

Road User Safety Division

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RE: Road-Building Machines

Over the past few years, the Ministry of Transportation (MTO) has been working closely with key stakeholder groups in reviewing the definition of Road-Building Machine (RBM) and the operating conditions and exemptions these vehicles are currently granted under the *Highway Traffic Act* (HTA). This letter is to notify you that legislative and regulatory changes related to RBMs will take effect on **July 1, 2017**.

Effective July 1, 2017, the legal definition of 'road-building machine' means a self-propelled vehicle of a design commonly used in the construction or maintenance of highways that,

- (a) Belongs to a class of vehicle prescribed in the regulations,
- (b) Has the features or equipment prescribed in the regulations, or
- (c) Is being used as prescribed in the regulations.

A new regulation, Ontario Regulation 398/16 (Road-Building Machines), outlines the classes of vehicles that are RBMs and classes of vehicles that are not RBMs (See Appendix A).

Effective July 1, 2017, RBMs will be designated as slow-moving vehicles and subject to HTA Section 76 and Regulation 616 (Slow Moving Vehicle Sign). These vehicles:

- Must display a slow-moving vehicle sign while operating on the highway.
- Shall not be operated on the highway at a speed greater than 40 km/h.

RBMs will be prohibited from carrying a load, unless:

- The load is essential to the RBM's primary highway construction or maintenance function, and the vehicle is being used for highway construction or maintenance.

Vehicles that no longer meet the new definition of RBM (i.e. known as former RBMs) will be classed as Commercial Motor Vehicles (CMVs) and subject to many of the same requirements as other CMVs:

- CVOR
- Vehicle Registration
- Driver's Licensing
- Annual Inspections
- Daily Inspections
- Hours of Service (please see exemptions below)

To support a smooth transition to the new framework, the regulations will come into force on July 1, 2017 and provide a temporary exemption from hours of service for operators and drivers of former RBMs, as well as grandfathering provisions for hydrovacs, street sweepers and sewer cleaners currently in use that operate outside the HTA weight and dimensions limits.

Hours of Service

- All operators and drivers of former RBMs will be eligible for a temporary exemption from HTA Section 190 and Regulation 555/06 via an exemption certificate issued by the ministry for a period of up to 5 years ending June 30, 2022.
- A driver and operator are exempt from the requirement to take 10 hours of off-duty time in a day (subsection 6(1) of Regulation 555/06) while the driver is operating a concrete pumper or a mobile crane.
- The driver and operator of a large crane operated by a large crane operator are exempt from HTA section 190 and Regulation 555/06.
 - Large crane means a crane capable of raising, lowering or moving any material that weighs more than 13, 607 kg (as indicated by the lifting capacity on the manufacturer's plate).
 - Large crane operator means a person who holds a valid certificate of qualification under the *Ontario College of Trades and Apprenticeship Act, 2009* in the trade of Hoisting Engineer-Mobile Crane Operator 1 or an apprentice working toward this qualification.
 - The operator's certificate of qualification or proof of apprenticeship must be surrendered to an inspector.

Vehicle Weights and Dimensions

Hydrovacs, sewer cleaners and street sweepers manufactured prior to January 1, 2017 will be eligible for a time-limited permit, so that they can continue to operate during the transition (See Appendix B).

The permit will allow the vehicle to operate in excess of the weight limits set out in the HTA, but within the vehicle manufacturers' gross and axle weight ratings.

Vehicle registration and motor vehicle insurance will be required when the regulations come into force on July 1, 2017. To ensure compliance, vehicle owners are encouraged to take the necessary steps as soon as possible, as some of the processes involved may take some time to complete (e.g. applying for CVOR, obtaining insurance, completing a safety inspection and DriveClean test and acquiring the paperwork required to register).

MTO enforcement officers will provide a 12-month educational soft-enforcement period beginning July 1, 2017 to facilitate industry transition towards the additional obligations and responsibilities of operating as a CMV, such as hours of service, daily inspections, vehicle maintenance and recordkeeping. Officers will use discretion before laying charges. This period, however, is not intended to allow operators and drivers to delay taking the necessary steps to comply with the new rules and does not absolve operators and drivers from liability or their responsibility to be in compliance when the regulations come into force. Those displaying a pattern of non-compliance may be charged.

The ministry's website will be updated shortly to provide vehicle owners with detailed information about vehicle registration, and the application process for hours of service exemption certificates and special vehicle configuration permits. We will notify you by email when the website has been updated.

For sales and commodity tax purposes, the Ministry of Finance will release a publication in December 2016 outlining supporting documentation that will be required at the time of registration.

Please see Appendix B for a detailed summary of the legislative and regulatory changes.

Questions about these changes may be directed to the Carrier Safety Policy Office:

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Please share this information with members of your organization. I personally want to thank you for your support and assistance with this initiative over the past few years as well as in the upcoming year.

All the best,



Heidi Francis
Assistant Deputy Minister
Road User Safety Division

Appendix A: Classes of vehicles remaining road-building machines after July 1, 2017



Off-road mobile cranes

- mobile cranes that are not capable of travelling at a speed greater than 60 km/h and
- are not operated on a highway other than for purposes of crossing the highway or in the immediate vicinity of the construction site at which the crane is being used



Off-road excavators

- excavators that are not capable of travelling at a speed greater than 60 km/h and
- are not operated on a highway other than for purposes of crossing the highway or in the immediate vicinity of the construction site at which the excavator is being used



Low-speed street sweepers

- street sweepers that are not capable of travelling at a speed greater than 60 km/h



Pavement spreaders, pavers, profilers or finishing machines



Rock Trucks

Appendix A: Classes of vehicles remaining road-building machines after July 1, 2017



Graders



Rollers and compactors



Scrapers



Loaders



Bulldozers



Tracked and wheeled tractors (other than truck tractors)

while equipped with any of the following attachments:

- Mowers
- Compactors
- Snow blowers or snow plows
- Augers or drills
- Spraying equipment
- Buckets or shovels

Appendix A: Classes of vehicles that will be commercial motor vehicles after July 1, 2017



Mobile cranes

Not built on a truck chassis, but not off-road mobile cranes.
(i.e. vehicle is capable of travelling at speeds greater than 60 km/h)



Excavators

Not built on a truck chassis, but not off-road excavators.
(i.e. vehicle is capable of travelling at speeds greater than 60 km/h)



Street sweepers

Not built on a truck chassis, but not low-speed street sweepers.
(i.e. vehicle is capable of travelling at speeds greater than 60 km/h)



Hydrovacs

In addition, the following classes of vehicles will also be commercial motor vehicles after July 1, 2017:

- Vehicles built on a truck chassis.
- Vehicles that comply with or are intended to comply with Canadian federal safety manufacturing standards for highway vehicles, or comparable standards from another jurisdiction.

Appendix B: Summary of changes under the *Highway Traffic Act* (HTA) related to Road-Building Machines (RBMs)

These changes take effect on July 1, 2017.

A new definition of Road-Building Machine in Section 1 of the HTA

'Road-building machine' means a self-propelled vehicle of a design commonly used in the construction or maintenance of highways that,

- (a) Belongs to a class of vehicle prescribed in the regulations,
- (b) Has the features or equipment prescribed in the regulations, or
- (c) Is being used as prescribed in the regulations;

New rules for RBMs

- A RBM will be designated as a slow-moving vehicle and subject to [Section 76](#) of the Act and [Regulation 616 \(Slow Moving Vehicle Sign\)](#).
 - Must display a slow-moving vehicle sign while being operated on the highway.
 - Shall not be operated on the highway at a speed greater than 40 km/h.
- RBMs will be prohibited from carrying a load, unless:
 - The load is essential to the RBMs primary highway construction or maintenance function, and the vehicle is being used for highway construction or maintenance.

Ontario Regulation 398/16 (Road-Building Machines)

A new regulation which prescribes the vehicles, features and equipment included in the RBM classification, as well as classes of vehicles that are no longer RBMs.

The following vehicles are prescribed as RBMs:

- Pavement spreaders, pavers, profilers and finishing machines.
- Graders.
- Rollers and compactors.
- Bulldozers.
- Scrapers.
- Loaders.
- Tracked and wheeled tractors, other than truck tractors, while equipped with any of the following attachments:
 - Mowers.
 - Augers or drills.
 - Compactors.
 - Spraying equipment.
 - Snow blowers or snow plows.
 - Buckets or shovels.
 - Rock trucks.
 - Off-road mobile cranes.
 - Off-road excavators.
 - Low-speed street sweepers.

The following classes of vehicles are NOT RBMs:

1. Mobile equipment vehicles.
2. Vehicles constructed on a truck chassis.
3. Vehicles that comply with or are intended to comply with Canadian federal safety manufacturing standards for highway vehicles or comparable standards from another jurisdiction.

Mobile equipment vehicle means:

1. A mobile crane that is not built on a truck chassis, but not an off-road mobile crane.
2. An excavator that is not built on a truck chassis, but not an off-road excavator.
3. A street sweeper that is not built on a truck chassis, but not a low-speed street sweeper.

Ontario Regulation 419/15 (Definitions of Commercial Motor Vehicle and Tow Truck)

- Mobile equipment vehicles (mobile cranes, excavators and street sweepers) and vehicles built on a truck chassis are included in the definition of commercial motor vehicle for every provision of the HTA and the regulations.

Regulation 628 (Vehicle Permits)

- A commercial motor vehicle used exclusively to transport RBMs will be subject to full price vehicle validation fees.
- The declaration known as 'PAR' which permits a commercial motor vehicle to pay half vehicle validation fees will be limited to those commercial motor vehicles that:
 - Have a machine or apparatus permanently mounted on the chassis that is not designed to transport a load;
 - Are not carrying a load, other than parts for, or equipment used to operate the machine or apparatus; and
 - Are only incidentally operated or moved over the highway.

Ontario Regulation 555/06 (Hours of Service)

1. A temporary exemption from the hours of service requirements for operators and drivers of former RBMs.
 - The exemption will be granted to eligible vehicles by a certificate issued by MTO for a period of up to 5 years, ending June 30, 2022.
 - Eligible vehicles are those that were manufactured before January 1, 2017, functioned as a road-building machine prior to November 29, 2016 and did not have a valid motor vehicle permit at any time in 2014.
 - To qualify for the exemption, the certificate or a copy of the certificate must be surrendered by the driver to the officer upon inspection.
2. The operator and driver are exempt from the requirement to take 10 hours off-duty in a day while the driver is operating a mobile crane or concrete pumper.

3. The operator and driver are exempt from the hours of service regulation while operating a large crane.
- A large crane means a crane that is capable of raising, lowering or moving any material that weighs more than 13, 607 kg.
 - Large crane operator means a person who holds a Hoisting Engineer-Mobile Crane Operator 1 certificate of qualification issued under the *Ontario college of Trades and Apprenticeship Act 2009* or an apprentice in the trade of Hoisting Engineer – Mobile Crane Operator 1.
 - To qualify for the exemption, the driver must surrender a valid certificate of qualification or proof of apprenticeship to an officer for inspection.

[Ontario Regulation 413/05 \(Vehicle Weights and Dimensions – For Safe, Productive and Infrastructure-Friendly Vehicles\)](#)

- To allow hydrovacs, sewer cleaners and street sweepers to continue to operate during the transition, those **manufactured before January 1, 2017** will be eligible for a time-limited Special Vehicle Configuration Permit.
- The permit will allow a hydrovac, sewer cleaner or street sweeper to operate in excess of the vehicle weight and dimension limits of the HTA, but within the vehicle manufacturers' gross and axle weight ratings.
- The cost of the permit is \$440 per vehicle.
- Permits will be valid for a minimum of 3 years (regardless of the age of the vehicle) to a maximum of 15 years based on the model year of the vehicle, after which time, the vehicle must operate within HTA limits.

[Regulation 611 \(Safety Inspections\)](#)

- Minor modifications to annual safety inspection standards (National Safety Code Standard 11B) for mobile equipment vehicles (mobile cranes, excavators and street sweepers) to accommodate compliance with standards to which the vehicle was required to comply with at time of manufacture. These include:
 - If equipped with ABS brakes they must function as intended, however, vehicles manufactured after April 2000 are exempt from the requirement to be equipped with ABS brakes.
 - Exemption from certain lamp requirements, (centre high mount stop lamps and day-time running lamps) and certain requirements for lamp location and lens markings required by Canadian federal standards.
 - Allowance for alternate safety marks on the windshield and other windows.

[Regulation 587 \(Equipment\)](#)

- An exemption for mobile equipment vehicles (mobile cranes, excavators and street sweepers) with air brakes from the requirement to be equipped with automatic brake adjusters if originally equipped with manual adjusters at time of manufacture.

Ontario Regulation 199/07 (Commercial Motor Vehicle Inspections)

- Minor modifications to the on-road performance standards for mobile equipment vehicles (mobile cranes, excavators and street sweepers) to allow for alternate safety marks on the windshield and other windows.