article published by the London Free Press ("Ontario Liberals were 'deliberate' in scaling back highway winter maintenance program, says Sarnia mayor", May 6, 2015) Sarnia Mayor Mike Bradley was quoted as follows:

"When you look at the issue itself, it moves away from just simply – as we all do in government – we make mistakes and you acknowledge those mistakes and you move on and correct them," Sarnia Mayor Mike Bradley said Wednesday.

" In this case, this was a deliberate policy that was kept from the public that impacted directly on people's lives."

"When you look at the Liberal comments on Walkerton [E. coli outbreak] and the loss of life and the tragedy and then you look at this issue, you say, 'What's the difference?'" Bradley said. "There was a deliberate policy that was kept from the public that was putting their lives at risk, and in some cases, unfortunately there were lives lost or serious injuries..."

While the AG report placed the blame squarely on Ontario's liberal government it is our opinion that the determination of fault is complicated. In the interview of Ontario Transportation Minister, Bob Chiarelli, he was criticized for stating that the blame lay with the previous Conservative government of Mike Harris. Clearly not all the blame can be placed on the conservatives as the succeeding Liberal government has a number of years to correct any problems. However, one has to consider what was being asked to correct the situation. It was the Mike Harris conservative government that was at the helm when it decided to privatize all winter road maintenance in Ontario. That led to the destruction of the road maintenance department, loss of the government employees and loss of the equipment that conducted the road maintenance.

What is being asked is that the Liberal government should have proceeded to terminate the contracts already signed with the private firms, buy new equipment, rehire the 2800 personnel that existed in 1996, and recreate the road maintenance department. That would have been a colossal undertaking resulting in a great expense. And, since the contracts with the private firms were staggered and for many years, it would take that many years to fully return the maintenance to public hands. In those years the government could change hands, possibly back into the Conservative camp and we might repeat the privatizing process all over again. How would the public respond to this waste of tax payer money? Likely not favourably. Thus, in our opinion, part of the problem originated when the Harris government transferred winter road maintenance into private hands.

Finally, part of the fault must also lie with our system of failures publicizing that a winter maintenance problem existed. Many agencies were involved in the cover up. From investigating police who had an opportunity to be the whistleblower, to the news media who should have had the means to investigate matters rather than simply reporting what they were told. The fault lies in all those who fail to understand that the public must be kept informed of the activities of its government and the government's agencies.

When changes occur that are detrimental to the safety of the public there has to be a better system in place that can promptly and efficiently warn of that danger.

These changes undoubtedly led to the deaths of an unknown number of innocent people. While the AG report refers to the changes being made by Ontario's Ministry of Transportation that is obviously not the case. These changes were not made by the Ministry. They were made by specific individuals whose identity is being hidden by the cover of the Ministry of Ontario banner.

Gorski Consulting
London, Ontario, Canada

*Copyright © Gorski Consulting,
All rights reserved*